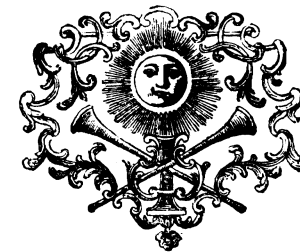


THE FEDERALIST

a political review

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

Hamilton, The Federalist



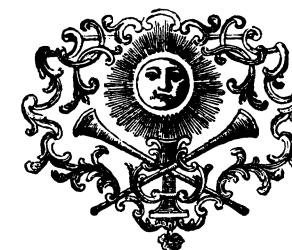
YEAR XXXVII, 1995, NUMBER 1

THE FEDERALIST

a political review

Editor: Mario Albertini

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



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YEAR XXXVII, 1995, NUMBER 1

CONTENTS

<i>Turkey and Europe</i>	p.	3
ANTONIO PADOA-SCHIOPPA, <i>Towards a European Constitution.</i>	»	8
MARITA RAMPAZI, <i>Working Time, Temps Choisi and Federalism</i>	»	26
NOTES		
<i>The Right to Secede</i> (Nicoletta Mosconi)	»	40
FEDERALIST ACTION		
<i>European Union Reform and Constitution</i>	»	50
<i>Considerations on the 1996 Intergovernmental Conference and the Passage to the Third Phase of Monetary Union</i> (Francesco Rossolillo)	»	62
THIRTY YEARS AGO		
<i>The National Idea</i> (Mario Albertini)	»	75

Turkey and Europe

The European Community, which following the implementation of the Maastricht Treaty has adopted the name of European Union, is an uncompleted political entity. Its vocation is federal, but it has not yet achieved this. As a result it possesses ambiguous features, and the perception people have of it, both within and without its boundaries, is likewise ambiguous. In certain circles the European Union is held to be a great political and economic actor on the world stage; in others it is considered little more than a legal fiction that hides a reality comprising divergent interests and an inability to take decisions. This same ambiguity can be found in the influence that the Union exercises on the states geographically closest to it, in the majority of which democracy is being painstakingly established but nevertheless remains fragile and immature. For these countries, the attraction of the European Union is sufficiently strong to raise the issue of radical political, economic and social renewal, but not enough to resolve it. For these countries the very existence of the Union at their borders unleashes forces for change, which however the decision-making inability of their institutions and the uncertainty that overshadows their future prevent from being sustained and promoted until they definitively win through against the forces of authoritarianism and reaction.

This is the mechanism by which first the Community, and then the Union, has always possessed a sort of *virtual foreign policy*, comprising unfinished projects and unfulfilled expectations. Clearly, this observation can not undo the fact that in the post-war period the European integration process has extended itself by involving a growing number of countries, guaranteeing them almost half a century of peace and economic growth. But today the Union is faced with a series of decisions, and forced to assume responsibilities, that the weakness of its institutional framework (which has remained in substance intergovernmental) prevents it from coping with. The contradiction (which moreover has always existed) between the policy that the Union should implement, and the one it

actually does implement, therefore becomes ever more evident, until it has assumed in certain instances the characteristics of high drama. This has happened in ex-Yugoslavia, in the Union's relations with the countries of the Middle East and the Maghreb, and in its relations with its partners in the Lomè Convention.

* * *

In such a perspective, it is important to consider the case of Turkey, a country with which the European Union can not avoid having a relationship of ever closer integration, but whose European vocation remains ambiguous and a source of friction precisely as a result of the haphazardness of Union policy. The problem of relations between Turkey and the European Union has recently been brought into the foreground by the difficult customs union agreement that was signed on 6th March. Its provisions include a commitment to start negotiations (within six months of the end of the intergovernmental conference for reforming the Maastricht Treaty) for admitting Cyprus into the European Union.

This agreement could assume historic significance, in as much as it would establish the basis for solving a problem which in the past has generated explosive tensions, and which neither the United States nor the UN have been able to solve. The accord remains fragile, in part because the policy of repression carried out by Ankara's military against the Kurdish regions of south-east Anatolia, and more generally Turkey's poor human-rights record, provoke justified concern in Europe, and have induced the European Parliament to refuse its consent, which is indispensable for the agreement to take effect. Nevertheless, this episode demonstrates in outline how formidable an instrument for resolving conflicts the Union's capacity to integrate new states into its structure could be, if only this structure disposed of the necessary solidity to make its enlargement compatible with an effective ability to act.

* * *

The problem of Cyprus is but one aspect of the wider issue of relations between Turkey and Greece. These two states are opposed by a historical enmity which is now attenuated by the latter's membership of the European Union and by the former's interest in entering it. For the future, only their common membership of a single federal structure within a

European framework can definitively overcome their traditional rivalry. This goal is not close at hand — and the customs union between Turkey and a European Union which for the time being is maintaining unaltered its intergovernmental institutional make-up, represents no more than a small step in this direction. Nevertheless, this step is sufficient to facilitate an appreciation of the fact that by now not only Europe, but the entire world, has entered a phase in which the very idea of foreign policy is changing in nature. What is emerging on the horizon in the wake of the Soviet Union's collapse and the resulting inability of the United States to shoulder, with its own means alone, the responsibility of guaranteeing a world order, however fragile and precarious this might be, is *the crisis of the world system of states*. As a result the aim of a responsible foreign policy, for whichever governments intend to play a positive role on the world stage, *is no longer a balance between the existing states, but their unification in ever larger federal units*. From such a viewpoint the European Community, in its various forms, has had the great historical merit of creating a pacified and economically integrated area which has increased, in little more than four decades, from six to fifteen members. Yet it also bears the grave responsibility of having been unable to give this unification process that political completeness and institutional framework which alone could have guaranteed the process's irreversibility: and now it faces deadlines which, if missed, could frustrate the work of two generations, and bring down once again on Europe the scourge of nationalism, with catastrophic consequences for the whole of humanity. The Yugoslav tragedy provides a demonstration of what the consequences are, even in Europe, of a return to a foreign policy based on the pursuit of "national interest."

* * *

Hence Europe must unite itself in order to unite the world. And for this to happen it must be born under a banner of openness and co-operation with the other regions of the world, and above all with those regions closest to it, taking care to avoid the danger of adopting an identity that could conflict with those of the other regional manifestations that everywhere are taking shape. From this viewpoint the contradictions of a complex and difficult country like Turkey will represent a decisive litmus test for the Union in future.

Turkey is a country balanced between pro-Europeanism and a deep-rooted nationalism which manifests itself, aside from its relations with

Greece, in the violence with which Kurdish secession has been tackled. It possesses a democratic regime, which nevertheless has experienced periods of military authoritarianism in the past, and which continues to be unable to guarantee the degree of respect for human rights that would enable its rulers to present a satisfactory record to their colleagues in the Union. Its economy is going through a phase of rapid growth, which however is being paid for by serious social inequality and by an inflation rate that, even though it is in decline, still hovers around 130 per cent p.a. Turkey is linked by a common language to some of the ex-Soviet republics in central Asia and the Caucasus, towards whom it could play a moderating and pacifying role thanks to this special relationship; yet, in the present situation this common bond serves only to encourage imperialist temptations among certain circles in Turkey's political class.

Turkey is therefore a country whose political, economic and social characteristics place it, as does its geographical position, astride Europe and Asia. It is also above all an Islamic country, with strong traditions of lay government and tolerance, but whose society, because of the tensions produced by its unruly, confused economic growth, has been infected by the plague of fundamentalism.

* * *

The destiny of Turkey will, in future, depend in large part on Europe's decisions. If Europe can provide itself, at a necessarily gradual pace and through an initial core which will need to be restricted in number, with a federal structure that Turkey can later become an integral part of, then the Turkish economy will complete its modernisation, Turkey's democratic institutions will be consolidated, the problem of Cyprus and of the Kurdish minority will be resolved through the creation of forms of self-government guaranteed by the European federal bond, and Turkish society will be able to strengthen its Islamic traditions of lay government, tolerance and openness. If Europe is unable to complete its construction, or nevertheless compensates for the weakness of its institutions with a policy of closure towards the outside, the contradictions of Turkish society will be exacerbated: nationalism, authoritarianism and imperialism will prevail over the European and democratic spirit of the Turkish people.

But likewise Europe's future will depend to a considerable extent on its ability to extend the Union's institutions and citizenship to Turkey. Europe has a significant unifying role to play in the Mediterranean, the

Middle East and sub-Saharan Africa. Moreover, it has the task of helping the peoples of the ex-Soviet Union to provide themselves with solidly democratic institutions and to re-establish among themselves the ties of solidarity that will permit this Eurasian region to assume the global responsibilities that befall it, so that the region can make its indispensable contribution to the unification of humanity. In fulfilling this task a decisive bridging function will fall to Turkey. In the case of the confrontation between Europe, and the countries of the Middle East and southern rim of the Mediterranean, Turkey's status as an Islamic country will allow the religious and cultural barriers, which could hinder a dialogue between these two regions and make the successful outcome of such a dialogue doubtful, to be overcome with ease. The common language that Turkey shares with some of the ex-Soviet republics will make it the natural spokesman for Europe in its relationships with these countries.

* * *

The next task awaiting Europe is to create a federal core within the Union that will allow the process of its own enlargement to be turned into an effective factor for the unification of the human race, and not an element for disintegrating the degree of unity achieved so far. As part of this process, a reflection on Europe's identity must play a key role; and this can not avoid looking at, among other things, Europe's relations with the Islamic world. In order to deepen such reflections a firm, but open dialogue with an important country from the geographical, political, economic and cultural viewpoints, such as Turkey, is essential.

The Federalist

Towards a European Constitution *

ANTONIO PADOA-SCHIOPPA

Premise.

The debate about the 1996 intergovernmental conference, scheduled by the Maastricht Treaty, is now underway. Yet the institutional ties of today's and tomorrow's Europe are ignored or undervalued not only by public opinion but also by the political classes of the various European countries and by the print media. The fourth legislature of the European Parliament elected by universal suffrage has got off to a bad start, since regrettably the electorate was not asked to choose between programmes and candidates which were designed to present clearly the different possible paths along which the Union might evolve. The parties' European programmes are often vague, and moreover unknown to the average voter. Electoral decisions are made essentially on the themes of domestic politics.

The reason for the skewing in a national sense of the five-yearly appointment between citizens and Europe can be easily explained. The popularly-elected organ (which therefore is endowed with the maximum democratic legitimacy at the European level) does not exercise coherent powers in accordance with the principle of popular sovereignty. For this reason, the vital circuit between political programmes and voting behaviour, between the expectations of civil society and political representation, can not yet be effectively established. The national skewing of the European electoral campaign is the symptom (not the cause) of an underlying defect in community institutions. In the same way, regional elections in Italy were, at least until the recent reform, skewed in a national sense.

Over the coming years, the European Union will have to face two sets of challenges: those connected with the fulfilment of the Maastricht

Treaty's objectives, and those imposed by the prospect of the Union-Community's enlargement to other European countries. The first aspect involves the putting into practice of cohesion and social policies, transnational networks and the other policies foreseen by the treaty regarding the single market and economic union; it also involves the problematic deadlines linked to the monetary union process, which were defined with unusual precision in the new treaty; finally, it concerns the launching of a common foreign and security policy, and the management at the European level (where necessary) of internal and justice affairs. In other words, an immense range of possible initiatives has been opened up. The second aspect involves the strategies relating to the entrance into the European Union of the countries of northern, central and eastern Europe: a process that is by now underway, and which has raised the number of member states of the Union-Community to 15, and will raise it in the future to 20 or more.

Some of the fundamental hurdles posed by the existence of the two challenges outlined above are the issues of an institutional, or rather constitutional, nature. Faced with such a formidable planning task, it is unavoidable to face up to the issue of the Union's institutions, which indeed will be the specific object of the now close-at-hand intergovernmental conference. It is therefore not too early for a series of reflections along the lines of the decisions that will soon have to be taken in this field.

The European Union does not yet possess a formal constitution, but without doubt it possesses a constitutional "skeleton" that is the result of the system of institutions provided for by the treaties that has been created over the course of forty years. It is necessary to bear in mind that the Community was in fact born and developed through the instrument of treaties (and for this reason with classic inter-state procedures of an international nature, founded on the free consensus of all sovereign subjects), but despite this it was in reality conceived of from the outset according to a design that was very different from that habitually found in treaties dealing with mere commercial or economic matters. A group of states decided to elaborate jointly the strategies and decisions concerning energy sources, and the free exchange of goods, services, people and capital, and in doing so established a Council with regulatory powers that represented the states, a Parliament elected by the people, a Commission with powers to propose legislation and to govern that was endowed with a complex administrative structure under its control, and finally a Court of Justice responsible for settling disagreements. It would seem clear that a structure conceived of in this way, and which is articulated through the

*This essay is a re-working of a speech at the *Conference on Europe* held at the *Paolo VI Foundation* at Cagnole, Gessada (Varese) on 23rd May 1994.

four above-mentioned basic institutions, possesses not a few of the characteristics of a state. For this reason, it can and should be assessed according to parameters of a constitutional nature.

Two Visions of Europe.

According to widely-held opinion, two conceptions about the composition that tomorrow's Europe should assume are currently opposing each other. On the one hand, a Europe of states, regulated as a simple free trade area; on the other, an integrated Europe in line with plans designed to create a federation of states.

The first concept, of which Britain is considered the main supporter, may perhaps be reinforced by the inclusion of Austria, Finland and Sweden, since not only some of these new member states seem to share with Denmark (in addition to the United Kingdom) a "minimalist" vision of European construction, but their entrance into the Union (without the Community's institutions having been previously reformed) seems to foreshadow a weakening of decision-making capacity at the European level, if for no other reason than the greater difficulty of finding agreement among fifteen rather than twelve member states.

This two-sided interpretation of European Union perspectives is certainly not without foundation. It does require however certain, not inconsiderable, qualifications. Above all, it is impossible not to note that the Europe of the Community was never (and today is even less so, following Maastricht) a simple free trade area: on the one hand the regional and social policies which are the necessary complement of the competition principle that lies at the heart of the single market, and on the other the system of institutions mentioned above, represent a group of common policies, and a complex structure that go well beyond a simple agreement for the free exchange of goods and services. On the occasions that a mere free trade area has been planned in Europe, it has failed to achieve the goal for which it was established, and its members have opted for the Community model by asking and obtaining entrance into the EEC.

The European Union is not EFTA, nor will it be able to become in the future that which it has never been in the past, except at the cost of radical demolition: an objective that however does not seem probable, and which in any case would not be easy to achieve, and which ultimately would bring on consequences probably not wished for by its own supporters. Let's consider what would happen should the Community's policies provided for by the treaties be realised in future through simple voluntary

accords of intergovernmental cooperation, taken unanimously at the level of the Council of Ministers: this would result in the paralysis of the single market and thus crisis in the European economy. This is why the European Union will not be able to become tomorrow what it has never been in the past.

As regards the other vision of Europe's future (the vision we have termed federalist), it is founded on an awareness of the real roots of the European unification undertaking, which are not economic roots but political and idealistic ones, as any serious historical examination of the "founding fathers" (from Jean Monnet to Altiero Spinelli, Alcide De Gasperi, Robert Schumann and Konrad Adenauer) demonstrates without a shadow of a doubt. The Europe of the Community was born to banish definitively the risk of war among the continent's states, and to exorcise once and for all the horrors of world war, after twice within fifty years the whole world had been bloodied, for which Europe and its governing classes bore the principal responsibility.

The common market represented the acid test of the Union's vocation following the collapse of the constitutional project linked to the 1954 European Defence Community initiative. This acid test has proved extraordinarily productive of concrete results, if one considers that per capita gross domestic product has quadrupled in real terms from 1951 to 1992; and that in the same period private consumption has quintupled, while real output per worker in industry has multiplied eight times. The common market's success beyond all expectations has encouraged even countries that were originally hostile to the integration idea (primarily Great Britain) to seek entrance into the Community.

The above-mentioned political and idealistic roots explain the institutional and constitutional nature of the Community's construction, and its structure, which is much more articulated compared to what would have been conceivable were the aim solely to improve the circulation of goods to the benefit of citizens.

Nevertheless, the supporters of the future Europe's federal vocation do not foresee a single constitutional project, nor a single and coherent strategy: in this area there exist various points of view.

As concerns the *competences* to be attributed to the European level, there exist supporters of continental unification similar to what occurred at the formation of the nation-states, or at least similar to what is currently the situation in so-called centralised federal states such as the United States. There are also supporters of a core of European federal power that is reduced to the indispensable minimum for effectively achieving the

Community's policies, according to the criterion of subsidiarity, sanctioned for the first time by Maastricht. This latter position (which I would argue is undoubtedly preferable to the former) implies nevertheless the attribution to the European level of a quantity of resources that is superior to those of the current Community budget, and (if one accepts the conclusions of the recent document published by the Commission, "Stable Money, Sound Finances", commonly known as McDougall 2,) specifically of total resources for the Community budget of the order of 2 per cent of total national GDPs, compared to the current Community budget which is of the order of 1.2 per cent. These contributions are very modest when compared to the budgets of the nation-states. But they are coherent with the criterion of subsidiarity, which imposes entrusting the European level only with the initiatives that can not, because of their scale or due to their impact, be effectively undertaken at the national level.

As regards the European Union's *institutions* and powers, there are those who support the strengthening of the role of the Community's Council of Ministers, considered to be the true motor of Europe's development. Others support a different and more balanced relationship between the Council, the Commission and the European Parliament. These two strategies are very far apart both in their premises and in their consequences. The former argument is rooted in the vision of a Europe of states, in which political action and will emanate from the nation-states through the channel of their government officials: in this vein, note the policy criteria for foreign policy, security, internal and judicial affairs established at Maastricht, where all decisions are to be taken only by the Council of Ministers deliberating unanimously. The second argument is based instead on a political and constitutional concept according to which powers are balanced, and in which the popular sovereignty expressed through voting can direct the European Parliament's great legislative decisions and can influence the government's action through the European Parliament's vote of confidence in the Commission.

It hardly needs to be pointed out that only the second argument is coherent with the fundamental postulates of modern democracies.

Constitutional Principles.

If it is true that the current Europe of the Community possesses in reality a constitution, albeit only embryonic and to a certain extent implicit, it is no less true that it is now necessary to define clearly a valid constitutional programme for the future.

This can take place through the discussion and approval of a real and effective European constitution; or through the introduction of certain principles which have the value of constitutional principles; or again, through the approval of certain reforms that concern the powers and procedures of the Community's institutions. The institutional reform scheduled by the Maastricht Treaty for 1996 will not be able to avoid tackling this hurdle. In all three cases, the European Parliament will have to fulfil a role in the European constitutional process, together with the national parliaments which could be involved very usefully through the instrument of the Assizes — that is, with sessions comprising of the national parliaments' representatives working together with the European Parliament to enact reforms.

The fundamental principles to be agreed on should be the following:

a) *the principle of popular sovereignty* at the European level. Sovereignty derives from the people through elections, and is transmitted to the Parliament for legislative functions, and to the Commission voted by the Parliament for government activities. This involves not only the Parliament's confidence vote in the Commission as prescribed by the fundamental new art. 158 §2 of the Maastricht Treaty, but the general power (and not only partial, as is presently the case) of legislative co-decision for the European Parliament;

b) *the principle of the balance of powers*. Council, Commission, Parliament, and Court of Justice must carry out fundamentally balanced, even if not necessarily exclusive, functions. This involves altering the balance of powers between the Council, Parliament and Commission, namely a reduction of the Council's powers (which must lose its quasi-monopoly over legislation and reduce its power to intervene in matters of government as laid out in art. 145 of the Rome Treaty), and a related strengthening of the Parliament's (legislative co-decision) and Commission's (government functions and regulatory authority) powers;

c) *the principle of European citizenship*. Every citizen of a member state is also a European citizen, with rights that can be made effective directly through the Union-Community's institutions. The few points in Maastricht relating to citizenship should be completed and broadened;

d) *the principle of subsidiarity*. Only the minimum number of functions and the minimum number of instruments and resources are to be exercised at the European level, on the occasions when aims and objectives can not be achieved at the lower levels (state, region, commune). The Maastricht Treaty introduced this fundamental principle (arts. A and 3b), but it needs to be implemented, specified, and made

practicable. The issue of its validity within the constitutional structure of individual states remains open, an issue that can not be directly dealt with in the European framework. For this reason, I would argue that it is preferable for the member states to be allowed freedom of choice and action; the future (the confrontation between the different models of internal constitutions) will demonstrate which models are more suitable and preferable, albeit with just protection for different characteristics that are proposed by the traditions and history of individual countries;

e) *the principle of the single market and competition*. This lies at the origin and at the heart of the Rome Treaties, of the Single Act and of Maastricht. The single currency is a corollary of this, and indispensable for its correct functioning;

f) *the principle of solidarity*. This rounds off the preceding principle, with the aim of correcting the distortions and injustices that derive from its uncorrected application; it is also in the interests of the market itself. Already in the Rome Treaty there were foreseen structural and circumstantial interventions to support regions, states, and groups with a lower standard of living than the Community average. This must however always take place in coherence with the subsidiarity principle, and hence to a lesser degree than the interventions and policies of the states, regions and communes. The Maastricht Treaty's chapters on cohesion and social policy subscribe to this perspective. The Delors Plan contains fundamental indications as regards increasing employment and developing new advanced technologies. The elaboration of solidarity policies requires among other things a series of structural interventions in line with the size of the Community budget, as outlined above.

It should be noted that the principles expressed here are all present to various degrees in the treaties, and hence are already part of the European Union's "constitution". It is now necessary to formulate them explicitly where this has not been done, and above all to implement what is implied by such principles in a *coherent* fashion where this has not yet taken place.

Two Basic Reforms.

If the desired aim is for the European Union soon to achieve a constitutional order in line with the principles formulated above and with the goals of democracy and efficiency, then it is necessary to exploit to this end the deadline of the 1996 conference which by now is close at hand.

The essential institutional reforms can, in my opinion, be reduced to

two only, to which can be added a third of a procedural nature. They have already been illustrated on other occasions, so I will limit myself here to recalling them briefly.

The first reform should consist of generalising the *European Parliament's co-decision* power in legislative matters. Today, such powers relate to some subjects but not others, and co-exist with the procedures of "consent", "co-operation" (art. 189 c), and finally mere "consultation", which involves many of the most important subjects — over forty in number. Co-decision must become the norm, because an organ elected by universal suffrage can not be deprived of the power to legislate at the European level — within the limits, let it be clearly understood, of the European Union's competences.

Co-decision with the body that represents the states is undoubtedly desirable, and it is for this reason that co-decision is the aim here. But the current system, which entrusts for almost all the most important affairs in the Union's competence the substantial monopoly of the Community's legislative power solely to the national ministers, is totally unjustifiable. Europe, where the modern democracies were born, can not be the region of the world where laws are made around a table, without public debate, and without a link to the people's elected representatives. This condition is the more serious and alarming when one considers that today a large part of the European states' economic legislation consists of receiving Community directives at the national level. Without the European Parliament's co-decision role for legislative matters, Europe's democratic deficit will never be corrected.

Two qualifications are however needed. First, the legislation pertaining to the European Parliament should be the more important and innovative laws, while regulatory power should be exercised by the Commission, in order not to overload the Parliament with the tasks of detailed and technical rule-making. Second, the co-decision procedure must be simplified compared to the uselessly tortuous course set down by art. 189 b. Among other considerations, a majority of valid votes must be acceptable for European Parliament amendments, as occurs for normal legislation in the national parliaments, rather than requiring an absolute majority, except for particularly significant decisions.

The second reform should consist of generalising the principle of *majority decisions within the Council of Ministers* and the European Council. The power of veto must be abolished, since it contrasts simultaneously with efficiency requirements (in as much as it leads to paralysis in the presence of even a single dissenting state) and with the principle of

the *general* interest, which should prevail (in matters of the Union's exclusive competence) over individual interests. The only way to be certain of making the general interest prevail is by measuring the extent of support for individual proposals and initiatives through a recourse to the majority system. Today, as is well-known, for over 50 subjects, all of which are among the most significant, the Council can not decide anything except unanimously.

The majority principle will have to be implemented according to the importance of the subject, in accordance with the criteria of simple or qualified majorities. It may of course be opportune to adopt the procedure that has been suggested by many commentators, according to which a proposal must win simultaneously the votes of a majority of member states *and* a majority of the Union's population. Other qualified majority criteria can also be applied, which are not necessarily incompatible with each other, by retaining or partly reforming, for example, the current system of weighted voting in such a way as not to offer excessive advantages to the smaller states, yet without adopting a purely proportional criterion that would excessively disadvantage them. The essential point is to assert the principle that no subject within the Community's competence can be excluded from decisions taken by majority voting.

Other Institutional Reforms and the Objectives of European Construction.

There are other possible institutional reforms which have been discussed in connection with the intergovernmental conference: such as a reduction of the number of commissioners, a lengthening of the terms of office of the President of the Council of Ministers and the European Council, an increased role for the European Parliament in the Commission President's nomination, the designation of the President by qualified majority voting in the Council, the choice of commissioners being entrusted directly to the Commission President, a reduction in the number of European parliamentarians, the introduction of territorial representation in the Commission; and still others, for example the attribution to the Court of Justice of constitutional court-type responsibilities at the European level.

Certainly, many of these reforms are important and desirable; in particular, those concerning the nomination procedure for the Commission. Others (such as a presidency of the Council, on the designation of the members of the Commission by the member states) are perhaps less

urgent, since in my opinion they could alter the correct constitutional mechanism of the Union: it should be clear that the government of the Union consists of the Commission and not of the Council, which represents the states and constitutes a collegial presidency of the Union, within which the criterion of rotating presidencies can function, as indeed they already do function now, not unsuccessfully. In any case, it would seem possible to assert that the approval of the two above-mentioned reforms is far and away more important than that of the others listed immediately above.

The adoption of these two fundamental reforms would in effect allow the European Union to achieve a constitutional order that is satisfactory for economic and currency affairs (as regards the latter, the Maastricht Treaty's project for monetary union already provides for all the institutions and rules needed to make it function effectively). The vital circuit which consists of popular consensus, parliament and government action would thus be realised. The institutional and constitutional structure of the European Union would be of a federal nature, independent of whether an explicit claim to this term is inserted in the new treaty or not.

It should not be forgotten that the Maastricht Treaty has introduced through art. 158 §2 the principle of the European Parliament's confidence vote in the Commission, a prerequisite for the Commission's installation: this principle establishes an organic relationship between the popular vote at the European level (the expression of which is the Parliament) and the European government (of which the Commission is the real title-holder). This institutional bond between the European Parliament and the Commission (in particular, its President) will certainly need to be perfected in future (for example, by submitting a list of potential candidates to the Parliament, or a name voted by the Council by qualified majority, or again by inverting the procedural order so as to submit to the Council names previously screened by the Parliament), since the unanimity requirement regarding the selection of the Commission's President by the European Council concretely reduces the influence of the European Parliament, which will be able to refuse confirming the designated candidate only with very great difficulty. Notwithstanding this, the importance of Maastricht's innovation on this point is undeniable, if for no other reason than as far as it has highlighted the proposed programmes of the Commission and of its President at the moment of their nomination. Such proposals can not avoid taking account of the orientations prevailing within the Parliament, which in their turn are the expression of the popular vote. Moreover, the very recent nomination of the Santer Com-

mission has demonstrated that the Parliament intends to exercise its constitutional power over the Commission.

The only coherent alternative to this approach (which makes the democratic legitimacy of the Commission dependent on the Parliament's vote) would be the President of the Commission's election by universal suffrage: a solution that in my opinion can not be proposed, if for no other reason than the linguistic barrier. The accusation of excessive bureaucracy against the Commission (an accusation moreover that is only partly founded) can be effectively answered only in this perspective of a constitutional link between the Commission and the Parliament.

It would seem evident that the above-described structure, which can be achieved through the approval of the two above-outlined fundamental reforms, should be extended from 1996 onwards (albeit with certain alterations, to be carefully examined during a series of intermediate stages) also to the new sectors of foreign and security policy, and internal and justice affairs. These matters are governed in the Maastricht Treaty through the mechanisms of simple intergovernmental cooperation, with which it will certainly not be possible to proceed very far — as the events surrounding European policy over Bosnia have clearly demonstrated. In a historical period in which the re-awakening of ethnic nationalism and micronationalism represents a reality dense with extremely serious dangers, it is clearly urgent for Europe to set out common policies. It will be necessary to establish also in these sectors (albeit within the limits of the subsidiarity principle, which results in intervention at the European level only for certain subjects and undertakings, without removing from the states their normal competences in foreign policy and defence matters) a real government of the Union.

Hence, a Council capable of deciding always and on all occasions by majority voting, simple or qualified, is needed. In addition, a Parliament with powers to deliberate and direct policy-making is needed (and not simply a futile discussion forum, as is too often the case nowadays in Strasbourg, where parliamentarians without real powers vote motions on topics that often do not even form part of the Community's competences). Democratic principles and the requirements of efficiency and effectiveness are the same in all areas: in the economy as for foreign policy, in defence as for the fight against crime.

A further reform that seems unavoidable is of a different nature: it concerns the revision procedure for the Community's treaties. The unanimity requirement for ratification, set down by art. 236 (now art. N) has proved too onerous and paralysing: consider the immense damage

caused to the economy of the Twelve by the first Danish 'no' in the referendum of 2nd June 1992. It will be necessary to provide that future innovations can enter into effect (at least among those member states that ratify them) when the number of ratifications reaches a pre-determined threshold, for example four/fifths of the member states and of the Union's population.

It is as well to be perfectly clear that the realisation of the two above-outlined reforms (not to mention the third, just cited, regarding the future modification of the treaties) will demand decisions by the governments that in a certain sense are against their nature, in as much as they imply the acceptance of a reduced role for the governments themselves in the institutional architecture of the future European Union. To overcome the power of inertia which protects the system of Community institutions established by the treaties will require, in the governments that will assume responsibility for piloting the reform, a combination of idealistic and realistic capacities that is not easy to find. But nevertheless this will not be sufficient: experience has taught that European construction progresses when also public opinion on the one hand, and economic actors on the other, make their voices heard. In addition, the drive that could come from the European Parliament (which unfortunately does not yet seem aware of its enormous potential as a representative and political driving force) will be the essential element of a battle which is still all to be fought. The enemies of a united Europe have always been, and still are, numerous and powerful.

Let it be stressed that a large part of the arguments that these enemies advance can be fully shared, but lead to opposite conclusions from those reached by the people who formulate them. The goal of European construction is by no means the elimination of national and regional diversities and peculiarities, which are rather the greatest wealth of Europe's history. On the contrary, only a federal structure inspired by the subsidiarity principle really protects the cultural and linguistic characteristics of different nations, as well as what is legitimate and unique in regional and municipal identities. Much remains to be done on this subject so that one day institutions are realised that effectively protect (without feeding the trends to the formation of new states) the cultural and ethnic characteristics of the different strata of the population. On the contrary, the maintenance of the "sovereign" national states (at least in name, since in fact sovereignty has already not existed for some time) suffocates autonomy and is translated into the hegemony and the predominance of the stronger state or states over the weaker ones. A

genuinely federal constitution is the best guarantee for the survival of the various nations.

The five territorial levels (municipality, region, nation-state, continental federal state, planet) each have their justification and their function, and tomorrow's citizens will be simultaneously, without contradictions, citizens of their own city, their own region, their own nation-state, of the European federation, and of the whole world through the supernational world institutions. Federalism is the doctrine of multiple and compatible loyalties.

In this perspective, the European federation will be something new and different compared to today's existing federations, and also compared to those of the past (the mediaeval Christian empire included, which nevertheless presents as regards certain of its features a model of surprising relevance for the present). In effect, never before in history have nations possessing histories and cultures that are so varied and original attempted successfully the task of uniting themselves peacefully in a supernational political organism.

Supporters and Opponents of Reform: the Strategy of Two Concentric Circles.

If these are the essential reforms for completing the institutional aspects of European construction, it is natural to ask what is the most suitable strategy for enacting them.

The objectives that we have outlined are inscribed in the original layout and in the rational conception of our continent's project for union, but their fulfilment should in no way be taken for granted. History is not the realm of necessity, nor does it only know the victories of rationality and coherence, but also (and how often) their defeat. We must therefore ask ourselves what can be the paths to pursue in order to make the completion of the union project easier.

The 1996 intergovernmental conference may represent in this regard the moment of truth. It will not be possible to avoid the stumbling block of the European Parliament's legislative role; and also the hurdle of overcoming the right of veto in the Council of Ministers. Some governments will be in favour of the first reform, and some (probably fewer in number) in favour of the second reform, as well as governments that are opposed to both. It is possible that the former will convince the others totally or in part, or that agreement will not be found. What should be done in this case?

The weight that can be exercised by public opinion has already been referred to. It needs to be stressed that the popular approval for the European view is in no way belied by the alleged waves of Europessimism that certain opinion polls seem to indicate. This is due to three sets of reasons: primarily, because a not insignificant part of negative responses is the result of delusion with what Europe could have done but has not, for example in foreign policy, and is therefore the result of a frustrated demand for "more Europe" and not the contrary; secondly, because another part of negative opinion derives from the insufficient democratic legitimacy of the Community's policies and institutions (which is translated into excessive bureaucracy, rightly unpopular) about which attention has already been called to above, and the possible simple and radical remedies have also been indicated; finally, because another part of the Europessimistic argument is based on the radical opposition to a centralising conception that tends to the creation of a European superstate in contempt of subsidiarity and respect for national cultures: a conception (too often cunningly attributed to supporters of the Union) that could perhaps have been part of the mental and cultural baggage of some Europeanists in the 1950s and 60s, but which has never been shared by any coherent federalist. Moreover, it is shared even less so today. On the contrary, it is precisely the federal union project that represents a protective guarantee for national, regional and local peculiarities, which are one of the greatest achievements of Europe's civilisation. If these three components are removed, as they should be, from the pile of so-called "Eurosceptic" opinion, not much remains of opinion that is genuinely anti-European.

There remain the differences of position between some governments and others regarding the future constitutional developments of the European Union. How should we proceed in the probable case of an impasse on the main points of institutional reform? How, in particular, will it be possible to overcome the opposition of the British and Danish (and possibly of others, perhaps some of the states which have just entered the Union) to Europe's progress toward federation?

It will naturally be necessary to try and find an agreement along the lines of the evolution outlined above, with all suitable guarantees of gradual transition. But it may occur that certain member states will nevertheless prove unwilling to advance along the road to federal union. In such a case, the hypothesis repeatedly advanced in recent years of a "hard core" of countries ready to proceed will become reality. This core will be composed of at least France, Germany, and the Benelux, and

perhaps also Italy.

For Italy, the weakening of the drive toward European Union would be a genuine economic, political and civil calamity, the greatest error ever committed by an Italian government in the post-war period. The contribution of Italian ideas and initiatives to Europe's construction has been decisive on several occasions, notwithstanding the well-known limitations and deficiencies of the national political and administrative framework. This contribution must not be reduced, if for no other reason (but there are others) than that the 1989 popular referendum explicitly supported it, with 88 per cent of votes in favour of a European constitution to be elaborated by the European Parliament.

The possibility of a core of states advancing towards federation is a real prospect. It must be supported by those whose eyes are set on the final objective, since it is probably the only way to achieve it. Moreover, this has already proved the suitable procedure for monetary union, social policy and other objectives.

A serious question regarding political and juridical issues is posed at this juncture. If between the states ready to proceed and the rest there is, let us say, an agreement to disagree (in the sense that the latter allow the former to adopt new constitutional rules, so long as these rules are not applied to those who have not accepted them; in the same way that Maastricht made provisions for monetary union and social policy) the issue of reform can be faced within the framework of the existing set of rules, on the basis of art. 236 (N) of the treaties — that is, through the unanimous approval of the member states. But then it will be necessary to face up to and resolve the extremely delicate issue of the relationship between the current rules in effect within the European Union (EU) and the partly new rules agreed on by the states adhering to the European federal union (EFU). We need to be perfectly clear that in this approach the hurdles to be overcome will be numerous and complex, as the introduction of such rules as the European Parliament's generalised legislative co-decision and the extension of the majority principle will make it impossible to avoid applying them also to matters previously regulated by the treaties. Hence the problem of the co-existence of the new procedures with the old will be very difficult to resolve. To whom would the Commission and the common structures "belong"? "For whom" would they work? Rules of compatibility among the EU and the EFU can be elaborated, but the problems to resolve would be anything but simple.

The same problem will be posed in an even more drastic way should

the agreement to disagree not exist. If certain states do not wish at any cost to change the Union's constitutional rules in the way desired by the majority, the other states will be left no alternative but to choose between resigning themselves to a preservation of the status quo by adopting at the most some minor reforms, or reacting by giving life to a new treaty concluded only among themselves, even if always open to the rest. The adoption of a new treaty that incorporated the entire *acquis communautaire* and which introduced at the same time new institutional rules would lead to the drastic measure of denouncing (implicitly or explicitly) the existing treaties by the states of the "hard core." This would be an extreme scenario. It could lead even to the break-up and re-founding of the Union "for those who want to." In this case, it will be possible to conclude specific accords of simple association with the other states.

The perspective outlined here may seem excessively dramatic. Perhaps it is in part unrealistic; but it should nevertheless be carefully considered, if the goal is to avoid entrusting the fate of a project of world and historic significance, which that of the European Union is, to the consent of one or some of the member states: a minister, a government, a few tens of thousands of citizens of a single "Eurosceptic" state could decide the future of 380 million European citizens.

This must not be allowed to happen. It must be clear that entrance into the current Community-Union by the states that have freely decided to join implies without doubt *already* the acceptance of certain rules of a federal nature; and implies the overcoming of the principle of the unlimited sovereignty of the nation-state. The primacy of European law over the national laws is, in the subjects of the Union's exclusive competence, already an incontrovertible and undisputed fact. It remains however undeniable that no-one can impose on a nation-state to join the future European federation, nor to accept the guiding principles of the future European constitution. But no state should be allowed to prevent the others from realising it.

The Countries of Central and Eastern Europe.

The by now irreversible reality of enlargement imposes, finally, a further set of reflections. It is clear that the countries of northern, central and eastern Europe are an indisputable part of the historic inheritance of our continent — are "European" in all senses of the word. If these countries desire to enter the Union (as undoubtedly they will), it is inconceivable that they will be anything other than welcomed without

hesitation.

Two features should however be stressed. The first regards the timing, the second the means, of their joining the European Union.

For the states of the east, having emerged from the socialist experience, the transformation of their economic apparatus prior to their entrance into the economic Community will require long time periods and complicated processes of reconversion to the market. Since a waiting period of years would prejudice, perhaps irreversibly, their prospect of entering Europe and the composition of the future Union, which from this moment on needs everyone's contribution, it would be politically and historically extremely significant to affirm the principle of these states joining the European Union in the near future. In the sectors of foreign policy and internal affairs, as well as certain economic sectors, the new member states could participate fully from the outset; in the other economic and monetary sectors, they could participate during even a prolonged transition period in the quality of simple observers.

As regards the means, these are necessarily tied to the 1996 process of revising the Community's institutions. The three member states which have just now entered the European Union (Austria, Finland and Sweden) will participate with the Twelve in the intergovernmental conference. Hence they will be posed the choice between joining the "hard core" or not. As regards the other states that are preparing to ask to be admitted to the Union, the timing of the start of their negotiations will probably coincide with those which will make it clear whether the union will proceed at two speeds (or rather, if it will dispose of two concentric circles, those of the EFU and the EU) or will remain with today's institutional order, albeit with some marginal changes. In the former case, the states of the east will have to choose which circle they will ask to join.

Conclusion.

What constitution for Europe? The alternative posed today (and which will have to be faced soon, on the occasion of the 1996 intergovernmental conference) is a choice between conservation and progress: between maintaining the current institutional order, with its democratic, functional and efficiency deficiencies, which have already been pointed out above (deficiencies that the entrance of new states into the Union would without doubt further accentuate), or changing the institutional rules, even only a few decisive aspects, in such a way as to achieve a structure that is simultaneously more democratic and more efficient.

If the agreement of a large majority of the member states, but not of all, is generated around this second view, it will be necessary to establish a relationship between the former and the latter. That is, it will be necessary to establish a set of rules for co-existence that will allow the former to advance toward a federal-type Union (with all the corollaries noted above, in the direction of the minimum number of functions at the European level and of subsidiarity), and the latter not to be expelled from the single market.

It must be kept clearly in mind that the alternative outlined above is not between two or more solutions that are different on technical grounds, but rather between two different political and idealistic visions. On the one hand, the goal of maintaining the nation-state, albeit within the limitations rendered necessary by the single market. On the other, the goal of overcoming the nation-state in a federal perspective, that does preserve the autonomy of the nation-states but within the framework of a new collective entity endowed with its own exclusive and concurrent competences, its own democratic institutions, and its own historical and political legitimacy — namely, Europe.

The choice between these two perspectives will very soon have to be faced unambiguously. And it will have to be clearly proposed to European citizens, so that they can give their judgement on the matter. It is the task of all the living forces of European culture to discuss in depth the implications of the unification process currently underway on our continent, since on its outcome depends not only the future destiny of Europe, but that of the whole planet.

Working time, Temps Choisi and Federalism

MARITA RAMPAZI

1. Working Time and Economic Development Models.

The problem of redefining working time is currently a matter of concern throughout Europe.

There has been discussion of greater flexibility, not only of daily, weekly or monthly work schedules, but also of the relationship between working time and time for living, which includes time spent on training (deferred and articulated entrance into the labour market, interruptions for updating courses, various new ways of combining the traditional models of employment between full-time and part-time, and so on). The flexibility of time for fulfilling work tasks favours the requirements of the initial and life-long training of human capital and, more generally, reflects new organisational criteria which are imposing themselves in firms focusing on cutting edge technologies and oriented to ever more specialised and fragmented markets.

There has also been discussion above all about a generalised reduction of working hours, such a measure being designed to offset unemployment, in particular youth unemployment.

This second aspect is what provokes most debate and has greater resonance with the mass media since, on the one hand, unemployment is becoming a problem of worrying dimensions in Europe's economies and, on the other, in the difficult situation in which Europe's economies now find themselves, a reduction of working hours could lead to a corresponding reduction in wages. Notwithstanding reservations and an initial reticence, however, the slogan "less work so that all may work" (to paraphrase the title of a well-known book by Guy Aznar¹) is beginning to receive growing support, even among Europe's trade union movement.²

Simply by opening the newspapers it is evident that the question of working time is currently the subject of political decisions in the short, indeed very short, term.

What one does not read in the newspapers, or one reads rarely, is that the decisions to be taken do not represent only an easy way out, or a lesser evil, for tackling European unemployment. In reality, the unemployment issue has become the starting point for a more general reflection as to the way in which Europe's economy and society are facing up to the challenges posed by the scientific and technological revolution.

As always happens when historical changes in the mode of production occur, the way in which people conceive of themselves as citizens and workers, as individuals in constant tension between liberty and necessity, is currently undergoing change. In this framework, the choices that already need to be made concerning working time can contribute to the elaboration of a development model which will either guarantee greater degrees of freedom for all or become a source for new forms of discrimination and social alienation.

The choice of a new development model is, primarily, a choice of values. Nowadays, European society has the possibility of adapting itself to the emerging models in the two most technologically and economically advanced countries, Japan and the United States. These are models which, in the name of productive efficiency and market freedom, legitimise, as will be seen below, the creation of grave social inequalities and the assertion of a culture dominated by economic rationality, which is an instrumental rationality. But Europe can also seek its own way, one more in keeping with its cultural traditions, those which (it should not be forgotten) have given the history of humanity the values of liberty, democracy and social justice.

In this perspective, Delor's White Paper³ is a document of great interest because, above and beyond specific technical solutions for relaunching Europe's economy, it offers a view of development that is dominated by the search for a model that is, "more respectful of the needs of nature, of natural capital, more attentive to the rhythms of people's lives, and which responds to the unsatisfied needs that derive from the sense of unease in our cities, from disadvantaged neighbourhoods, desertification, and the isolation of people."⁴ Such a model would be able to marry efficiency with solidarity: solidarity between individuals, groups, generations, and areas of the world.

Reflections about time can not set aside such considerations, for risk of trivialising what is at stake. Nor can they ignore the institutional set-up that is most suited to allowing the implementation of a possible European development path. This is the specific contribution that the federalist perspective⁵ can give to a debate which has by now made

enormous progress in Europe as regards analysing the potential and problems inherent in the post-industrial mode of production, but which comes unstuck when the task is to conceive of an institutional framework in which it will be possible to encourage the controlled development of this potential.

In order to be able to contribute effectively to this debate and highlight the importance of the federalist's contribution, it is worth examining the arguments of those who see in the redefinition of working time the seeds of a real revolution in people's lives. This, in essence, is what I propose to do in this article.

2. *Time as Defined by Nature, the Church and the Factory.*

The study of the nature of time dates back to the ancient history of western thought. Indeed, there exists a long philosophical tradition on this subject (from Aristotle and Augustine to the present day), which has been backed up in more recent times by important contributions from other disciplines, such as sociology, history and psychology.

The history of these studies has witnessed a move away from the concept of a *sense* of time innate to the essence of mankind, and hence unchanging, towards one of an *experience* of time, understood as a changing element that changes in a "structured" and "directed" way, which can be explained — as Elias has pointed out.⁶

Time is one of the two co-ordinates (the second is space) around which groups and individuals construct their concrete actions. Time and space, in this sense, allow human activities to be better organised, but also pose some specific limits. In as much as they are finite resources, they impose choices as to the priorities to be assigned to the multiple possibilities of action. If, for example, the expression "I don't have the time to do this" is examined, it becomes clear that this implies the idea that there exist much more important things to do: decisions about the allocation of time can not be separated from judgements about the meaning that different activities possess for individuals and for the community.

The definition of priorities is not however left to the individual's free will, in as much as it depends (to a greater or lesser extent, according to the historical context being referred to) on the conditions of producing and reproducing social life.

In every historical period it is possible to identify a dominant "time", which provides the reference point for organising all the other times both of daily life and the whole span of people's lives.

Pre-industrial societies, for example, were governed by a very different temporal structure from the one which became established with the industrial revolution and the birth of the modern state. The saying "time is money" would have made no sense either to a feudal lord or to a serf: people were not in control of their own time, hence they could not dispose of it at will, not even for giving it a monetary value, in an agricultural economy whose rhythms were marked out by the procession of the seasons, by the hours of light and dark, and by the ringing of the church bells that structured the time for work, prayer and rest.⁷ In that historical period, time was not measured in order to remunerate, control or synchronise it: people adapted to the definition of time "bestowed" by nature and by God, represented by the Church, and/or by the sovereign in theocracies.

With the establishment of the industrial mode of production, the key activities of the economy were freed from the rhythms of nature. And with the parallel development of modern forms of citizenship, which led to the secularisation and democratisation of the state, subjects were removed from the temporal bonds posed by the Church and/or sovereign.

The dominant time has become that of industrial work: a linear time, no longer a cyclical one, that assumes the specific characteristic of being paid. In factories, the logic of servile work, for which a direct personal service was recompensed in kind according to the benevolence of the owner, has disappeared. In the same way, with the introduction of specialised machines and the splitting up of work tasks, factories have denied the logic of the artisan's trade, which is tied to the creation of finished goods exchanged for money only at the end of the production cycle. The factory system imposes a different calculation of the way to remunerate work: the value of work is held to be identical to the value of the time spent in the workplace.

Since time has become the object of remuneration, it is important to be able to measure it precisely and remove it from the arbitrariness of personal judgements. Clock time, measured in rational terms, tends to separate the meaning attributed to the content of an action from its duration. In this process, duration becomes dominant, to the extent that work for the market has established itself as the principal activity of modern man. The priority of content over duration persists only for activities removed from monetary calculations: such as caring for a family, cultural enrichment, conviviality, engagement in civil society, and voluntary work. These are the so-called "leisure time activities"; notably, the expression highlights their marginality, subordinate to the

central nature of activities paid for by the market.

The distinction between working time and leisure time is often, and equally significantly, linked to an image of a temporal structure in which there exists a divide between working time and time for living. During working time the instrumental logic of money is dominant, and becomes no longer a means but an end in itself; the time for living is considered as a time for relationships and morality. If we consider this observation, which is a part of common speech, we can better understand both the inherent ambivalence of the concept of time which has asserted itself with the industrial society, and the nature of the decisions to be taken now.

3. Economic Rationality and the Ambivalence of Modern Temporality.

One of the two ambivalent elements in modern temporality is rooted in the fact that both the French revolution and industrial revolution sanctioned the idea that each individual is a fount of rationality and liberty. Liberty, above all, to pursue the ideal of a moral life without the bonds of personal servitude. This translates into the liberty to dispose of one's own time, on the basis of independently chosen criteria. The spread of money as a means of exchange, above all for remunerating work, has contributed to dismantling the legitimacy of a direct and all-embracing personal dependence that is inherent in the servant/owner model, as not only writings in the Marxist tradition stress, but also those of other "classics" of western thought, such as Simmel⁸ for example.

The second source of ambivalence is represented by the fact that industrial work has legitimised a new way of selling yourself, linked to the sale of one's own time. Modern culture considers it normal for free citizens to commit a considerable part of their lives to limitations of time and space (the workplace) set down by hierarchically superior bodies that are legitimised for the organisation of the physical and intellectual energies of people for purely instrumental ends. As regards economic calculations, human work is "a thing", one of the factors of production, which must be predictable and rationalised. It is the complete negation of autonomy, of the very idea of a subject. The most comprehensive expression of this concept is Taylorism and Fordism, which dominated the periods of greatest success for the industrial organisation of work.

This ambivalence has generated a paradoxical situation, which lies at the heart of André Gorz's work.⁹ On the one hand, modern societies have been developed on the basis of a rejection of the traditional concept of work as toil, an activity unworthy of free men. Out of this rejection was

produced a work ethic¹⁰ that has ennobled activity for the market, by defining it in vocational terms: the paramount expression of morality and opportunity for personal development. Work has been transformed into the main socially useful activity, through which individuals provide daily proof of their adult responsibility towards the collective. According to this point of view, it is the pillar around which not only lifetimes are structured, but also group and personal identities.

However, work is also the realm of life in which most people continue to experience the greatest limitations and frustrations with regard to the need for self-realisation, to feeling themselves to be human beings to other human beings. The problem concerns not only the specifics of the working class condition. This is a more general issue that involves all activities carried out for the market: the market provokes the greatest limitations on the liberty and morality of modern man, in as much as the instrumental nature of economic calculations conflict with behaviours (delegitimising them) that are oriented towards values, to human relationships and to the sentimental sphere.

But there is more. Building on Habermas's work,¹¹ Gorz observes that economic rationality, which is a particular form of "cognitive-instrumental" rationality, is not only applied, abusively, to institutional actions to which it is not applicable, but extends even as far as "colonising", deifying and mutilating the fabric of human relations on which depends social integration, education and the socialisation of individuals.¹²

This is a fundamental point, since it represents the principal reason advanced by Gorz, and the current of thought that is currently developing in Europe around his arguments, for supporting the request for a progressive and generalised reduction of working hours, as the condition for a real cultural revolution.

4. Criticism of the "Utopia of Work".

Gorz takes as his starting point the observation that the scientific and technological revolution is currently changing the way people work (and live). To understand better the characteristics of the new jobs, Gorz looks to the Japanese firms that have developed the so-called "total quality model."

In such firms, the introduction of advanced technologies has revolutionised the traditional forms of organisation. The management no longer has any choice: it can reduce costs only by replacing Taylor-style assembly lines and ordinary workers with robotised equipment which, at

least in certain parts of the factory, requires a new type of worker. These workers must be able to assume, within a multi-disciplinary group, the running of an automatised plant. They must be capable of rapid initiatives; they must collaborate with a group of peers which is called on to decide the splitting up of tasks, on the basis of the actual situation; and they must possess autonomy and a sense of responsibility. The management is therefore materially unable to command, direct or supervise the multi-disciplinary groups. It must bind this new type of workers to it, making the most of them psychologically and socially, and construct a new image of the factory and of its "production operator."¹³ In this way, it seems that a future in which work could really become a focus for people's liberty and self-fulfilment is being opened up, as is foreseen for example by the "ideology of human resources", which is nicely summed up in this passage by Blondel, "(in the robotised factory) workers without an identity (...) have lost their jobs to intelligent people who are well-organised and possess personal skills, and for whom firms tend to encourage career strategies."¹⁴

In such a perspective, there are strong links with what Gorz defines as the "socialist utopia", which associates the liberation of people with the end of the alienation (absence of property, control, and meaning related to work) that was created by the capitalist mode of production. He criticises this concept from a leftist viewpoint, showing how, in working activities, there does not exist any space for developing the most "human" component of individuals, even in a scenario of re-establishing control over production and developing an intrinsic interest in what one is doing. Control would nevertheless always remain relative, since technical responsibility is not the same as moral responsibility, and professional autonomy is not the same as existential autonomy. At the same time, Gorz considers debatable the idea of pursuing full personal fulfilment on the basis of interest in one's profession since the intrinsic interest of work does not guarantee its meaning, and its humanisation in no way guarantees the ends to which work is dedicated. The humanisation of work can render undertakings of the most absolute barbarity attractive for the individuals that carry them out.¹⁵ It is sufficient to consider the condition of a highly-qualified technician employed in the construction of atomic bombs; or the issue of objective and subjective responsibility for scientists as regards the uses to which their discoveries can be put.

In summary, there are three key points to Gorz's criticism of the utopia of work as a source of liberation in an automated society, whether this utopia be considered a concept deriving from Marxist or neo-liberal

thought.

1) Any activity that is paid for by the market, however socially useful it might appear, favours the instrumental logic of economic calculation, which impedes the full development of morality. This also helps to explain why Gorz criticises those who rely solely on expansion in the service sector for creating new jobs. Such an expansion has a precise limit: the limit which derives from the need to protect from instrumental logic a range of activities through which solidarity and person-to-person responsibility are expressed, which make sense only if they are unpaid. To give an idea of the aberrant consequences which a culture dominated by the idea that it is legitimate to consider paying for all forms of human activity can produce, Gorz takes the example of maternity by proxy, the "renting out" of a woman's body for reproduction. This represents the legitimising of a form of "people selling themselves" that has nothing whatsoever to do with people's liberty.

2) It is necessary to be aware of the limitations of "the technical culture", which eliminates manual activities (hence contact with the tactile world) by exalting the abstract aspects of human activity. Through the extraordinary and extremely fast progress in science and technology, work is tending to become ever more specialised and rich in high-level technical content. There will be no more room in future for unskilled or low-skilled tasks. This will lead to a progressive increase in the weight of the technical culture, which is the anti-culture of everything non-technical. For this reason for technicians, learning to work turns into unlearning to find and to look for relationships that are not instrumental with regard to the environment and to other people.¹⁶ Technology can be called on to help savings in working time and energies, but it can not be allowed on the other hand to invade the whole of daily life.

3) The savings in time and energy allowed by automation are translated into an ever lower availability of jobs. The problem of technological unemployment will be a dramatic structural fact for the 21st century, as is recognised also in the "Premise" of the White Paper. This risk involves, already today, a choice between two options. The first is linked to the adoption of a model based on the training of a fairly small élite of permanent and full-time workers (as is already the case in Japan, for example) which is backed up by a broad swathe of temporary or part-time workers, employed primarily in an excessively expanded service sector, and by the long-term unemployed. The second, which Gorz supports, tends to favour a generalised reduction and greater flexibility of working hours, intended above all as a decision in favour of solidarity. In Gorz's

perspective, the reduction of working hours is also the only possible way to hold in check the risk of an excessive spread of materialism and technical specialisation, which is inherent in work culture.

Regardless of whether one accepts Gorz's diagnosis or not, confronted with the examples that come to us from countries that are very advanced along the road to automation, it is impossible not to consider the generalised reduction of working hours as a measure around which western societies can put into effect the values of equity and solidarity. It is unacceptable that work be a privilege reserved for the few, above all if one considers that, following this model, we would remain anchored to an image of work as the cornerstone of people's social identity. We would risk witnessing a growing mass of marginalised people who lacked a specific identity and were confined, not by their choosing, to a parasitic existence.

In the event that a significant reduction of working hours were achieved, a very wide range of considerations would be opened up: how to employ the vast amounts of time that have been freed? Do the institutional and cultural resources exist to enable people, now freer to organise and arrange the different times of their lives, to make decisions that are endowed with real meaning?

Before examining the merits of these issues, it is necessary to add some observations concerning another aspect of change in the structure of time, which so far has not been considered.

5. Overcoming the Divide Between Work and Life in the Post-industrial Age.

Gorz perhaps fails to highlight sufficiently the fact that the scientific and technological revolution is changing not only quantitatively, but also qualitatively, the relationship between working time and the other times of people's lives. These are characteristics that have already been considered in the past in studies by federalists concerning work in the post-industrial age, the relationship between schools and the community, life-long education, and democratic territorial planning. When the federalists began these studies, they were practically alone in doing so, and were considered, at best, to be utopian. Today, such questions have become so topical as to represent an integral part of the Delors Plan, an official document that has been adopted by the European Union's heads of state and government.

It is enough to recall two cases taken from the White Paper. This

document repeatedly stresses the fact that with the new mode of production, science and technology are becoming the main resources of an economy. Human capital is the key resource for growth. The result is a particular interest in training, that must guarantee not only a higher degree of basic preparation (with greater interdependence between the worlds of school, work and research), but also the continuous updating of worker's knowledge, with interruptions of various periods in the working cycle. In this way the principle separating the school experience from the work experience, which has dominated industrial societies, has been radically called into question.

The end of school still coincides with the end of a part of our lives. With this change, the temporal structure, above all the daily one, is differently organised and assumes a different meaning. From time primarily dedicated "to ourselves", and which is relatively self-governed or at least employed in activities designed for personal development, time becomes not so much "for others" as bound to a large degree to the instrumental goals of working for the market. It is as if our societies were perfused with the unexpressed rule according to which in a certain stage of our lives it is possible, indeed proper, to dedicate the day to developing our potential, and in a later stage this goal no longer has any reason to exist. There are examples of privileged people who can choose a profession that allows a certain degree of flexibility with regard to these times. But, for the majority of people, a distinct separation is enforced between a phase in which "people study and are formed," and one in which people work. This ends up by creating a divide between the age of intellectual curiosity, and that of work and nothing else. As also Zamagni has recently pointed out,¹⁷ a specific form of inequality has been created in modern societies: an inequality concerning the different degrees of freedom to organise time on the basis of one's personal development needs. Life-long training overturns this logic, by introducing the idea that it is not only possible, but proper, to consider oneself in all moments of one's life as a person who is continually "developing".

The second example of the qualitative transformation of the temporal structure, linked to the advent of the new mode of production, concerns the end of traditional factories (or workplaces).

Not only is the traditional Ford-inspired model of organising work becoming obsolete, as was noted above in reference to Gorz's work, with the resultant development of extremely flexible "mini"-factory systems. For many activities the very idea of factories or offices, intended as fixed places of group reference for a significant part of the day, is on the wane.

Today, the multiple possibilities linked to telecommuting are redesigning certain fields of work on the basis of a separation between work activity and the workplace. Since many work activities are being reduced to the elaboration and transmission of information via computer, it is no longer necessary for workers to be physically in the same place where machines operate, since machines can be controlled from a distance by computer. This can be done perfectly well even from the home. Telecommuting is no longer a fantasy, but a very concrete reality, above all if one examines technologically advanced places, such as the United States.

The changes in the work space are breaking down the rigid distinction between working time and the other times of daily life: those connected with travel from home to workplace, with family care, with social relationships in the nearby community, and so on. The most obvious and glaring consequence, however, concerns the transformation that this altering of the workplace and working time structure can induce in the organisation of urban life itself.

These processes open up a completely new horizon, difficult to grasp today in all its potential developments. All the same, some of the potential and some of the risks can already be glimpsed.

On the one hand, it becomes possible to imagine the removal of the barriers (temporal and spatial) between activities that were previously held strictly separate in people's days and lives, and which were governed by rules that were frequently conflicting. This can enable people to reconstruct in a coherent fashion a temporal structure that is currently very fragmented and a source of discrimination between those who possess, and those who do not possess, autonomy in the management of the times and meanings of their own actions. On the other hand, it is necessary to avoid that this "reconstruction" translates into the overwhelming dominance of a single activity over all others, or in closure within a private, entirely self-sufficient world, which is lacking in relations with the outside and which comes to an end at the front door of the house. There exists the problem of channelling the energies that will be liberated, and the greater amount of personal resources, towards forms of civil life in which participation in the community, solidarity, and communication can be developed.

6. *The Federalist Perspective for a Civilisation of Temps Choisi.*

The grounds for reflection proposed so far demonstrate how the current opportunities for redefining working time will bring about

changes that make a new model of civilisation, one based on *temps choisi*, conceivable.¹⁸

In the 1980s, the authors of *La révolution du temps choisi* wrote: "Nothing prevents us thinking with greater precision about the morphology of the areas of action in which it would be possible to develop the human activities produced by the freeing of time: certain tasks of local administrations could be directly re-appropriated by the collectivity, working in tandem with the reciprocal services that are typical of neighbourly relations; the maintenance of property, of the artistic patrimony and of all goods of social or individual interest (...) would find its own recognised function; multiple participation in associations and the creation of an artistic production parallel to the official one are equally possible expressions for nascent microcultures that will be small, but effective, producers of meaning, whose vitality can serve to ridicule the standardised iconography of the mass media."¹⁹

Nowadays, the issue is no longer to "conceive of" this transformation, but to start putting it into practice, by promoting a reduction of working hours, changes in the traditional factory system, the creation of new professions and, above all, the establishment of an institutional framework that will allow all people fully to develop their capacities for involvement in civil and social life.

There currently exist many obstacles for European citizens as regards taking advantage of these opportunities. If the continent's economic and political union is not completed as soon as possible, there exists a real risk that Europe will miss a historic opportunity. Work can change only if we decisively take the leap towards the post-industrial mode of production. Only in this way will Europe's economy be able to regain its competitiveness compared to the other technologically advanced powers and implement, for example, a generalised reduction of working hours in conditions of resource abundance that will be able to guarantee dignified standards of living for everyone.

The re-launching of the European economy will require such a broad range of infrastructure investments that it can only be carried out at the European level. Consider for example the infrastructure needed for developing information technology to its full potential: in the US, the information highway has been under construction for several years, while Europe is still discussing to what extent (with which funds, what political controls, etc.) it will be possible to implement the Delors Plan, which contemplates investing in this sector as a priority.

The re-launching of the economy is a necessary condition, but not

alone sufficient, for carrying through to completion the *révolution du temps choisi*. Fundamentally, we need to answer the question of what is the most suitable political and institutional framework for encouraging and satisfying the demands of citizens (which are growing in the perspective of an increase in leisure time) to participate in political, social and cultural life.

The perspective of *temps choisi* is difficult to imagine for those who consider only the current context in which public life is conducted: that designed by the national states, which are presently characterised by grave political crisis and by the failure of local communities to provide an integrated focus of life. In such a framework it is possible even to be fearful of an increase in leisure time, which for some appears as a nightmare that will be dominated by boredom or by an endless recourse to totally hedonistic activities.

The problem is that there is never sufficient consideration of the fact that when a new mode of production is established, the result is not solely a new type of worker. In addition, and above all, people conceive of themselves differently as citizens: these new citizens re-think the state, renew forms of participation in public life, and seek out different ways and spaces in which to establish politics as the maximum expression of morality.

This is the issue that federalist thought places at the centre of considerations about the potential for renewing democracy through federalism, and about the new citizenship that will be created by the European federation.

NOTES

¹ G. Aznar, *Travailler moins pour travailler tous. 20 Propositions*, Paris, Syros éditeur, 1993.

² To cite but a few examples, it is well-known that in Germany, in the wake of the success of the Volkswagen experiment, the reduction of working hours is now at the heart of negotiations between the government and unions; the feasibility of a four-day week is being examined in many sectors in France; and in Italy, the Progressives have presented a parliamentary bill (entitled "Norms for altering the rhythms of life, shortening the length of working lives, and establishing the right of *temps choisi*") which links a reduction of working hours to a change in the rhythms of urban life (*La Repubblica*, 23/3/95).

³ European Commission, *Growth, Competitiveness, Employment. The challenges and Ways forward into the 21st Century*. White paper. Office for official publication of the

European Communities, Luxembourg, 1994.

⁴ J. Delors, "Il Libro Bianco: un piano d'azione e uno stimolo alla riflessione", in Istituto Europeo di Studi Sociali IESS-AE, *Il futuro del lavoro in Europa*, Bari, Cacucci, 1994, pp. 33-4.

⁵ Even recently, for example, Alfonso Jozzo ("The Challenge for Europe: Reducing the Working Week", in *The Federalist*, XXXVI, 1994) has re-presented these topics, highlighting the connections between a reduction of working hours, a re-thinking of democracy and community service.

⁶ N. Elias, *Über die Zeit*, Frankfurt am Main, Suhrkamp, 1984.

⁷ This refers to a series of essays which were published together in Italy under the title: J. Le Goff, *Tempo della Chiesa e tempo del mercante*, Turin, Einaudi, 1977.

⁸ G. Simmel, *Philosophie des Geldes* (Liepzig, 1900), Berlin, Duncker und Humblot, 1977.

⁹ A. Gorz, *Metamorphoses du travail. Quête du sens. Critique de la raison économique*, Paris, ed. Galilée, 1988.

¹⁰ Here Gorz directly recalls Weber's work on the protestant ethic and capitalist spirit, and on the concept of *Beruf*.

¹¹ J. Habermas, *Teoria dell'agire comunicativo*, Bologna, Il Mulino, 1986.

¹² A. Gorz, *op. cit.*

¹³ *Ibid.*

¹⁴ D. Blondel, "Mort et résurrection de la pensée économique", in *Le Monde*, 1/4/86.

¹⁵ A. Gorz, *op. cit.*

¹⁶ *Ibid.*

¹⁷ S. Zamagni, "Lavoro ridisegnato dal tempo", in *Il Sole-24 Ore*, 15/2/95.

¹⁸ This expression was used by a team organised by Jacques Delors (Echanges et Projets, *La révolution du temps choisi*, Paris, Albin Michel, 1980) which had, already in the early 1980s, posed the questions which are today once again at the centre of debate about the temporal structure.

¹⁹ Echanges et Projets, *op. cit.*

THE RIGHT TO SECEDE

The question of whether secession is legitimate or not can be tackled from various points of view, some of which have coloured the reactions which the secessions that have followed on one from the other in East Europe and the ex-Soviet Union have provoked in the political world, public opinion and the press.

Three approaches to the issue of secession can be identified, in order to simplify and categorise the debate. I would define them in general terms as follows: 1) a descriptive approach, 2) pure moral revulsion, 3) analysis of the moral basis of secession.

The Descriptive Approach.

What I have called the descriptive approach establishes a link between the right to secede and *raison d'état*. Defining this approach as descriptive signifies leaving aside value judgements, to identify instead the mechanisms that give rise to certain behaviours.

The *raison d'état* concept, understood as an *ideal-typus*, enables us to describe the behaviour of the state authority for guaranteeing the state's security — both on its inside, through the monopoly over physical force and the imposition of coercive rules (laws) so as to settle conflicts between individuals or groups, and towards the outside, through a policy designed to maintain or increase the capacity of the state to defend itself from possible foreign attacks, in a situation of international anarchy (power politics).¹

It is a fact, and as such can be described, that the very existence of the state, and the existence of many sovereign and independent states, generate behaviours which, when lacking, can on the one hand cause a state to lose its legitimacy in as much as it is unable to carry out its pacifying role internally, and on the other can cause a state to cease to

exist as an entity (if it is conquered or incorporated into another state) and so, also in this case, it loses its legitimacy since it is incapable of guaranteeing the defence of its own citizens.

Secession, that is the breaking away by a group from an existing state entity to create a new state entity, is objectively an attack on the *raison d'état* of the original state nucleus. On the one hand such an action in effect calls into question the state's right to settle disputes by means of the law, that is it denies that right in as much as the secessionist state removes itself from the original one. On the other hand, secession attacks the external security of the state, both in real terms (reducing its territory and resources, etc.) and symbolically (loss of international credibility).

Such implications induce states to assert their right to oppose secessions, even by force.

Clearly, such an approach neither considers the possible manipulation of the concept of internal and external security by the ruling class, or the causes that can drive a group to claim the right to secede.

The logic of this viewpoint does not prevent actors in international relations from accepting principles that *seemingly* contradict the premise of the outlook itself, namely the prevailing of *raison d'état* over considerations of any other type. This is a reference to the United Nations Charter (art. 1, para. 2 and art. 55), to the International Convention of the United Nations on civil and political rights, and to the International Convention of the United Nations on economic, social and cultural rights, which proclaim the right of all peoples to self-determination, as well as to various documents approved by the UN, among which, for example, Resolution 1514 of 14th December 1960 that declares, among other things, that in virtue of the right to self-determination, all peoples should freely determine their own political status, an affirmation that seems to accept the principle that full political independence can be achieved also by means of secession.

But when examining the UN's Declaration on the principles of international law concerning friendly relations and co-operation among states (24th October 1970), we find that: "By virtue of the principle of equal rights and self-determination of peoples ... all peoples have the right freely to determine, without external interference, their political status ... Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and

thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.”²

Clearly these affirmations are contradictory when they proclaim the right of self-determination when in fact this is denied, and such affirmations deny it when it is conceded. But the factor which creates the contradiction is specifically connected to *raison d'état*, that is to a principle which, notwithstanding other considerations, underlies the *raison d'être* of states: the defence of the territorial integrity of sovereign and independent states.

Moreover, the actual behaviour of states reveals ambiguities: faced with a secession or an attempt to secede, states generally do not acquiesce or oppose on the basis of accepting the principle of the right to secede or not, but rather by adopting various positions on the basis of strategic calculations: opposition by the state directly involved in the secession, and a tendency to recognise secession if it concerns another state; opposition or ambiguity by the international community in the initial phase of the secession process, and acceptance of the *fait accompli* once the new state has been consolidated, as well as acceptance of the repression of secessionist attempts in order to avoid international tension.

This serves to demonstrate that, above and beyond affirmations of principle, the world system of states, for as long as the states remain sovereign and independent, will tend to bring about the triumph of the *raison d'état* principle, which prevents the problem of secession being faced up to, except in terms of an increase or reduction of the power and security of states.

And yet it remains true that the world is heading towards ever greater interdependence and that this has had up until the present time, and will have ever more so in the future, certain consequences for international relations, and in particular for the behaviour of states in terms of their defence to the bitter end of absolute sovereignty over their own territory (the integration processes underway in various parts of the world and in particular the most advanced process, represented by European unification, exemplify this). But the logic of this behaviour can not be easily incorporated with that deriving from secession phenomena. The processes of integration, in fact, have the function of increasing the possibilities for managing the security (in a political, military and social sense) of citizens, and hence a partial cession of sovereignty can be directly linked to its recovery within a broader framework (the definitive overcoming of absolute sovereignty will be possible only through a world federation). On the contrary, acts of secession, as outlined above, reduce the possibil-

ity of managing security, since they generate new competitors, and in the worst cases, a new enemy at the border: the loss of sovereignty over a part of the territory is not compensated for in any way, and is therefore considered as a pure and simple attack on the existence of the state.

Pure Moral Revulsion.

In the event that a group's will to secede meets decisive resistance by the original state and that this develops into armed conflict, world public opinion is bound to express moral censure, which is often fed by the crudity of the images that have become an inevitable component in media coverage.

Such reactions are in substance purely emotive, and often not shaped by any reflection about the legitimate interests or otherwise of the parties concerned, or of the values that they are seeking to assert or defend. There is simply no willingness to condone the acts of brutal violence which always accompany warfare. In as much as these are emotional reactions, they are the stronger and more drastic the shorter the conflict lasts: if it drags on for a long time, such reactions weaken until they disappear altogether.

Another characteristic of such reactions is the fact that the effects of repressing a secession attempt have a clearly identified guilty party that is external, and that therefore allows us to feel that we do not share any responsibility and so can condemn with a certain moral self-satisfaction.

Not so automatic, or at least so attentive, are the responses to the same images of suffering and death when these concern those groups of people that permanently live below acceptable standards of living, and whose only right to be affirmed remains solely the right to life. The persistence of this situation does not trigger off scandal, and the guilty party is not external, but is that group of people to which we all belong, which is often in practice, if not rhetorically, little disposed to renounce its privileges.

An apparent attitude of moral revulsion can also be displayed by governments not directly involved in the events, when they hold that a state is repressing a secessionist group particularly brutally. As a result of the difficulty for heads of state to align themselves on principle in favour of those who call into question the concept of state sovereignty, or as a result of a particular situation of international relations, it may prove opportune for heads of state to take refuge in the moral condemnation of the means employed in repression, without however supporting the secession itself, with the aim of not weakening the support of their

citizens (who could reject an albeit passive complicity) or with the goal of maintaining relations with the original state intact.

Moral revulsion is therefore normally triggered off not so much by the political and moral implications of secession, but by the means employed for repressing it. As such, then, it does not contribute in any way to an understanding of the phenomenon itself, and, as a result, does not provide a viewpoint which permits us to judge it, and to extract from this, conclusions of a practical nature.

Analysis of the Moral Basis of Secession.

An approach that is characteristic of the current debate about secession concerns the moral problems that underpin it, and which provide the basis or otherwise of its legitimacy. According to this perspective secession is considered to be a means to defend the rights of groups, as distinct from the rights of individuals, to the extent that these rights are exercised collectively or in the name of a group.³

One of the possible justifications for secession derives from establishing a parallel between revolution and secession, according to which, if the former is justified, then *a fortiori* so is the latter. But the parallel is acceptable or not depending on the meaning attributed to these terms. If revolution is meant simply as one of the possible ways in which individuals or groups contest political authority, then it is possible to consider secession as simply an alternative method. In this case, its legitimacy or illegitimacy can not be judged in absolute terms but, as Allen Buchanan argues,⁴ in relative terms, in accordance that is with the rights or interests that secession would violate or suppress (for example property rights).

In reality, the term "revolution" possesses implications much more profound than simple revolt against a government or regime. The revolutionary periods of the past have been characterised by a profound intolerance of a political and social situation that blocked the advancement of human emancipation, an intolerance embodied by a class that however took upon itself the assertion of universal values. And the revolution which federalists maintain they are the vanguard of, has even completely severed every link with a single class; the federalists present themselves under a banner which all people can identify themselves with as individuals, no longer bourgeois or proletarian, as well as being above and beyond all national boundaries. The legitimacy of the revolution lies precisely in the fact that it is proclaimed and carried forward in the name of all humanity.

Secession, even when it is justified and approved solely on the basis of the assertion of a right or opposition to an injustice, is an event that is bound to the "here and now"; it does not launch a message for the future, and it is a defence of partial rights, of a group as such, not representative of, or a symbol for, humanity as a whole.

To this could be objected that every battle, albeit limited in time and space, that is made in the name of a value (liberty, justice, tolerance, etc.), to the extent that it opposes those who trample that same value underfoot, possesses a resonance and universal significance, that is it actually enlarges the ambit in which the value in question is recognised and put into practice and, symbolically, renders its progressive realisation at the universal level conceivable.

The European federalists themselves, who are conducting the battle for the European federation, often stress the enormous symbolic importance that the affirmation of the principle of international democracy, even among the European states alone, will have for the future of the entire world. But the objective for the federalists of this battle is not the defence of the rights of Europeans *tout court*, but rather, as has been repeatedly stated in this review, of Europeans in as much as they represent a world people in-the-making, whose rights it will be possible to affirm fully if, and only if, Europe as an autonomous entity is superseded. For this reason the creation of the European federation is a revolutionary and morally legitimate event; while it would become morally illegitimate if it were conceived of as (and were reduced to) the creation of a state entity that is closed and defended for the protection of a group, here the European citizens, separated from the rest of the world.

But it is perhaps still more important, for judging the legitimacy or otherwise of secession from the moral point of view, to deal with another problem: the possibility of comparing different values and of creating a hierarchy among them.

On this subject, it is useful to reflect on what Max Weber wrote, albeit with other ends in mind, with reference to the founding of a method of historical and social sciences. An enquiry into values as the motor of human action needs to consider: 1) the suitable means for realising certain values; 2) the conceptualisation of the situation that one seeks to achieve and the consequences that will be produced by the affirmation in practice of a particular value, including the possible attendant consequences not expressly desired; 3) a comparative analysis of the practical consequences of other values in order to discover possible incompatibilities.⁵

By applying this method of enquiry into values to the problem of

secession it becomes clear that, even when secession is championed in the name of liberties that have been denied, or as a result of the violation of the rules of justice (for example in the case of discriminatory wealth redistribution), nevertheless the consequences of accepting the right to secede, in real and symbolic terms, for the present and future of humanity are such as to make its moral legitimacy unacceptable.

Lincoln's assertions concerning the fact that the United States' right to defend itself from being broken up derived from *high obligations towards humanity*, not only for the present but also for future generations,⁶ indicates the correct viewpoint on which to base an evaluation of the problem.

The highest obligation towards humanity is clearly the defence of the *right to life*, only having guaranteed which can other fundamental rights (freedom and equality) be defended. To defend the right to life means above all, even if not solely, creating a situation in which the recourse to warfare for regulating relations between groups is prevented, and this implies creating the conditions for overcoming international anarchy, which is the fruit of the world's division into sovereign and independent states.

Secession is a move in the opposite direction, in as much as it increases the number of subjects in competition with each other, giving life to new sovereign states whose independence, precisely because of its recent acquisition, becomes the fundamental value to defend against possible acts of revenge.

The inevitable consequence of such a situation is the use of the typical instruments for guaranteeing maximum group cohesion for defensive purposes, nationalism, which is the accentuation of a group's peculiarities, of its diversity compared to other groups, which become potential or actual enemies. Nationalism can be the motor, the cause of a secessionist attempt, but even in cases where other reasons provoke the attempt to secede, in the event of success nationalism will be the result.

Now, the question we need to ask ourselves is the following: is it more just, from a moral point of view, to pass on to future generations a world split up into little sovereign and potentially bellicose states, or a world that is united, or moving progressively toward union, in which war can be banished and the demands of freedom and justice, as individual or group rights, can be satisfied within the framework of common laws.

The answer to this question is provided by Buchanan, when he employs the concept of "liberal paradox" to justify the denial, in particular cases, of the right to secede: those who adhere to liberal values would

be tempted to leave individuals, being capable of thought and decision, free to abandon their own rights. Nevertheless liberals could coherently oppose secession which was directed to the creation of an anti-liberal state, on the basis that the secessionists would deprive also their children and future generations of these rights. According to this argument, then, resisting secession is justified not for the good of the secessionists themselves, but for the good of others whose freedom and opportunities would be seriously damaged by the secession, and who are not able to express their thoughts about this decision.⁷

To these assertions he adds that such arguments lose all their effectiveness if people are free to leave the illiberal society.⁸ But a similar condition, which it is already difficult to imagine being put into practice by an illiberal society, is not applicable if the value that one aims to defend is that of peace, the right to life, since it is possible in the ultimate to flee from a bellicose state, while it is not possible to escape the mechanism of international anarchy which influences and conditions the world system of states.

Hence, if we want to contribute to handing over a more peaceful world to future generations, we must accept another paradox, which could be called the "paradox of peace", and accept in the final instance the repression of secessionist attempts, even by force.

In this way, we have identified the consequences produced by the practical affirmation of secession, intended as the realisation of the values of freedom and justice, and the incompatibility of the means employed with a value that is higher up the hierarchy of values, both in a logical sense (peace and the defence of life are logical priorities compared to the defence of freedom and justice) and a practical one (secession objectively contributes to aggravating the conditions of international anarchy which impede, by denying the affirmation of peace, the realisation of the other values).

If the conclusions which the above analysis leads to are correct (that secession is morally illegitimate), it is necessary to find alternative answers to what Buchanan defines as the problem of the defence of groups' rights, while keeping clearly in our minds the fact that the growth of global interdependence must be the framework in which to deal with the problem of secession, and that this framework contains the potential which will enable the conception of different solutions and responses to the demands that lie at the heart of secessionist claims.

It is not sufficient to pose constitutional limits that guarantee the

correctness of the aims of secession and impede abuses,⁹ since what is at stake is not a question of correctness, but rather the direction of history. The great river of history is flowing towards interdependence and the superseding of the world's division into sovereign states. However, the free choices of people can place obstacles in the path of this process, by consolidating old barriers or erecting new ones. This concerns substantially a choice between two options, union or disintegration, in the knowledge of what the costs are in both cases — not only for the present, but also for the future.

If we consider the evolution of international relations, it becomes clear that, with the end of the bipolar world, we have begun to consider any conflict between states as an issue that concerns the entire world community, represented by the UN. But at the same time, also conflicts between groups within a state have become a global problem which demands a response through the so-called *right to intervene*. However much its goals and the means for applying it remain vague, this represents the conception of a situation in which, when the rights of groups within a state have been trampled on, such rights can find recognition and a defence without falling into the trap of secession.

Naturally this is still an imperfect solution: "intervention" is often held to be an intrusion, an act that is neither desired nor proper. But it is a concrete indication of the fact that the destiny of individual people and groups is entering a sphere in which responsibility must be assumed by all towards each other, that the rights which citizens desire to have recognised are no longer strictly, and substantially, "national", but are becoming cosmopolitan rights and as such must find guarantees for their defence above and beyond the existing states.

Certainly, these guarantees can be effective, that is no longer conditioned by *raison d'état*, only when a single constitution embraces all the world's peoples in a voluntary union, and when a federal structure, the world federation, puts into practice the division of powers among the different levels of government, within which every individual or group will have the possibility to call on a defence that is tailored to their demands.

But in the transition phase it is important to pay attention to signals, even if they are weak and confused, if they are potentially progressive, and to be very cautious when faced with signals that seem stronger and more immediately decipherable, but which will lead us in the wrong direction.

Nicoletta Mosconi

NOTES

¹ See Sergio Pistone, "Ragion di Stato", in *Dizionario di politica*, Turin, UTET, 1983.

² Cited in Jacques Brossard, *L'accession à la souveraineté*, Les Presses de l'Université de Montréal, 1976, p. 100.

³ Cf. Allen Buchanan, *Secession*, Westview Press Inc., 1991.

⁴ Allen Buchanan, *ibid.*

⁵ Max Weber, *Gesammelte Aufsätze zur Wissenschaftslehre*, Mohr, Tübingen, 1922.

⁶ Allen Buchanan, *op. cit.*

⁷ Allen Buchanan, *ibid.*

⁸ Allen Buchanan, *ibid.*

⁹ Allen Buchanan, *ibid.*

Federalist Action

EUROPEAN UNION REFORM AND CONSTITUTION *

Summary

The Maastricht Treaty provides that an Intergovernmental Conference be held in 1996 in order to consider revisions to the Treaty. It is in the common interest of the citizens to enhance the capacity of the European Union to safeguard their freedom, security and prosperity. It is essential, as the debate about Maastricht has shown, to ensure that the Union earns the citizens' support and fosters the feeling that they belong together and share a European identity. The institutions of the Union need moreover to be strengthened so as to enable enlargement to take place without impairing its stability and effectiveness. The UEF has accordingly drawn up the twenty eight proposals contained in this report as recommendations for the Conference; in order to make the Union more effective, democratic and demonstrably relevant to the citizens and to launch the process of establishing a federal constitution.

The proposals include the following:

— The EU should become a party to the European Convention on Human Rights and Fundamental Freedoms and should incorporate its provisions into European Union law. The EU should also draw up a Declaration of European Citizenship, affirming the values, principles and purposes on which it is based.

— The principle that laws shall be enacted only when approved by

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both the Council and the European Parliament should apply to all Community legislation. The Parliament should play a full part in the 1996 Conference.

— Meetings of the Council at which legislation is enacted should be open to the public and a record published of the proceedings, the amendments proposed and the votes. Voting by qualified majority should be extended to legislation on almost all existing Community competences.

— The European Parliament should elect the President of the Commission on a proposal from the European Council; and the President should nominate the other Commissioners, subject to the approval of the Council and the Parliament.

— The structure of pillars established by the Maastricht Treaty should be eliminated. The co-operation in the fields of Justice and Home Affairs should be transferred to the competence of the Community institutions. The Common Foreign and Security Policy should be brought by stages into the Community institutions.

— The 1996 Conference must clearly express the competences of the Union. It should review those introduced by the Maastricht Treaty to determine the most appropriate levels of decision, in accordance with the principle of subsidiarity. It should provide for the withdrawal of any opting out from the Treaty.

— The European Parliament should complete its draft federal constitution for the Union for presentation to the 1996 Conference. The Conference should lay down the procedure for thorough consultation on the draft throughout the Union, followed by a convention at which Members of the European Parliament and of member states' parliaments as well as government representatives should establish the Constitution, to be presented for approval to the European Parliament and member states' parliaments and in referenda throughout the Union.

— A core group of member states should proceed to adopt reforms and constitution if all are not ready to do so.

Background

The Reform Conference of 1996.

The Maastricht Treaty provides that an Intergovernmental Conference be held in 1996 in order to consider revisions to the Treaty. Among the matters specified for consideration, four are particularly important. Art. 189b.8 provides that widening of the scope for codecision between

European Parliament and Council is to be considered. So are the provisions relating to the Common Foreign and Security Policy (CFSP) and in particular defence (Art. J.10, J.4.6). More generally, Article B enjoins that the forms of co-operation introduced through the Treaty be considered for possible revision "with the aim of ensuring the effectiveness of the mechanisms and the institutions of the Community." This Report puts forward twenty eight proposals for the 1996 Conference, designed to make the Community and the Union more effective and democratic and to launch the process of establishing a federal constitution.

Common European Interests.

Strengthening the Union. The Community has brought its citizens freedom, security and prosperity through common decisions and laws based on common interests articulated within its institutions. This is the best response so far devised to the close and growing interdependence among European states. We must continue to build on this experience by strengthening the Union, making it more democratic, and thus making possible enlargement without disintegration. The 1996 Conference offers an opportunity to work towards these aims.

Democracy and Citizens' Rights. Experience since the signing of the Maastricht Treaty has revealed some serious problems. Too many citizens feel remote from the Community institutions and fail to understand how they work or what changes the Treaty will make to this. They rightly feel that political power is being used in obscure ways, not subject to democratic control. Many also fear that cultural diversity, which is one of Europe's greatest strengths, is threatened by too much harmonisation. There are very real problems in dealing with interdependence among states. But citizens are entitled to better assurance that their rights are safeguarded in the process and that their votes will influence the direction of policy and of action. Without this, the "mechanisms and institutions" of the Community, as Article B puts it, will not be effective, because the citizens will not support them. So long as the EU is dealing mainly with technical matters, its citizens will not develop the genuine feelings of solidarity without which it cannot over the long run survive.

Enlargement. The European Union's aim is to enlarge the Union as soon as possible to states of Central and Eastern Europe, following the accession of the new member states from EFTA. The UEF shares this aim. But there are consequences for the Union. It is essential that the 1996 Conference acts to strengthen the institutions. If this is not done, it will

become yet harder to reach the consensus that is now required to take many decisions in the Council. The entry of more neutrals may cause some problems for the CFSP, especially in the field of defence. The Central and East Europeans will not only intensify the difficulty of reaching unanimity but also require a very solid basis of democracy in the Union to underpin their own new democratic institutions. The stronger its institutions become, the better prepared the Union will be to accept an early entry of Central and East Europeans without impairing its stability and effectiveness.

Reform and Constitution. To meet these needs the European Union requires a federal constitution. This alone can give it a democratic form of government that is clearly understood and supported by the citizens and that is strong enough to deal with the challenges ahead. The European Parliament has considered in February 1994 a draft constitution which meets many of the requirements; and the new Parliament, elected in June 1994, should complete this work by June 1995 so as to present it in good time to the 1996 Conference. But a thorough process of consultation with the parliaments and governments of member states, as well as with the citizens and non-governmental organisations, is required before a constitutional convention can be held. The 1996 Conference must therefore adopt a series of reforms that will help to meet the immediate needs and at the same time pave the way towards the federal constitution. The reforms proposed in the first twenty seven points that follow would provide the Union with the essential elements of a federal constitution. The twenty eight point outlines a procedure for the adoption of the constitution itself. Finally, we propose a way in which a core group of member states can proceed to adopt both reforms and constitution if all are not ready to do so.

Twenty Eight Proposals for Reform and Constitution

The UEF therefore puts forward the twenty eight proposals for Treaty revision in Sections A to G below.

Proposals in Section A are designed to ensure that the citizens are central to the Union by improving the guarantees for citizens' rights and affirming the values on which citizenship is based.

Democracy and effectiveness of the institutions are the subject of Section B, through greater accountability in the legislative process, more effective taking and execution of decisions, and strengthening the rule of law.

Section C proposes that the European Parliament have the right to approve the revenue as well as the expenditure side of the budget.

Safeguarding citizens' rights and democratic principles with respect to the Co-operation in Justice and Internal Affairs is the main concern of Section D.

The shameful events in former Yugoslavia and dangers elsewhere in Eastern Europe show how much the Union needs a capacity for more decisive action in the CFSP. Section E contains proposals for this.

It is essential that the Union respect the principle of subsidiarity: that in the words of Article A of the Treaty, "in the process of creating an ever closer union among the peoples of Europe" decisions are to be taken "as closely as possible to the citizen." While this should also apply within member states as well as between them and the Union, Section F concerns only the latter division of competences, seeking an appropriate division between the Union and the member states.

The debate about Maastricht has shown how much the citizens need a short, clear constitution which guarantees fundamental rights and shows how the exercise of power by the Union is controlled by the citizens and their representatives. A way in which the 1996 Conference should provide for the drawing up of such a constitution is proposed in Section G.

Section H outlines a way in which a core group could proceed to adopt reforms and a constitution if all member states are not ready to do so.

A. Citizenship.

1. The European Union should become a party to the European Convention on Human Rights and Fundamental Freedoms and should incorporate its provisions into Union law, pending the adoption in the constitution of the Union's own bill of rights.

2. Union citizens' rights should be further guaranteed by the addition of the words "sex, age, race, colour, sexual orientation, political conviction or religious belief" after the word "nationality" in Article 7 EC, which prohibits discrimination within the scope of application of the EC Treaty, and Article 48.2, which guarantees the free movement of workers within the Community.

3. The European Union should also provide that every citizen shall have the right to express, preserve and develop in complete freedom his/her national, religious, ethnic, linguistic and cultural identity and enjoy this right individually or in association with others equally under the law,

provided that no such rights shall infringe equivalent rights of other persons or groups.

4. The Treaty should guarantee the rights under point 2 and 3 above to all persons legally and permanently resident in the Union.

5. All citizens are free to express their membership of a national minority. This does not release the citizen from civic obligations. The cultural identity and the rights of national and ethnic minorities must be protected by the state and local authorities and necessary support should be provided.

6. The Union cannot long survive unless its citizens respect its laws, support its institutions and feel sufficient solidarity with the Union and with each other. In order to make clear the moral basis for this, the Union should draw up a Declaration of European Citizenship, to be annexed to the Treaty, affirming its fundamental values, principles and purposes, to serve as a guide both for the citizens and for the education policies of the Union and the member states.

B. Institutions.

European Parliament.

7. The principle that laws shall be enacted only when approved by both the Council and the European Parliament should apply to all Community legislation. This will give the voters of the Union a clear assurance that the representatives they elect at Union level will have real influence over European legislation. It will also enhance the role of European political parties, enabling them to articulate citizens' wishes at European level. The position of the member states' parliaments remains as now. Their influence is exercised through government representatives in the Council; and legislation is not enacted if the Council rejects it.

8. Treaty amendments and decisions on the Union's own tax resources (Articles 236, 201 EC) should, like the accession of new member states, require the European Parliament's assent. An Interinstitutional Agreement should be concluded by the Parliament, the Council and the Commission to provide that the Parliament shall play a full part in the 1996 Conference and in any subsequent Reform Conference.

9. The Treaty should require that a uniform electoral procedure be adopted by the European Parliament and by the Council voting by qualified majority in time for the European elections in 1999.

Council.

10. Meetings of the Council at which legislation is enacted should be open to the public and a record published of the proceedings, the amendments proposed and the votes. This will both offer reassurance to the citizens as a measure of open government and enable member states' parliaments to exercise more effective control over the legislative performance of their government representatives in the Council.

11. Voting by qualified majority should be extended to legislation under all the present Community competences. This will enable the legislative procedure to proceed effectively as the number of member states increases.

12. The weighting of votes for a qualified majority should be adjusted in favour of member states with larger populations, in order to redress the imbalance that will result from a growing number of smaller member states. In order to safeguard the position of the smaller states, this should be accompanied by the additional requirement of a qualified majority of the number of member states as is already provided for CFSP joint actions by Article J. 3. 2. The proportion of votes required for a qualified majority should at the same time be reduced to two-thirds.

Commission.

13. The Maastricht Treaty improves the democratic control of the Commission by the elected representatives of the Union's voters, through giving the European Parliament the right to approve the appointment of each new Commission (Art. 158.2), as well as to scrutinise the Commission's administration (Art. 138c, e) and its execution of expenditure and operation of financial control (Art. 206). This democratic control should be strengthened by according the European Parliament the right to elect, on a proposal by the European Council, the Commission's President, whose role in the appointment of the other Commissioners should be enhanced as proposed in point 15 below.

14. The Commission will, if it continues to contain at least one Commissioner from each member state, become increasingly unwieldy as the number of member states grows. The size of the Commission should therefore be determined in relation to the number of portfolios required and not to the number of member states.

15. The President of the Commission should, in consultation with the governments of member states, nominate the other Commissioners, with

due regard to geographical balance and subject to the approval of the Council as well as the Parliament.

16. The President of the Commission should also have the right to appoint by the same procedure and again with due regard for geographical balance a limited number of Deputy Commissioners, each of whom would assist a Commissioner within a specified field among the Commissioner's responsibilities and who could be invited to attend the meetings of the Commission but would not have the right to vote. The Commissioners and Deputy Commissioners taken together would include at least one national from each member state.

Court of Justice.

17. One of the greatest strengths of the Community has been the rule of law as a fundamental principle of its operation. This will become yet more important as the Union is enlarged to include member states that do not have a long and deep experience of the rule of law in a democratic system. Yet the Court of Justice has, with certain possible exceptions, no jurisdiction with respect to Co-operation in the fields of Justice and Internal Affairs despite the major implications for the rights of Union citizens. Nor is there any provision for the rule of law with respect to the CFSP. While legislation is not a major instrument of foreign policy, it is essential that member states respect their Treaty obligations; and the need to ensure this can only become the greater as the Union is enlarged. Article L of the Maastricht Treaty should be amended to give the Court of Justice jurisdiction with respect to the Union as well as the Community.

C. Finance.

18. All the revenue as well as the expenditure of the Union should be entered in the budget which should be approved each year by both the Parliament and the Council. The Parliament should have the right to determine the size of the Union's income, subject to the agreement of the Council.

D. Co-operation in Justice and Internal Affairs.

19. The Maastricht Treaty affirms that the Union shall be "founded on the European Communities, supplemented by the forms of co-operation

established by this Treaty” (Art. A). These supplementary forms of co-operation should be brought into the competence of the Community institutions. As well as extending the jurisdiction of the Court of Justice as proposed in point 17 above, the 1996 Conference should provide for the transfer of responsibility for the Co-operation in Justice and Internal Affairs to the EC institutions. It is of critical importance in these fields for citizens to be assured that democratic principles as well as citizens’ rights based on the rule of law will be respected throughout the Union. The Community institutions will provide better safeguards for this than the more intergovernmental method stipulated by the Maastricht Treaty for Justice and Internal Affairs.

E. Common Foreign and Security Policy.

20. The Union’s external policy is weakened by the division of responsibility among three sets of institutions: those of the Community, of the structure established by the Maastricht Treaty for the CFSP, and of the WEU. The 1996 Conference should establish a programme for bringing the CFSP and its implementation by stages into the competence of the Community institutions. The Conference and the member states of WEU, in view of the expiry of the WEU Treaty in 1998, should also provide for the transfer of responsibility for WEU to the Union, whose Council should meet without the representatives of any of the Union’s member states that have not become members of WEU. The functions of the Parliamentary Assembly of WEU should be subsumed within the European Parliament.

21. While some co-operation in foreign and security policy is possible with the procedure of unanimity, a sufficiently effective common policy cannot be formed and executed in this way; and the difficulty will become yet greater with enlargement. Voting by qualified majority for joint actions under the CFSP should therefore be adopted as the general rule in the first stage of the programme for all matters save those relating to defence. In order to avoid crises that could result if minorities of member states were placed in unacceptable positions, the programme should provide for a transitional period during which member states could opt out of joint actions which they have demonstrable reasons for being unable to accept.

22. Nor does the Treaty establish procedures that will enable the Union to form an effective common defence. There is provision for Union decisions and actions which have defence implications, which the

Western European Union (WEU) is to “elaborate and implement”; and the Union’s CFSP is required to include “the eventual framing of a common defence policy, which might in time lead to a common defence”, compatible with the policy of the Atlantic Alliance (Art. J. 4). But the Union is likely, particularly after the accession of further neutral states, to be ineffective in this field unless it is prepared to decide upon joint actions as provided by the Treaty for other aspects of foreign and security policy. Article J. 4. 3, which excludes joint actions on “issues having defence implications”, should be deleted.

23. While the Commission’s role with respect to defence will remain limited until a later stage when the Union has full defence responsibilities, the Commission should from the first stage play a leading part in other aspects of the CFSP, as it already does in trade policy. Thus Article J. 5. 1 and J. 5. 2 should be amended to provide that the Commission, not the Presidency of the Council, shall represent the Union and be responsible for the implementation of common measures in all matters coming within the CFSP save those relating to defence. Article J. 5. 3 should be amended to provide that the Presidency, together with the previous and next member states to hold the Presidency, shall be fully associated with the Commission in these tasks. The 1996 Conference should also provide that the relationship between the General Secretariat of the Council and the Commission, to which Declaration No. 27 attached to the Maastricht Treaty refers, be such as to ensure that the Commission shall have the means to carry out these tasks, in full cooperation with the Council.

F. Subsidiarity.

24. The 1996 Conference should clearly define the competences of the Union, particularly affirming that the current competences in the Maastricht Treaty do not need to be extended but should be properly implemented.

25. The Conference should review the competences of the Union introduced by the Maastricht Treaty to assess whether any should, in accordance with the principle of subsidiarity, be limited or returned to the member states.

26. The principle of subsidiarity requires an appropriate allocation of powers to the different levels of government, including to the level of the Union in fields where this is justified by scale or external effects which invalidate independent action by the member states. Thus there should be no further opting out of Treaty articles; and the opt-outs allowed with

respect to the Maastricht Treaty should be withdrawn.

27. The Treaty should specify that the Committee of the Regions is to issue an opinion in all cases where it considers that the principle of subsidiarity is involved. The Protocol on the Economic and Social Committee and the Committee of the Regions should be amended so as to ensure that the Committee of the Regions has its own organisational structure, adequate for the performance of its tasks.

G. Constitution.

28. The Union needs a clearly understandable constitution. The European Parliament should complete its draft constitution by June 1995, in good time for presentation to the 1996 Conference. The Parliament should adopt an active and determined stand in both the reflection group and the process of revision. It should present to the reflection group a concise paper stating the constitutional principles on which the Union should be based. The constitution requires a large consensus among the citizens as well as very thorough preparation by its drafters. The 1996 Conference should therefore lay down a procedure for thorough consultation of member states' parliaments and governments and of citizens and non-governmental organisations, on the basis of the European Parliament's draft, to be followed by a constitutional Convention in which members of the European Parliament and of member states' parliaments as well as government representatives should participate. The constitution should come into force after it has been finalised and adopted by the Convention, then approved by the European Parliament and the parliaments of member states and in referenda to be held simultaneously throughout the Union. The 1996 Conference should, in addition to the reforms in point 1-27 above, provide for amendment of the European Union Treaty to establish this procedure.

H. Action by a Core Group.

These revisions to the Union Treaty would make the Union more effective, more democratic and better understood by the citizens, to the mutual benefit of the peoples of all the member states.

We have to face the fact, however, that some member states may refuse to take part in such steps towards a federal constitution although a substantial core of states wishes to undertake them. These core states should in that case be prepared to take such steps while respecting rights

of the others under the existing Treaties. The core states might thus conclude among themselves a Treaty for a Federal Europe, going beyond the existing Treaty by providing in addition for: a) an unequivocal commitment to establish the economic and monetary union by 1999 at the latest; b) a commitment to establish a European defence union of the core states, with its own institutions and instruments, including an expanded Eurocorps; c) a timetable for moving to majority voting among the Council representatives of the core group on joint actions by them in the field of foreign and security policy and on joint legislation and action in the field of Justice and Internal Affairs; d) an agreement to support as a group the nomination only of citizens of the core states for the President of the Commission and for the Commissioners responsible for economic and monetary affairs, for foreign and security policy and for the fields of justice and internal affairs; e) an agreement not to vote to enact legislation which has not been approved by the European Parliament; f) a commitment to undertake with those member states that accept the federal goal for the Union and the establishment of a European government distinct from the member states governments. They should, in particular, commit themselves to implement the constituent process proposed in point 28 and to adopt the federal constitution once it has been approved by member states containing at least two-thirds of the population of the Union; g) a standing invitation to other member states to adhere to the Treaty for a Federal Europe when they are prepared to accept its terms and objectives; h) a Commitment of the federal core group thus constituted to set in train a progressive improvement of employment conditions.

CONSIDERATIONS ON THE 1996 INTERGOVERNMENTAL CONFERENCE AND THE PASSAGE TO THE THIRD PHASE OF MONETARY UNION *

The Problems we Face.

The European political debate is presently conditioned by two issues, which pose a series of complex problems. These issues are, on the one hand, the drive toward enlarging the Union and the risks this presents for the Union's survival in the absence of a reinforcement of its institutions; and, on the other, the proximity of the two crucial deadlines laid down by the Maastricht Treaty, namely the intergovernmental conference for re-examining certain of the Treaty's clauses, due for 1996, and the decision, due to be taken no later than 31st December of the same year, regarding the possibility of starting the third phase of monetary union prior to the final deadline set by the Treaty of 1st January 1999.

The complexity of problems to be faced over the next few years divides politicians and confuses observers. It should however be noted that this is the result of the weakness of the politicians' political will and the insufficient mobilisation of public opinion. Problems of a similar complexity were solved quickly on the occasion of German unification, thanks to the presence of a power that was determined to deal with them and which was sustained by a strong degree of consensus. But in today's Europe there is no-one with the power or will to cut at a single stroke through the various knots that are preventing the continuation of the integration process. It is therefore necessary to try and introduce some clarity into the tangle of problems we are faced with, and to propose solutions, in the awareness that only in this way is it possible to contribute to the evolution of the political will which is currently weak or lacking, as well as to the development of a consensus among public opinion, which is presently stifled by the lack of purpose of the political class and

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by the citizenry's insufficient knowledge of what is at stake.

First of all, though, it should be stressed that the drive toward enlargement corresponds to the Union's fundamental vocation, and neither can nor should be stopped. The historical significance of the revolution of 1989 will depend on the Union's capacity to attract into its orbit the states of central and eastern Europe which are knocking at its door. If this does not take place, these countries will become victims of the destabilising forces of nationalism. Moreover, the Union's enlargement southwards would be decisive in bringing stability to an area that is suffering from devastating conflicts. It is sufficient to recall the recent example of the hard-won free trade agreement with Turkey, which offered a glimpse of the possibility of beginning to resolve, through Cyprus's entrance into the Union, a problem which neither the UN nor the United States have been able to solve in the past. Besides, it should be remembered that if the Union tries to evade its responsibilities by simply maintaining its current composition, and does not endow itself with the necessary instruments to govern itself and to be an effective presence in European and world affairs as a force for peace and progress, it will in its turn be overcome by the forces of disintegration. The fact is that the Union can no longer stand still, because the present international context does not allow it to; rather, it must choose between advancing or retreating. Hence, even if there were any sense prior to the entrance of Austria, Finland and Sweden in trying to block enlargement for a few years while waiting for the institutional reforms delegated to the 1996 Intergovernmental Conference, the idea now of the Union retreating into itself with the sole aim of preserving the status quo makes no sense at all. On the contrary, the problem is to encourage enlargement while at the same time preventing it from bringing about the Union's dissolution through its transformation into a large free trade area. This problem can be resolved only by strengthening the Union. Moreover, on this point, with the exception of John Major's government, there is a broad, if rather unfocused, consensus.

Monetary Union and Political Union.

The motivations for monetary union and for the institutional reform of the Union had different origins. The former was essentially dictated by the need to eliminate the final and most serious obstacle to the functioning of the single market; the latter by the inherent dangers of enlargement and by the need to face up to them in order not to condemn the Community

venture to failure. Nevertheless they are closely connected. The link between them has caused some people, including both friends and enemies of the European ideal, to argue that the creation of a true European government is a pre-condition of monetary union. Such people maintain, with good reason, that a currency is one of the essential instruments for the exercise of sovereignty. It would follow from this that there can be no single currency without political union, so that the creation of the latter should in all events accompany or precede the establishment of monetary union.

That the currency is a political tool of paramount importance is a matter of fact. And it is also a matter of fact that in the case of Europe, monetary and political union are closely connected. But their connection should not be interpreted in a mechanical way. In the industrialised world, the need for central bank independence is now increasingly widely recognised, even if as part of a more general politico-institutional framework. This awareness reflects the *relative autonomy* which monetary policy currently possesses compared to economic policy and indeed to all other policies. As a result, monetary union *could function for a few years even in the absence of political union*, albeit at the cost of tensions and a lack of coherence in policy-making.

It should be added that monetary union, unfettered, or partially unfettered by political union, is easier to achieve today than political union itself, since it is provided for in the Maastricht Treaty, which regulates the procedures for its realisation, including the setting aside of the unanimity condition. This, by the way, reflects the fact that the abandonment of monetary sovereignty is now perceived in some countries as being less traumatic than either giving up military sovereignty or a reform of Europe's institutions entailing the radical redistribution of European powers among the Council, Parliament and Commission in a democratic and federal sense.

The fact remains that *the currency, in the final instance, is an instrument of politics*. It is therefore true that the European monetary union can not survive for long without a European government.

This means that monetary union, in the absence of a political union, would in the medium term cause contradictions and imbalances among the Union's members, and between these latter and the surrounding states. The requirements of monetary union's functioning would forcefully raise the problems of a budgetary policy, a regional policy and a policy of solidarity with regard to the excluded states; this could only be achieved by a genuine European government. Through monetary union

the European front would be reinforced and the nationalist front weakened; a wide variety of behaviours would be affected; the expectations of economic actors and citizens would be oriented toward the deepening and acceleration of the unification process, not only economically but also politically; the European Parliament and the Commission would be reinforced; and the competition between parties would tend to shift from the national to the European context. It should be remembered that the birth of political Europe will not be solely an institutional event. It will be marked by the birth of a new *European legitimacy*, which will of course be linked partly to the institutional reforms, but which will also depend on establishing the idea of European citizenship in the collective consciousness, and on all that this citizenship will come to signify. This means that in the presence of monetary union, an imperfect institutional arrangement which in an extreme hypothesis may not be much different from the current one, would be profoundly altered in its daily functioning by the fact of gradually becoming one of the preferred arenas for the confrontation of the political forces and an important point of reference for the consent of citizens. This trend would not do away with the necessity of institutional reform, which would always remain the destination point of the process. But the latter would be greatly speeded up by the spontaneous evolution of politicians' behaviour and of widespread attitudes.

The connection between monetary and political union (compounded by the fact that the Intergovernmental Conferences for both matters will take place at the same time) therefore means that they must necessarily be considered in the context of a single process. Furthermore, the German government has clearly declared its opposition to establishing a monetary union that does not provide for the democratic reinforcement of the Union's institutions. It is therefore impossible in practice to isolate the objective of monetary union, setting aside that of political union. *The two must be considered as joint aims.*

Nevertheless, the fact remains that if the result of the great appointments awaiting the European Union over the next few years is solely the creation of monetary union accompanied by insufficient institutional reform, this should still be considered a very important step forward. Monetary union with these limitations would install *an element of irreversibility* into the process by creating institutions, such as a European system of central banks, and a network of relations of interdependency which could not be suppressed without a crisis of catastrophic proportions. Monetary union would certainly require the pursuit, or

rather the intensification of the struggle to create a democratic European government, but would also allow this struggle to be carried forward on a more solid basis and would greatly improve its prospects of success.

The Politico-institutional Minimum.

Independent of the connection existing between monetary and political union, it remains a fact that the prevailing opinion in Europe's political debate is that the Union's enlargement necessarily calls for some form of institutional reinforcement. Most European government ministers are aware of the decisive importance for all member states of pursuing the Community project, and are favourable to reforms that would make this possible, whatever their individual attitudes to the cession of sovereignty may be. Only a few governments differ from this position, primarily the British government, which explicitly proposes to exploit enlargement in order to water down the Union and transform it into a free trade area. However, the formulas proposed for reinforcing the Union's institutions are numerous and mutually contradictory. They are divided substantially into two groups. Some adopt the goal of reinforcing the Union's capacity to act by rationalising the existing institutions, that is *they remain within an intergovernmental perspective*. Others aim to change the Union's current institutions in a *democratic and federal* sense.

Before embarking on the merits of these proposals, it is necessary to denounce the widespread belief that *the exclusive nature of the difference between a confederation and a federation* in unions between states is obsolete, and derives from a doctrinaire approach. According to this way of thinking, the "community" model represents *a third way* which can not be encapsulated in either of the former types of union. However, this third way does not exist. In the contrast between federation and confederation, which moreover was at the heart of the debate accompanying the creation of the United States of America, the concept of sovereignty is at stake, which in a federation is transferred to a new state entity (and thus guarantees the independence of member states by imposing the rule of law on their relations with each other, freeing them from the constraints which derive from power relations between sovereign states), while in a confederation sovereignty remains with the member states. Those who call the contrast between federation and confederation doctrinaire are in reality no more than defenders of the status quo, who seek to hide the fact that *the foundation of a federation represents a radical break*, and consequently involves an extraordinary mobilisation of energies. By

identifying a "third way" in the community model, they try to avoid the choice about a transfer of sovereignty, in other words the adoption of a new legitimacy.

It goes without saying that this is not to deny the relevance of the community model, nor the presence in the Union's institutions of potentially federal elements. But it must be strongly emphasised that European unification is destined to remain *a transitional process*, with institutional configurations that are provisional and unstable, until it has reached a federal outcome. The Union's present institutional structure is one such configuration, and the presence within it of federal elements is undoubtedly an indication of its *federal vocation*. But it should be clear that we are discussing an *unfulfilled vocation*, in that sovereignty still belongs unequivocally to the member states; even though that *sovereignty is in crisis*, in as much as the prerogative concerns powers that are by now incapable of guaranteeing the security of their citizens and of promoting their well-being, and therefore of securing their stable consent.

The challenge of enlargement obliges the Union to provide itself with institutions that will make it democratic and capable of action. Now, many of the proposals which have been advanced in the European debate are based on the illusion (or seek to give the illusion) that *these objectives can be reached without sacrificing the sovereignty of the states*. This is the case, as regards the need *to be democratic*, for the proposal to strengthen the national parliaments' control over Union policy. In reality this proposal is merely the democratic camouflaging of the national powers' desire not to cede their sovereignty. A democratic government of Europe must express a political will *which is formed at the European level* and which has as its object the interests of the European people. If, however, the decisions taken at the European level are solely the result of *a compromise of wills that are formed at the national level* and which represent national interests, which by their nature are diverse, then these decisions will remain only diplomatic agreements, which as such are in no sense democratic. In addition, if the diverging national wills should be formed and solidified by means of national debates and national parliamentary votes, the compromise would result as being even more unsatisfactory, since the representatives of national interests would be bound in the decision-making arenas by a sort of imperative mandate, which would prevent them from sacrificing the short term national interest in the name of the European interest, even in cases where this would be possible through the discreet procedures of diplomacy. It goes without

saying that these considerations do not diminish the role that can be played in some key stages of the Union's constituent process by inter-parliamentary meetings (the "Assizes"), in which national and European MPs participate together, and where the national MPs would have the decisive function of involving the national political forces in the constituent process, and through them, their citizens.

Other proposals have been advanced with the aim of reinforcing the Union's *capacity to act*, to prevent it from becoming watered down by enlargement into a body that is entirely incapable of taking decisions, but without sacrificing the sovereignty of the states. These include talk of a new Elysée Treaty; a reinforcement of the Eurocorps; limiting the number of the Commission's members by making the Commissioners from small countries rotate; modifying the share of votes in the Council in favour of the large states; altering the composition of the "troika" so that it always includes the representative of a large state; making the number of national representatives in the European Parliament more closely related to population size, and so on. All these proposals in fact aim at modifying the decision-making mechanisms of the Union so as to form a *directorate* composed of the more important states within an enlarged Europe, which would in fact have the power to decide in the name of all. Yet clearly this solution would be entirely inefficient, aside from being anti-democratic. There already exists a directorate in Europe, albeit an informal one: and it was precisely its patent incapacity to take decisions, a dramatic example of which was seen with the tragedy of the former Yugoslavia, which generated the call for institutional reform. To seek in the context of a Europe which is on the way to having twenty or thirty members, to re-propose a formula which has failed so spectacularly in the context of a Europe of Twelve, is to ignore the evidence.

Moreover, formalising the directorate model is condemned to almost certain failure because of the *foreseeable resistance of the small states*, which would never resign themselves to a situation of institutionalised dependency. Besides it is unthinkable that Europe should be constructed through authoritarian methods, rather than through the free development of a more advanced conception of the common good.

The creation of monetary union would in any case reinforce the process, even in the presence of institutional policies of an intergovernmental nature. The fact remains that in the medium term, beyond this important but provisional step, the only effective institutional response to the challenge of enlargement is *the creation of a genuine embryonic federal state*, which achieves democratic equality both between all the

Union's citizens, and between its member states. The minimum institutional requirements for a reform of the Union's institutions to qualify as federal are essentially those which would *redistribute the already-existing European powers among the Union's various bodies*, overcoming the current concentration of the majority of both executive and legislative functions in the hands of the Council. In substance, this would be a matter of effecting legislative co-decision in all areas of Union competence between a European Parliament that represents European citizens in proportion to their number, and a Council that represents the states on an equal basis or strongly weighted in favour of the small countries; and of transforming the Commission into a genuine government, responsible to the Parliament.

In this context the extension of majority voting, of parliamentary control and of the competence of the Commission to handle foreign and security policy could be realised at a later stage, at the end of a transition period. Two observations must be made regarding these proposals. First, that the principal instruments of a federal European Union's foreign (and security) policy would be *the opening up to the rest of the world of its commercial policy, as well as its vocation to enlargement* or at least to the creation of organic links of association and co-operation. Foreign and security policy in the strict sense would tend to follow the lines pursued by the commercial and economic policies of co-operation, and would therefore be guided by a common European interest; even if it should remain under the control of the states for a transition period. Secondly, that the symbolic significance invested in foreign and security policy, especially in states like France and Great Britain which have nuclear weapons, makes this competence the preferred point of reference for what remains of national sentiment and for the nationalistic rhetoric that accompanies it. Hence, to call for the immediate attribution to federal European institutions of the competence of foreign and security policy as the *sine qua non* for the acceptance of any reform of the Union's institutions would therefore be an extremist request, prejudicial to the success of the battle for the creation of an initial federal core.

The Federal Core.

Whatever the difference in attitudes regarding the minimum requirements that the Union's institutions need to possess in order to face up to the challenge of enlargement, there is a widespread awareness that institutional reform can not involve all the member states and candidate

countries to the same extent but that a “core” must emerge within the Union, that is a restricted group of states which will assume the task of leading the way.

Before proceeding, it should be stressed that in the political debate, especially in France, the expression “core” is often used in an ambiguous way which tries to make the notion compatible with the maintenance of the intergovernmental method. In this sense the core should comprise only those countries (revolving around the Franco-German axis) which, maintaining particularly close relations of policy co-ordination among themselves, would take joint decisions which they would then impose on the rest of the Union, availing themselves of new rules, if need be, about majorities in the Council. This boils down to the “directorate” concept outlined above, which (apart from the stabilising effect it may have in the short term as the political expression of monetary union) would not substantially modify the current situation.

In reality the “core” concept means something only if it is founded on the awareness that an institutional reform capable of facing up to the challenge of enlargement *must necessarily be of a federal nature*, and that this reform would be destined to involve, initially, only some members of the Union. This is because, on the one hand, some governments (primarily Great Britain), while theoretically eligible, would not be prepared to enter a federal Union today; and because, on the other hand, since political union can not come into being except in the context of monetary union, the composition of the two groups should *in a certain sense* coincide, so that states (starting with the candidate countries from central and eastern Europe) which lacked the objective requirements for entering the monetary union could not enter the political union. Political union would therefore be born with two distinct categories of states excluded: those who *did not want* to join, and those who would have liked to *but could not*.

Moreover, the fact that the federal core can not avoid being created within the bounds of a monetary union does not mean that it must necessarily be composed of *all* the states which form the monetary union. On the contrary, it is foreseeable that only some of the member states of the monetary union will form the federal core. Hence, nothing would prevent Great Britain itself from joining the monetary union while continuing to maintain an attitude of rigorous opposition to any cession of sovereignty. It is on the other hand hard to imagine that genuinely federal institutions can be created *in a wider context* than that of the monetary union, since the states excluded from the latter would in fact

have the power, through an independent monetary policy, to frustrate any decisions taken by a federal government in the area of economic policy.

Be that as it may, monetary union and political union should be thought of as one *process*, to begin with the restricted nucleus of politically and economically more advanced countries and to extend itself gradually to the whole Union. Moreover, it should be noted that there is no lack of participants in the debate who, while hoping for solutions of a federal nature, and recognising that to force the whole Union to proceed at the pace of the slowest country would paralyse the process, reject all formulas of the “two-speed Europe” or “Europe of concentric circles” type, maintaining that such formulas would bring about the definitive division of the Union into two groups of countries of differing status. Yet the presence of incoherent positions in the debate does not make the problem of creating the federal core any less decisive or urgent.

Possible Strategies.

There remains the problem of which *strategy* to pursue in order to achieve the formation of the federal core. This choice represents in fact an objective and pressing necessity. Yet until now its significance was understood, apart from by federalists and a few isolated, though important, French politicians, only by the German MPs of the CDU/CSU group who drafted the by now famous document published on 1st September 1994. Aside from this instance, attitudes toward this issue have generally been confused and uncertain. In the countries that evidently possess the vocation to form part of the federal core, a clear will to achieve it has not yet been manifested.

As always occurs when faced with crucial historic decisions, so in this case too a lack or weakness of political will are hidden behind claims of objective difficulties which are held to impede the realisation of the project. With regard to the proposed creation of a federal core within the Union the difficulty which is put forward is that *it would be incompatible with the treaties that are currently in force*, and hence could not be realised without violating them or without profoundly modifying them in order to make the institutions and competences of the federal core compatible with the Union’s institutions and competences. The first of these alternatives would be unacceptable because of the respect due to the treaties, and in any case unachievable because the states eligible to constitute the federal core would themselves be unwilling to pay the price

of denouncing the treaties in order to realise this objective. The second would be impracticable because it would have to be realised through the unanimous consent of all the Union's members, in accordance with art. N of the Maastricht Treaty and art. 236 of the EEC Treaty, and therefore also by the governments of states that would be excluded from the federal core. Such states, starting with Great Britain, would refuse any arrangement which would restrict them to a peripheral position, and hence would withhold their support.

This way of approaching the problem presupposes a conception of the law, and in this specific case of the founding treaties of the Union, as a collection of abstract and petrified rules instead of as a living reality, which the evolution of political, economic and social relations incessantly transform so as to adapt them to changing circumstances. It remains a fact that if there already existed in some countries the determination to create a federal core within the Union, then the legal forms to realise this objective and to put relations with the countries that were initially excluded on a new basis would easily be found, just as they were easily found at all the decisive turning points of the European integration process, when the will to achieve advances was really manifested.

But in the present situation, while it is true that the issue of the federal core is unavoidable, and that the moment when it needs to be faced is approaching and that therefore a real historic opportunity is about to be presented, it is also true that the political will of governments, with the partial exception of the German one, is still weak and confused. This, and only this, explains why both the strategy of a break and the strategy of consensus appear so difficult to pursue. The problem remains therefore to strengthen the political will where it is insufficient, and to help arouse it where it does not yet exist. In order to achieve this it is necessary to enter into the debate about which procedure to follow, and to examine more deeply the feasibility of what seem to be the only two conceivable strategies with which to achieve the creation of a federal core. That means not evaluating them on the basis of the political will that exists today, and on the current degree of evolution of public opinion, but in the knowledge that these, provided the politicians and citizens are presented with objectively reasonable solutions, *will develop in the course of the process* under the weight of the problems to be dealt with; and that to rule them both out prematurely as impossible would simply mean giving up on the creation of a federal core. It would also mean therefore *accepting that the future of the Union should be decided by the countries that are opposed* to any evolution of the Union in a democratic and supranational

sense, in other words that the convoy should continue to proceed at the speed of the slowest wagon, in the expectation (illusory and suicidal against a background of the menacing rebirth of nationalism) that the European will would mature slowly in all the Union's members until it brings them to decide unanimously, in a far-off and indeterminate future, and at the cost of who knows what terrible consequences, in favour of the creation of a European federation of twenty or twenty-five members.

We come therefore to an examination of the two possible strategies. The first consists of drawing up a new treaty whose exclusive content is the creation of a federal core among the states which have the will to achieve it, *postponing to a later date the problem of regulating its relations with the rest of the Union*. This approach would entail the denunciation, explicitly or implicitly, of the treaties in force, with particular reference to the procedure laid down in art. N of the Maastricht Treaty and in art. 236 of the EEC Treaty. The second consists of *inserting the creation of the federal core into the framework of a broader treaty*, drawn up with the consent of all the Union's members in accordance with article N of the Maastricht Treaty and art. 236 of the EEC Treaty. This, through the necessary adaptations, would regulate relations between the federal core and the member states which remained excluded from it, as well as provide the instruments and forms for subsequent enlargements of the federal core.

It must be stressed, and this point will be returned to briefly in the conclusion, that the two approaches are not alternatives, but compatible. The objective of the federal core can only be achieved if intransigence as regards keeping firmly to the result to be pursued is accompanied by the greatest openness in finding satisfactory arrangements with the countries that will remain, at least initially, excluded from the project. Yet it is essential that from the very outset the federal core proposal *avoid any suggestion of an intent to introduce a permanent element of division into Europe*. The creation of the federal core must, in other words, be presented for what it is, namely the only possible way of beginning a process that is destined to extend itself rapidly beyond its initial borders, until it embraces the whole of Europe.

In particular, the initial proposal, while clearly declaring the non-negotiability of the federal nature of the core, must have three characteristics: a) the federal core should be presented from the very beginning as part of a broader agreement regulating relations between the core's institutions and those of the Union, and the allotment of competences between the two spheres, so as to guarantee the other states the continued

enjoyment of the rights that are bestowed on them through their membership of the Union; b) the countries of the federal core should undertake to give concrete help to those among the excluded countries which possess the will to enter it, so that they can realise the necessary policies to make their principal economic indicators converge with the economies of the federal core countries; c) a schedule of intergovernmental meetings should be established, in which the position of the initially-excluded countries would be periodically re-examined with a view to their future accession.

Whereas an approach that took a breaking away for granted from the outset would push into the opposing camp all the waverers and those who consider the rigorous formal respect of the procedures currently in force to be an absolute priority, a proposal of this type would probably be accepted by the part of public opinion that is not prejudicially opposed to the concept of a federal core, not only in countries which will have the opportunity and possess the will to be part of such a federal core from the outset, but also in those which initially want, or have, to remain outside. It would therefore represent an important factor in developing the collective consciousness, and this would make the project's passage easier and would speed up a positive outcome. Moreover it would not exclude, but rather would bring to life, or in any case reinforce during the course of the negotiations, the will of those countries in favour of breaking away if necessary; but this determination would emerge at the end of a negotiation process begun from a position of openness, and would appear clearly as the result of the counterpart's inflexibility. Furthermore it would follow that in the final instance some of the states which, while having the requirements to be part of the federal core, opposed it for political motives, when faced with a firm stand from the governments in favour, and having thus become aware that they can not stop the process by exploiting their divisions, would find it more convenient to enter the core from the outset instead of remaining outside.

Francesco Rossolillo

Thirty Years Ago

THE NATIONAL IDEA*

MARIO ALBERTINI

Premise.

It is commonly held that people can change their political convictions but not their nation. Mankind is conceived of as being divided up into a collection of nations that are separated by fundamental differences; and these differences are felt to be insuperable. In this perspective the nation appears as the necessary basis of the state, so much so that it becomes no longer possible to imagine the existence of a multinational state.

This conviction naturally does not prevent the establishment of relations between people of different countries; indeed, progress intensifies such relations every day. Yet if national differences were insuperable, these relations would be destined to remain continuously at the mercy of the ups and downs of international politics: peace would be eternally precarious, international trade uncertain, economic unions transitory, alliances reversible, and unions between states impossible.

And yet, if we seek to identify these differences by observing the actual situation without pre-conceived ideas, we become conscious of the fact that French Rhinelanders and German Rhinelanders, the northern Lombards and the people of Tessin, the inhabitants of Turin and Lyons, are much more similar to each other than are the inhabitants of Turin and Palermo, French Rhinelanders and the people of Marseilles, German Rhinelanders and Prussians, and so on. What does this mean? The fact remains that all the characteristics that are typically identified as signs or causes of the existence of a national group do not in practice explain

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nations at all. The characteristics most often talked about are: race, language, religion, territory, the state, history, custom and traditions.

Current Theories of the Nation.

The linking of the nation with race represents perhaps the most common attempt to explain nations (despite the discredit into which racism has fallen nowadays); so much so that the majority of dictionaries define the word "nation" directly with the word "race", or with the word "breed", which in turn is itself defined by the word "race". It is not worth wasting much time to demonstrate the falseness of this linkage. It is sufficient to recall that: 1) in as much as it is possible to isolate rough groups of people with common exterior physical characteristics, it emerges that these groups do not in any way coincide with modern nations; 2) it is even more doubtful that it is possible to define racial groups genetically either; 3) it is scientifically proven that there exists no fixed relationship between people's physiological characteristics and their psychological ones.

Language, in turn, does not explain national realities, since there exist multi-lingual nations (such as Switzerland, Belgium, Canada) and languages that are spoken in various nations (such as English, Spanish, etc.). On the other hand, even seemingly mono-linguistic nations were not so originally, and often in practice are not so even now: the "national" language was diffused over the whole territory only in the wake of the impact of the political authority through the state's schools and the bureaucracy. This is what happened in France, on whose territory at least three languages were spoken in addition to French prior to the revolution (Langue d'Oc, Basque, Breton); as well as in Italy, where until a century ago Italian was exclusively a literary language that existed in addition to the regional dialects.

The same argument holds for religion. There exist nations, such as Germany, in which more than one religion is professed, as well as religions, such as Catholicism, that are professed in more than one nation. And where all the members of a nation profess the same religion, not infrequently (as in France) religious unity was obtained through the driving out or intimidation of minorities.

The same can be said for the territory and for the state. The territories and states that took on national characteristics at a certain stage of their development, have never kept the same dimensions through the course of history, but have been ceaselessly modified according to the vagaries of

international politics, until assuming their current proportions. And the wars, conquests, treaties, and mergers that led to their current dimensions were certainly not determined by national requirements, but rather by the play of monarchs' dynastic interests, and by political and strategic needs.

Customs and traditions are also not uniform within nations; indeed, as pointed out above, in general there exist differences within nations that are much more noteworthy than those that exist between neighbouring regions of different nations. Lastly, history does not explain nations (if not in the general sense in which history explains everything): it does not explain them if history is taken to mean political history, since in this way history is in effect reduced to the state and should be subject to the same criticism; it does not explain them if history is taken to mean the history of custom and traditions, for the same reasons that custom and traditions are erroneous discriminating criteria.

Finally, there has been a desire to discover the basis of the nation in the willingness to live together, in the "plebiscite of every day" (Renan). In this regard, it is important to note that this idea does not serve as an explanation until the "how" of this co-existence is specified. And specifying the "how" simply means defining the nation; hence even this formulation leaves the problem unresolved.

The Origin of National Behaviour.

What then are nations? In other words, what lies behind the idea that mankind is constitutionally divided up into wholly separate groups? The nation tends to be explained through race, language, custom, and so on, as noted above, and it is now clear that such representations are theoretically inadequate. But what reality, albeit in a deformed way, are such symbols supposed to represent? The nation can not be anything but this.

The reality that is aimed at through national language is generically composed of: a) the fact that a great number of behaviours, regarding almost all spheres of human experience, are held to contain, alongside their specific motivation, a second motivation, that of the reference to "France", to "Germany", to "Italy" and so on. This may seem abstract, but one example is sufficient to clarify it. Germans in Germany, or the French in France, etc., finding themselves faced with an artistic monument or a beautiful landscape, think: "How beautiful Germany is!" It goes without saying that the beauty of nature or art is not a species of the "German" aesthetic genre, which in fact does not exist, but rather of the Gothic, Roman, mountainous, and lacustrine genres instead. This demonstrates

precisely that to the specific motivation of aesthetic behaviour has been added another: that of loyalty, or at least reference, to "Germany"; b) the group that emerges out of the fact that these behaviours, being commonly referred to, are thereby connected among themselves.

These considerations are sufficient to demonstrate that all this did not exist in the Middle Ages. Agricultural societies, typical of that age, did not even present, except for a very restricted elite, behaviours of a size equal to those of the current nations (that is, complementary and interdependent to the same extent). The lives of about 90 per cent of the population were carried out almost exclusively within the framework of small territorial units, beyond which concrete, stable and direct social relationships did not exist. As a result, those who think that the European nations existed, at least virtually, even in the Middle Ages, are not taking into account the fact that the populations that were settled on the territories corresponding to those of the current nations, even if in part they were to be found at times under the same king, were in reality divided socially by practically impassable territorial barriers, and were therefore unable to experience, even in an embryonic way, forms of integration that did not exist and were not in prospect.

These barriers began to fall with the beginning of the industrial revolution, that is with the qualitative transformation and irresistible expansion of the mercantile sector of agricultural societies (the introduction of the steam engine and mechanised looms, etc.). Where production took on this industrial character, economic behaviour rapidly acquired a size equal to the current European nations. And not only economic behaviour. There is no economic act that is not also legal, administrative, social, political, and so on. As a result, an ever growing number of issues, even in the sphere of political affairs, acquired the reference to the national dimension, and were therefore connected among themselves, differently according to the various characteristics of different situations.

The Nature of National Behaviour.

So far only the socio-historical phenomena underlying the development not only of nationalism, but also of the modern state and its liberal, democratic and socialist components, have been highlighted. What is specifically intended by national language manifested itself when and where not only economic, legal and political behaviour, but also behaviour comprising the intimate feelings of personality and of the fundamental affinity of groups acquired the reference to the modern state, and hence

a second motivation.

This situation profoundly altered the social make-up which Europeans had been used to for a number of centuries. The frameworks of supreme political power and ordinary life, that had ceased to coincide for the vast majority of the population since the end of the city-state, were reunited. This is also evidenced by the fact that nascent nations employed the patriotic terminology typical of Greek and Jewish patriotism, including its application of religious terms to political life (altar of the fatherland, sacred borders, martyrs of the fatherland, and so on, as if each people had its own god).

There nevertheless exists an enormous difference between the Greek, Jewish and similar "national" experiences and modern ones. The former, given their small size, which made possible a large number of personal relationships among the group's members, were maintained even when they were not sustained by a political power. Furthermore, the fact that religion and politics did not yet differ meant that there was practically nothing else beyond this network of quasi-personal relationships in which to participate on a daily basis. In this way, through being born in a city-state, the genuine sentiment of one's own personality and of one's own group bond (nationality in the etymological sense, which we will call *spontaneous nationality*) was effectively acquired, due to the sole fact of being born there.

The latter though, given their large size which comprehensively prevents the establishment of personal relationships, have created through the political power the sentiments of national personality and the national bond, but in a totally artificial and coercive way. In practice, the current large European nations are the result of the forced diffusion by the state to all their citizens of the language of a spontaneous nationality that previously existed within its structure (the *langue d'oïl* for France, Tuscan for Italy, and so on), and of the imposition of the idea, even if not of the whole reality, of the existence of a single custom.

What Nations are.

Two remaining questions need to be answered in order properly to define the nation and the nation-state:

1) How is it that these fusions were carried out in the states of continental Europe and not in Great Britain? The fact is that: a) in Great Britain, economic, legal and political affairs have been linked to the state, but not those comprising personality and fundamental group sentiments;

b) notwithstanding the existence of a British patriotism, the Scots, Welsh and English consider themselves to belong to the Scottish, Welsh and English nations respectively; c) for this reason, Britons still make a distinction, albeit imperfectly, between the nation and the state. In other words, how can nations have been comprehensively established on the continent, but not in Great Britain?

The fact is that the European states system forced continental states to centralise, but did not promote this development in Great Britain. And the centralised state could not exist without creating the idea of a group that was as homogeneous as power was concentrated. Moreover, the means were available: state schools, universal military drafts, grand public rituals, the imposition on all cities, however different, of the same administrative systems and of supervision by the central authority, and so on. For this reason, the basis of modern nations was established in the economic sphere by the first stages of the industrial revolution, and in the political sphere by the centralised type of bureaucratic state.

2) Why was the state conceived of with the deforming symbols of the national idea, and not with the concept, which corresponded to the actual situation, of a certain type of political community? The fact is that every power situation is conceived of by individuals who experience it not through images that mirror reality, but through representations that are deformed by political prejudices and passions, namely ideologies.

It is sufficient to consider the fact that in centralised bureaucratic states, the protagonists of continuous and terrible wars, there existed not only a grand confluence of individually significant interests (economic, political, etc.), but also a military situation that forcefully constrained all citizens even during periods of peace, and that in war-time educated them *en masse* to fulfil the duty of killing and risking to die, not for the defence of their own individual liberties but for the group conceived of as a supernatural entity, and to the belief that this group had to be thought of as a separate reality, as being superior to individuals, and as being natural, sacred, eternal and so on.

At this point it becomes possible to state that the nation is, in a specific sense, the ideology of the centralised bureaucratic state. Given this ideological character, what counts in the national idea more than the representative content, which varies according to the situation, is the fact that without fail the national idea always refers to a centralised bureaucratic state.

The Overcoming of Nations.

The same factor that created the preconditions for the nations will destroy them. It has been noted that the industrial revolution influenced the dimension of economic affairs, to the extent that it constantly tended to broaden them. In the US, where state barriers did not exist, economic matters assumed a continental dimension long ago. In Europe they are currently taking on continental proportions. It goes without saying that this will give rise to the formation of a people and to the destruction of the exclusive sovereignty of the old nation-states. And, since the evolution of production is unstoppable, this will also come to pass in other continents, and will finish by going beyond continental dimensions, until the unification of mankind is achieved.

Nevertheless, while the nations will come to be destroyed in this way, what we have termed "spontaneous nationality" will not however be destroyed. The nations, being only the ideological reflection of the centralised bureaucratic state, will not survive its demise. Yet the "spontaneous nationalities" that depend on the spontaneity of custom (territorial "spontaneous nationality") and of culture (cultural "spontaneous nationality") will survive. Dante, Descartes, Cervantes, Shakespeare, Kant, and Dostoevsky were not created by the political power and no political power will be able to destroy them.

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1991

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Notes

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Thirty Years Ago

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Notes

Latin American Federalism.

European Citizenship, Cosmopolitan Citizenship and International Democracy.

Thirty Years Ago

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1994

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