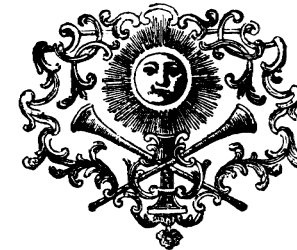


THE FEDERALIST

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



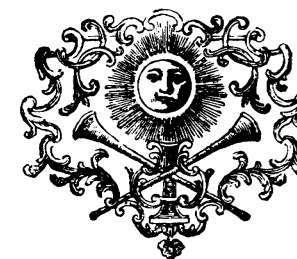
YEAR XLII, 2000, NUMBER 2

THE FEDERALIST

a political review

Editor: Francesco Rossolillo

The Federalist was founded in 1959 by Mario Albertini together with 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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A Call for the Creation of a Federal Core

In a speech given on May 12th at Berlin's Humboldt University, Germany's foreign minister Joschka Fischer, having first expressed his alarm over the stalemate that the process of European integration has reached, and over the prospect that the Union will, in the wake of its enlargement, become impossible to govern, called for a relaunch of the process of unification through the creation of a federal core. This core would be made up of a limited number of countries, "strongly inspired by the European ideal", which would constitute the "centre of gravity" to which all the other states of the Union, including the present applicants for entry to it, would subsequently be attracted. Some aspects of Fischer's vision are ambiguous or vague. His institutional design cannot be entirely endorsed, and the time-frame he envisages is a long one (a decade). But an examination of the text of the speech as a whole clearly reveals that its weak parts serve to usher in its strong ones. And it is this which made it an event of such significance.

Fischer has cast a stone into still waters and set ripples running through them. He declared that the gradualist approach favoured by Monnet cannot lead to political unification and that Europe must make a leap forward in the federal sense, breaking (by the very use of the word federal) a taboo in European political language that has, until now, served as a pretext for so many instances of hesitancy and hypocrisy. And by raising the question of the "vanguard", he exposed the raw nerve of the process and placed many of his political interlocutors in the uncomfortable position of having to express views on an issue about which they would have preferred to remain silent.

The themes running through Fischer's speech had already been touched upon by others, albeit less openly, in the weeks leading up to 12th May. But, coming from the mouth of a politician who fulfils, from an operational point of view, the most important political role — after that

of Chancellor — in the Union's most important country, the words spoken by him had the power to stir up the stagnant waters of European politics and they triggered a broad-ranging debate. In the context of this debate, nearly all those who responded to Fischer's proposal began — if we exclude the deplorable comments of French interior minister Jean-Pierre Chévenement — with expressions of appreciation for its content. However, these dutiful preludes were, almost without exception, followed by responses that amounted to little more than lists of reservations, warnings and quibbles, whose real purpose was to burst the pilot balloon sent up by the German foreign minister and to drain it of all its innovative force.

* * *

1. Many expressed the view that the federal core is, in any case, a very long-term objective which it is right to wish for, but which must not be pursued, given that the role of politics is to deal with the here and now. And at the present time, the latter can be taken to mean the problems on the agenda of the current Intergovernmental Conference, in other words, the so-called Amsterdam "leftovers" (rationalisation of the Commission, extension of the qualified majority voting system, and reweighting of the votes within the Council of Ministers) plus the proposed improvement of the mechanism of enhanced cooperation (the system that allows some member states to reach cooperation agreements in certain areas, without affecting the institutional framework of the Union). All this is politics, while the rest is the stuff of dreams.

It must be noted in this regard that a satisfactory solution to the Amsterdam "leftovers" — in spite of the fact that these are, objectively, problems of little import — is, within with present political framework, a very unlikely prospect, and that, once again, we are faced with a deadlock situation due, in this case, to the reciprocal power of veto that causes negotiations to break down on every single point. The truth, as Fischer made clear, is that gradualism in European politics has had its day. Europe has been moving along the road towards unification for fifty years now and in that time its every advance has been accompanied by a parallel shifting away of its ultimate point of arrival. The objective of political unity continues to be projected, by those who ought to be striving for its realisation, into a tomorrow that never comes. But the reality which now confronts us should prompt any responsible politician to recognise that it is quite impossible for the union to survive much longer in its

current state, a state characterised by an almost complete incapacity to act and by a growing democratic deficit, and to realise that the only reform that can be contemplated is a radical reform of its decision-making mechanisms, even if this is restricted to the territorial framework in which public opinion, and politicians, are ripe for this development. This does not mean, of course, that a federal core might be created in the space of a few weeks; what it does mean is that the time has come to develop, on the basis of Joschka Fischer's indications, an operational programme with a clear time-frame (not forgetting, furthermore, that the launch of a programme of this kind would also favour the reaching of agreements on the small, but prickly reform issues on the agenda of the current IGC).

2. Many seek to cloud this issue by identifying the birth of a federal core with improvement of the mechanism of enhanced cooperation. But in truth, the problem that needs to be solved in order to allow the Union to emerge from the impasse which it has reached — a grave situation that enlargement will only exacerbate — is that of the overcoming of the method of intergovernmental cooperation itself (enhanced or otherwise) and of its replacement, within the preliminary framework of a federal core, with another method: that of the democratic formation of political will, in other words, the creation of a power which, in its designated spheres of competence, will be controlled by the citizens and, with the screen represented by the nation-states lifted, will affect them directly. In the pursuit of this objective, enhanced cooperation (which, in the final analysis corresponds to what is, in other contexts, called "*Europe à la carte*" or the "variable geometry" model of European integration) is not only useless, but damaging because, giving rise to different aggregations on different issues, it provides those who wish to find a way into the mechanism purely in order to sabotage the birth of a federal core with an efficient instrument for the achievement of their aim.

3. Some use the expression "Federation of Nation-states", first coined by Jacques Delors, to indicate the institutional form that the federal core should have. Even though this is a formula that Fischer himself felt compelled to acknowledge, *en passant*, in his speech, it nevertheless remains a verbal fudge that serves to transmit the idea that it is possible to have a federation without actually creating one, thereby emptying the idea of a federal core of all its real meaning. The expression nation-state has a meaning (and the supporters of the Federation of Nation-states formula are well aware of this) only when it is used to denote a "sovereign" nation-state. This, after all, is the original historical significance of the expression and the meaning with which it is commonly used.

Differently, the foundation of a multinational federal state (which, being such, no longer bases its legitimacy on its identification with the nation) would cut the ties that bind all the member states to the idea of nation, restoring a spontaneity of character to the latter and freeing it from the mystifications and distortions that were generated by its enthrallment to a sovereign power. It is important, therefore, to underline that a true “federation” is a sovereign state (where the sovereignty belongs to the federation, understood as a complex institutional system made up of a central level and a number of peripheral, or regional levels), while a union of states that hold on to their sovereignty (in Europe’s case, the nation-states) is, just like the present European Union, a “confederation.”

4. A concern often raised in the politicians’ responses to Fischer’s proposal is that a federal core would discriminate between the member states, splitting them into two groups of unequal standing and thereby bringing into play, in Europe, a division that could lead to the disintegration of the Union, and a strengthening of the anti-European feelings and the attitudes of eurosceptics in the countries excluded from the core group. This is an insidious objection which in fact masks a desire to prevent the process of European integration from taking the road of federal unification. In truth, the federal core proposal is born, first, of an awareness that the intergovernmental method as a force for unity has now entirely run its course and is, in fact, now leading the Union to the brink of its own dissolution into a simple free-trade area, and second, of the fear that failure of the European project will lead to a rebirth of nationalism and a crisis of democracy in Europe. It is precisely the persistence of the present situation that is sowing, progressively, the seeds of division across Europe. In order to reverse this trend, the present intergovernmental institutional structure needs to be replaced with a federal institutional structure. But since it cannot be expected that the political will needed to make this leap forward will emerge contemporaneously in all the states of the present Union, to say nothing of the Union after its enlargement, the only direction — however difficult — that can be followed is that of the foundation of a federation within a smaller framework (that would nevertheless remain open, and be destined to enlarge rapidly to embrace any states that wished to join it). It is also important to add that the federal core would not be set up as an alternative to the present Union, but would continue to be part of it, on an equal footing with all the other member states. The birth of a federal core would not only be entirely compatible with the continued existence of the Union, it would also provide the EU with the sense of cohesion needed to prevent it from moving inexorably

towards its own disintegration (and this is why Fischer talked of a “centre of gravity”). The aim of the federal core proposal, therefore, is to set the dynamics of unity in motion once more. And its realisation would not serve the interests solely of the states that will be part of it from the outset, but those of all the countries of the Union, present and future. It should thus be a primary objective of all truly pro-Europeans active in these countries, regardless of the positions adopted by their governments.

5. A final objection that has been raised repeatedly concerns the compatibility of the federal core with the Union’s institutions. It is clear that this compatibility could be achieved only through a series of adjustments, like the duplication of some institutions and the acting, of others, in a dual capacity, with partial differences in composition, procedures and spheres of competence. Many remark that this would mean the development of a structure so complex that it would prove impossible to realise. This objection is unfounded. As far as the federal core is concerned, the really complex problem is that of forming the political will needed in order to establish it. Once the political will exists to create — among several states — a democratic power, then there is no technical difficulty that can frustrate it. The task of legal experts is to find appropriate technical solutions for the problems that politicians put to them, and never yet has a political project, supported by a sufficiently strong will, failed purely as a result of the legal difficulties it posed. If you want an example of how skilled the experts are at overcoming technical difficulties (when it is a question of safeguarding the sovereignty of the member states), just think of many of the constructions worked out by the current treaties and by the other provisions that regulate the working of the Union, such as, to cite a few examples, the division of the same into three pillars, or the decision-making procedures in force within each of these pillars, or the regulation of relations between the Union and the eurozone countries and between the Union and the countries of the Schengen area. And it is certainly not worth considering the detrimental effect that a complex institutional system would supposedly have on the transparency of relations between the Union and the citizens. Today, there is no such transparency because there is no democracy in the Union, in other words, no possibility of ascribing clearly, to any one, the responsibility for decisions. The purpose of a federal nucleus would be, precisely, to introduce democracy into the process. Its working would thus be perfectly transparent, regardless of the greater or lesser degree of complexity characterising its institutions.

The only real problem, therefore, is that of forming the necessary political will, and all the objections and deliberate misunderstandings listed earlier are nothing more than expedients, designed to mask the absence of that will. This is not to say that the task is not an extremely difficult one. On the contrary, the transferring of sovereignty from a group of states to a sole federal state, together with the relinquishment by a number of governments and machines of bureaucracy of the power that is so closely bound up with sovereignty, is the most difficult task there is. Hence, the obstacle to the achievement of the objective must be sought not within the societies of the countries involved, but rather in their very power structure.

Clearly, the political will to found a federal core must be accompanied by a very clear awareness of the nature of what is at stake, and of what the institutional implications are, namely, the transformation of the Commission into a democratic government answerable to the European Parliament, the transformation of the Council of Ministers into a High Chamber of the Union which would no longer hold executive powers, but would, on an equal footing with the European Parliament, be equipped with full legislative powers, the conferment upon the European Council of the role of collective Head of State of the Federation, and the transformation of the Court of Justice into an out-and-out Constitutional Court. The government, and the two branches of the legislature must have the power, in collaboration with national, regional and local levels of government, to fix the ceiling of the federation's budget and to mobilise, through the imposition of taxes, the resources needed to realise their policies. The institutions of the federation would have to be invested — possibly after a transitory period, whose duration must nevertheless be predetermined — with responsibility for the areas of foreign policy and security.

The question to be asked at this point is, who are the actors most likely to develop the political will to found a federal nucleus like the one just described? Any answer to this question must be based on the inevitable premise that the political will to form a federal nucleus cannot be born in a void, but only in a political setting that is ripe, and ready to receive a radically innovative message. The task of those wishing to favour the formation of a federal nucleus is thus to put pressure on all the political forces represented in the European Parliament and in the national parliaments, both of the countries that would presumably be part of the core from the very beginning and of those that presumably would not be included. But, having said that, the fact remains that an initiative which, in Europe's current situation, proposes to change the fundamental ele-

ments of the power situation, to oblige the political forces to align and to direct the expectations of public opinion, cannot be born of anything other than an agreement between the highest-ranking politicians of France and Germany, in other words between the heads of state or of government of the two countries whose bloody conflicts it was that first put the question of European unification on to the historical agenda and which have, ever since the Schuman declaration, been the driving force of the process of European integration. It is from them that the proposal must come, and by them that it must be addressed both to the other European Community founder member states — where politicians and public opinion are more aware, open and mature — and to the other EMU member states willing to accept its fundamental lines.

The proposal must be shown to be open — provided that countries intending to join the core are part of EMU and accept the fundamental lines of the institutional structure set out above — and the compatibility of the federal core with the continued existence of the Union must be explicitly provided for; in fact, the core would become one of the Union's member states. To this end, the design for the formation of the federal core must be accompanied by a series of link measures that would show clearly how the core could be made to function within the Union without affecting the rights of its other member states, or undermining the *acquis communautaire*, in other words, the level of integration reached by the Union and the benefits that derive from the same.

But it is important that this openness, and this need to eliminate *a priori* every element which could give rise to the fear that the creation of a federal core reflects a desire to split Europe, are not allowed to weaken the resolve of those promoting this initiative, or to provide countries opposed to a federal solution with a means of entering into the negotiations purely to make them break down and to drain the project of all its innovative value. This is why the chances of success of a design of this kind, providing it really comes about, will depend on the absolute determination of its initiators to consider non negotiable all the features of the proposal that are crucial to the preservation of its federal nature, and on their readiness, openly declared, to proceed alone should no one else accept these features. No federal core will be born without this level of resoluteness, because the announcement of its birth will produce countless and very harsh reactions and dogged resistance, both among the countries that will not be involved, and in many sections of the political spectrum in the countries that will be called upon to form part of it, including those taking the initiative.

It is easy to imagine that the temptation to reach compromises on fundamental points, and thus to distort the project, will be very strong. But if the initiators of it prove steadfast and able to resist the pressure and threats with which they will be faced, then not only will a federal core be born, it will also cover an area much greater than that of the Six, and will expand rapidly to embrace the whole territory of the present Union and that of its prospective members.

It is natural to wonder, at this point, whether it is realistic to think that a political will as aware, determined and exacting as this can, in a reasonable space of time, emerge at the highest levels of government in France and Germany (and subsequently in the other founding countries of the European communities). In the short-term the answer to this is clearly no. But there is another question that we should, at the same time, be asking ourselves: how long can the European Union continue to survive without profound modification, through the planting of a federal germ in its very bosom, of its decision-making mechanisms? The answer to this question is that it is not destined to survive very long at all. The era of normal politics is drawing to a close. The time is coming in which Europe will have to choose between federation or extinction. Today, therefore, failure to face up to the dangers that the future, even the near future, holds, and to act accordingly, through the development of a plan of action, is not indicative of a realistic approach, but only of blindness, cowardice and hypocrisy. Joschka Fischer has played his part, with courage and clear-sightedness. Now it is up to others to play theirs.

The Federalist

Federalism *

MARIO ALBERTINI

Introduction.

1. The general meaning of federalism is still uncertain in the current political culture. This is not the case for the traditional political ideologies. If we encounter, not only in the world of culture, but also in political life, a liberal, a communist, or a socialist, we generally observe that this person has a relatively clear idea of what liberalism, communism or socialism is. But if we encounter a federalist and ask him what federalism is, he will very probably be uncertain, unable to give a precise answer. And this translates into a serious weakness for federalist militants.

It is plain that reflection on the general theory of federalism – despite the abstract nature of the problem – is of the greatest importance to our battle if one considers the recent example of communism, which developed with an immense force in the last phase of European history. A fundamental characteristic of communism was that the party cadres really were well-grounded in Marxist culture. And even today, if a militant from a traditional bourgeois party — for example the radical party in France — is compared with a communist militant, a profound difference between the two is immediately apparent, because only the communist has a specific political culture of his own, a clear-cut opinion on the laws of how society develops etc., so that he is always able to give an explanation of what is going on. The importance of this is obvious, which must lead us to appreciate the fundamental role played by culture, including the aspect of general theory, in the political struggle.

*This text is the transcription of a lecture given by Albertini, in 1964 or 1965. The text has been partly revised and corrected by Albertini himself, who however interrupted the work of revision, deciding not to publish it. We publish it now because, although it is clearly intended to be heard rather than read, we consider it a document of great importance, in which the analysis of federalism in its three aspects (of value, structural and socio-historical) is conducted with a breadth unequalled in Albertini's other writings. Naturally some examples are tied to the politico-historical situation of the period in which the lecture was given, but in essence the text retains its full validity and relevance.

Now it is a fact that there is uncertainty among us even as regards how we fit into political life. We participate in political life through federalism, we belong to a federalist organisation, and yet we have no precise idea of the meaning of federalism; and it is easy to see the negative effects this has on the effectiveness of our struggle. No-one can be blamed for this situation: it is the political culture of our century which has not yet worked out this subject clearly. But it is our duty to help clear up this confusion: certainly not by imposing a conception of federalism on militants by means of a congress decision, since in the field of culture everyone must have the greatest freedom, but by trying, through amicable discussion, to bring clarity to our ideas on the subject.

2. If we analyse the attempts at theorization which have been made so far, in the current state of political culture, we can isolate two conceptions of federalism, which incidentally it would be wrong to call theories, as they lack scientific rigour. On the one hand we have a conception which identifies in federalism the theory of a certain type of state, the federal state. It is essentially a juridical doctrine, concerned with studying the constitutional structure of the federal state, the distribution of powers between the central power and member states, etc.; it discards any other consideration as ideological, and therefore having no bearing on reality. In the context of militant federalism this was the prevalent doctrine throughout Spinelli's leadership in Italy, where the other conception, Proudhonian federalism, has never taken on a precise shape, nor created any cultural tradition.

On the other hand we have an ideological doctrine of federalism, according to which federalism cannot be limited to the conception of a type of state, because this would only constitute a small part of its general meaning. It claims instead that federalism serves as a criterion to interpret many aspects of social, economic, moral, philosophical, and, within certain limits, even religious life. According to this conception, all sectors of human activity contain federalist aspects, facts which are explained by federalism. The father of this doctrine is Proudhon, and it is therefore natural that it is particularly widespread in France.

In my opinion these doctrines are both incomplete. The conception of federalism limited to the theory of the federal state takes no account of the fact that the state always rests on a social base which conditions its existence, and that the nature and workings of its institutions are determined by particular types of political behaviour. It is therefore impossible to comprehend the functioning of federal institutions if, as in Italy — and for us this criticism means self-criticism — the doctrine of federalism is

limited to the theory of the federal state, with no theory of the social and political base which allows federal institutions to actually come into being and function.

On the other hand, the ideological theory of federalism, this global theory — integral, according to Alexandre Marc's definition — that federalism is capable of prescribing how to act and think in all fields of life, is not in touch with reality, because it is so vast that it cannot identify precise forms of behaviour or definite realities. And indeed, this is what happens with Proudhon. All those with even a superficial knowledge of the Proudhonian tradition know that Proudhon has been exploited by the left, by the right, by the fascists, by the democrats, by the anti-democrats, and so on; and this precisely because his thinking has no definite link with reality. Depending on how one views it, Proudhon's philosophy can justify the most diverse political positions.

3. It would take too long to discuss here the theoretical nature of doctrines like federalism, liberalism and socialism with the aim of identifying their logical nature as overall conceptions of political life. We can however quickly overcome this theoretical difficulty by attempting to re-think these doctrines in terms of behaviour. If we do not want federalism, liberalism and socialism to be vague and indeterminable conceptions, which anyone can manipulate at will, but theories which bring out precise data and make it possible to act according to definite precepts, we must first reduce them to definitions of a behaviourist type.

Liberalism, socialism, federalism etc. are certainly complex phenomena, with multiple aspects and characteristics, but there is no doubt that they ultimately consist of human behaviour. Hence if we want to avoid elaborating inexact theories, which speak of the state, society, freedom, justice and so on without actually referring to reality, we must make reference to ways of acting, to human behaviour. If this operation does not succeed, the theory remains vague precisely as regards its relationship with reality, in other words with the agents, nature and goals of human action, which can then be interpreted at will in the most diverse ways. And it goes without saying that if a theory is utterly inconclusive, it cannot be used as a criterion of knowledge and action.

To define a widespread and consolidated form of social behaviour it is necessary to divide it, from the analytical point of view, — not from the real point of view, because from this point of view any instance of behaviour is unitary — into three aspects: value, i.e. the goal to which it is directed, which explains the manifestation of man's passions and ideals; structure, i.e. the particular form which the behaviour takes on in

order to realize its aims; and a socio-historical aspect, i.e. the complex of historical and social conditions in which this behaviour can spread and consolidate; given that all behaviour which is goal-oriented and appears with a definite structure, is not outside history and society, but appears only in a certain historical and social context.

This is the criterion for our attempt to develop a general theory of federalism in the scientific sense. If it is possible to take the federalist culture, to place it within this schema, to identify a stable social form of behaviour, to identify its value, its structure and its socio-historical base, then evidently federalism will appear as the theory of an autonomous social energy, independent and capable of developing its own struggle.

The Value Aspect of Federalism.

1. The value aspect of federalism was identified, studied and introduced into the history of culture by Kant. Kant's political philosophy is not very well known because it is obscured by the immense contributions which he made to the philosophy of knowledge. This does not remove the fact that his federalist philosophy (he elaborated a genuine federalist philosophy) has great importance. And it is above all to Kant, and to those who continued his line of thought, that I refer in this attempt to define the value of federalism.

The first step is to define the concept of peace, a concept which is always mystified both in the common consciousness and in political culture. It was Kant himself who, without perhaps being fully aware of the importance of his theory, was the first to demystify it. One must therefore begin with a very simple operation, as in any demystification. One has to ask oneself what peace is in its reality, in everyday life, in the conduct of each individual. In this understanding of it, peace is the possibility of leaving one's house every morning to go to work without running the risk of being attacked, without even having to prepare to face this risk, because among our active social expectations is that of not being made the target of acts of violence. It is, in other words, the practically absolute guarantee of not encountering violence and therefore the possibility of going around unarmed. This is what allows us to think of everything except violence, in other words to behave only according to economic convenience, moral law and so on. If, on the other hand, at every moment there was the risk of meeting an aggressor, everyone would have to provide for his own defence, everyone would have to bear arms and think of his own security before thinking of his work or anything

else. Society would fail, and there would be no development of technology, science, production, culture and so on. The basis of conduct would be violence even for the good, because even the mildest would have to use arms, or be ready to use them, for their personal defence.

The line of demarcation between these two situations must be clearly drawn. The first is marked by the lack of risk of being attacked, by the fact that everyone is secure without weapons. The second is marked by the permanent risk of being attacked, by the fact that no one is secure without weapons. Naturally in the second situation two cases are distinguished: that in which men are fighting each other and that in which they are simply in a state of vigilance because they expect to fight or defend themselves. There is no doubt that anyone, clearly placed before the three cases of these two situations, would reserve the term "peace" for the first situation, would call the first case of the second situation "war", and would speak of an instance of "truce" in the second case. Nor is there any doubt as to the fact that the first situation is marked by the obligation for everyone to behave according to a legal order, by the existence of a state; while the two cases of the second situation are marked precisely by the lack of such an obligation, by the lack of a state common to all who enter into relations between each other.

All this is so clear that it may seem banal. Yet it serves as a touchstone for the demystification of the conception of peace and war in contemporary culture. It is enough, for this purpose, to bear in mind that the terminology which we have used only applies when one speaks of peace, (civil) war and truce in the context of a single political community, i.e. where war is an exceptional phenomenon, whereas it is by no means valid in the context where war is instead a recurrent, normal phenomenon, in the context of the sum of all states.

If we move from the field of internal politics to that of international politics, we find in fact that that which in the field of internal politics is called truce, here is called peace. In international politics we do not have the three terms I have used, we have only two: peace and war. Consequently, if not at war one thinks one is at peace. Consider that in the current situation of international "peace" anyone wishing to propose disarmament (unless purely for reasons of political propaganda) would be considered mad; that even the neutral states are not disarmed, on the contrary, often they are powerfully armed, as in the case of Switzerland and Sweden, because they are well aware that neutrality can only be defended by military power.

In international politics, therefore, the situation which we call "peace"

is that in which all the states are obliged to base their conduct on violence. And this means that a significant proportion of each state's budget is devoted to armaments, large sectors of scientific research are committed to designing ever more destructive weapons, and the citizens must always be ready to kill and be killed. To kill and be killed is a duty, a legal duty, a moral duty, and even a religious duty, if one can thus interpret the practice of bestowing the benediction on armies. The very rules of law, morality and religion, the most important rules which determine human behaviour, are therefore profoundly conditioned by the violent nature of relations between the states.

This situation presents two fundamental characteristics: the first is that in international politics there is no power above the states which can punish those who transgress the law; on the contrary, there is not even a law, there is no legal mechanism applied to human conflicts. Hence each state must preserve its own security, and whenever conflicts have to be resolved and a compromise is not found, they resort to war. The second — and it was Lord Lothian above all who highlighted this very simple fact, which nevertheless always remains in the shade — is this: whereas in internal politics any change in the foundation of relations between individuals or between groups is followed by a political, legal, economic or other adaptation and, in case of difficulty, the question is always settled in a peaceful manner by the law, the courts, the magistrate or the police, in international politics, on the contrary, modifications may also come about in the foundation of relations between states, yet there is no legal or state mechanism capable of peacefully realising the necessary adjustments, and it is necessary to resort to violence.

Violence is often hidden: when diplomats of two or more parties sit down around a table to settle a dispute, the discussion, which seems peaceful, is by no means so, because at an international conference table there are no legal or moral criteria behind the ministers or diplomats, but only power. Let us take the case of the Italo-Austrian dispute over South Tyrol: Italy is not a very big country and lacks significant military power, but it is still more important than Austria, which is very small, has neutral status, is not necessary to the Atlantic strategy, and has no possibility of exploiting a particular international situation of power, as in the case of Italy. Now, in the Italo-Austrian negotiations there are two ministers with their experts, all very respectable and well-balanced people, apparently disposed to peaceful dialogue, but in reality each one gambles on the power of his own state, and what decides the outcome of the conference is not the right of the South Tyrolean people to self-government, to speak

German, since they are a German-speaking people, to have Tyrolean schools, just as their customs are Tyrolean. On the contrary, what decides the issue is relative strength. The question of law is perfectly clear: the South Tyrolean people have always been Tyrolean, have never been Italian, have never spoken Italian: it is right that they should have a South Tyrolean administrative apparatus which speaks the German language because the majority of them do not understand Italian. But this right, so obvious, is not applied, because what is at stake is a conflict between states which can only be regulated on the basis of relative strength. Since Italy is the stronger, South Tyrol continues not to have its autonomy.

Actually there are hundreds of examples which could be adduced where the semblance of peace hides violence. Now, if what we see in international politics were to happen in internal politics, no-one could call this situation peace; it would be called war, and the moments when one is not fighting would be called moments of truce in a permanent state of war.

The first operation of demystification which therefore has to be carried out to reach a satisfactory definition of peace is very simple. Kant himself did it: three terms have to be used (peace, truce and war) instead of just two (peace and war) in international as in internal relations. It must be understood that if conflicts are resolved on the basis of relative strength, if the conduct of men is based on violence, even if one is not actually fighting, this is "truce" and not "peace". With three terms available everything is clear: we have never had peace in relations between states and we have only succeeded in building peace within the states. The latter have been continually extended and strengthened, and therefore the field of peace has been enlarged at the same time, but as long as we have different states, until all mankind comes under the embrace of a single state apparatus, there will be the possibility of war.

2. This conclusion seems so clear as to be considered obvious. Nevertheless, an examination of the literature on the subject reveals that the cause of war is not usually identified in the absence of a state order, but variously in the existence of psychological, economic or racial conflicts: conflicts between the nations are thus thought to be determined by man's natural aggressiveness; by economic disparities; or by incompatibilities rooted in ethnic differences.

These theories neglect the elementary fact that economic, psychological or racial conflicts exist both between individuals from different states and between individuals of the same state, but within states they do not provoke war, except in the anomalous case of civil war. It can

therefore be said that the various psychological, economic or ethnic conflicts can be the occasion for the outbreak of war, when war is possible, but if there is a state order able to resolve them peacefully they cease to be the cause of war: the true cause of war is therefore the absence of a state order.

All this permits us to demystify another very widespread myth, which was unfortunately even adopted by a great Pope, John XXIII, according to which the affirmation of peace is the fruit of good will, while war is caused by ill will. Those who support this theory may be asked a simple question: if peace in relations between states is the consequence of good will, or of faith, does the same principle also apply in relations between citizens within a state? In reality ill will is continually manifested in relations between the citizens of a state too, but in these cases the police and the courts intervene, i.e. the state authority which controls the repressive, judiciary apparatus, etc. It would never occur to anyone in this case to maintain that peace depended on good will. Yet on the other hand, if the question is transposed to the field of international political life, people tend to assume this point of view.

It should not escape notice that this discussion, which may seem rather theoretical, on the contrary has immense practical importance: those who want peace and believe that war depends on psychological, economic or ethnic conflicts, will concentrate their efforts in the struggle to eliminate such conflicts. Those who believe that peace depends on good will to one's fellow man will imagine they can help solve the problem by preaching fraternity, understanding between peoples etc. And in so doing they will achieve nothing. The precise definition of the situation which we want to attain is therefore of great practical importance, because to realize a value it is necessary to have a precise idea of the conditions which make its realization possible.

3. The identification of these logical connections: state order — peace, and lack of state order — war, also allows us to judge another group of theories, which have had notable historical importance: those in which peace depends respectively on the attainment of freedom, democracy and social justice. When liberalism was establishing its presence and winning its battle against political and economic feudalism, it was believed that if economic and political freedom were successfully established, there would be peace. Indeed, Benjamin Constant and a large number of other political writers of that time maintained that the commercial spirit, individualism, economic and political freedom would necessarily produce peace, because individuals would have no interest in making war.

This too, in the final analysis, is a theory of peace based on good will, and history has proved it false. The same happened with democracy. When democratic ideas gained acceptance, mobilizing minds and winning their battles, the great democrats thought that if the state were controlled by the people, since the people is peaceful by nature, the states would no longer make war on each other. But in reality this did not happen, and we have even witnessed instances of peoples being exalted by war. Marxism, finally, considered that peace could not be attained through individual freedom, since individuals are selfish and their conflicts of interest inevitably generate disputes; nor through democracy, which is only formal and does not give people the actual possibility of deciding their own destiny; but rather through collective ownership of the means of production, social justice, and economic equality. Only in this way, it was maintained, are the peoples truly in charge of their own state apparatus, and therefore of their own fate; and by nature (here we have the return of the democratic theory) the peoples do not fight amongst each other. But in this case too experience has shown that relations between communist states depend on their relative strength, as with non-communist states. It is a fact that China and the Soviet Union are two great antagonistic powers, and it is a reality that the relations which exist between the Soviet Union and its satellites are determined by relative power.

These observations allow us to demystify what is false in the hope of obtaining peace through freedom, democracy or social justice. But, while the theory that war derives from psychological, economic or nationalist conflicts is completely false, the theory that it derives from the lack of freedom, democracy and social justice contains some truth. If the realisation of peace requires a legal order, a state encompassing the whole human race, only when freedom, democracy and social justice are assured will that law, and the state which enforces it, be stable and uncontested. These are not sufficient conditions for peace, but they are certainly necessary. Therefore peace on the one hand, and democracy, freedom and social justice on the other, are values which depend on each other. Peace must indeed be sought for its own sake: it is a specific value which has its own specific form, the universal state, the universal legal order, but a universal legal order cannot be attained without the realization of freedom, democracy and social justice everywhere. All these observations allow us therefore not only to confute erroneous theories, but at the same time to see the relationship between peace and the great values of social and political life.

4. To complete this schematic analysis of peace we must also examine

its significance in relation to the human condition in general. And here too Kant has made statements which to me seem definitive.

It is a fact that, as long as international politics remains in its current state, i.e. until federal relations replace relations between sovereign states, human conduct will always be fundamentally based on violence. This results in a series of consequences: the most general, and most terrible, is an unconscious and widespread acceptance of the double truth theory. The state, the political class and the cultural world constantly appeal to the traditional values of European society, i.e. Christianity, respect for mankind, brotherhood, since without these values European civilisation would not even exist. But the same state, the same political class, and the same culture uphold the theory that one must be prepared to kill and be killed. In the citizens' consciousness, from the primary school desk until the end of life, even through the ceremonies of public life, the great models of moral life, the great saints, those who sacrificed themselves for others, the men of peace, all those who preached understanding, are obscured by the model of the warrior hero, the fighter. If one seeks out the true social values which emerge in school one discovers that it is not Saint Francis who is imprinted in a child's heart and mind in primary school, but one of the military leaders in which every country's ancient and modern history abounds. We are therefore faced with two truths which are not compatible: either one or the other holds. But both are professed, and hypocritical zeal becomes a characteristic inseparable from authority.

If relations between sovereign states are replaced by federalist relations and a situation is created in which all conflicts between people are resolved through the law, violence is abolished, for it no longer has the chance to manifest itself. And then, as Kant himself says in *Idea of a Universal History from Cosmopolitan Point of View*, the only remaining guides for men's action will be morality and reason. Peace therefore, by eliminating violence from human relations and letting man's moral and rational behaviour emerge, makes possible the full realization of man's true essence.

The idea of peace applied to the human condition gives us a sufficiently comprehensive and positive representation of what the great revolutions hoped to achieve, the "leap from the reign of necessity to the reign of freedom" of which Marx speaks. He merely predicted this stage of society in which all men will be free, but did not describe or explain it. Now, this positive, demystified reflection on peace, and the analysis of its meaning in relation to the human condition, give us a clear, compre-

hensible and positive representation of the final stage in the political evolution of society, which therefore acquires the definite form of a goal to be reached. This is a result which neither liberalism, democracy, nor socialism have been able to obtain, and which only emerges in Kant's analysis of federalism.

At this point there remains only one question to deal with in relation to peace, the *value* aspect of federalism. If we accept the expression "universal state order", "universal legal order" without having highlighted the value relationship which exists between peace, democracy, freedom and social justice on the one hand, and the human condition in general on the other, we do not yet know precisely what we are dealing with, because a universal legal order can be two things: an empire, or a world federation; a unitary state which embraces all the human race, or a federal order, i.e. a universal power which does not destroy the powers at national level. Yet if we bear in mind that there can be no peace without freedom, democracy and social justice, it is clear that this universal state cannot be an empire, which to keep itself in power would have to centralize power strongly, to the point of becoming necessarily totalitarian; but will have to be a world federation, i.e. a universal legal-state order, built on the foundations of freedom, democracy and social justice.

The Structural Aspect.

1. Now we must turn to look at the second aspect of what I have proposed to call "federalist behaviour", in other words to give a broad outline of the structural aspect. This analysis takes place in a context different from the previous one. If we want to analyse the value of peace in the current historical phase, we must analyse a "model of behaviour", because peace does not currently exist. We cannot examine given facts, but only imagine how people should behave in order to have peace. This therefore was a rational analysis allowing us to define the model of behaviour which, once realized, would correspond to peace.

In contrast, the analysis of the structural aspect of federalism, which concerns a type of organization (naturally, whenever one speaks of an organization one speaks of certain people who act in a certain way, of particular consolidated forms of human behaviour), is based on facts, since federations exist, and it is simply a question of studying them.

To present the most interesting elements of the structural aspect of federalism we must consider the birth of the first federation in history, the American Federation. In North America, during and after the War of

Independence, two tendencies emerged regarding the organization of political life on the Atlantic coast: the defenders of the sovereignty of the thirteen states which had rebelled against Great Britain and fought the war, and the defenders of the Union, who upheld the need to attribute sovereignty to it too to preserve the unity of Americans which had developed during the war.

The former considered that to ensure the union of the American people it would be enough for the thirteen states to pursue an amicable policy of collaboration, and that for this a weak apparatus of a confederal type would suffice, like that which had functioned during the war against Great Britain. But this was an illusion, and the merit of the authors of the *Federalist*, Hamilton, Jay and Madison, but also of Washington, and of all the other supporters of the Union, was to understand and make others understand that the unity of the Americans could not be guaranteed by a simple confederal mechanism, in other words by the good will of the states. Hamilton, in the eighth chapter of the *Federalist*, the most important text in the history of political thought as regards the theory of the federal state, clearly demonstrated that the so-called laws of a confederal union are only recommendations, because those who make the "law" do not have the power to enforce them. In America this is precisely what happened: the confederal Congress did indeed issue orders which were supposed to apply to all the states, but then each of the latter, whenever a particular interest was at stake, took autonomous decisions to remove itself from the financial and military obligations imposed by the confederation. Hamilton explained in his essay that in this case the common institutions, whose task should be to express a political line, giving political, strategic and economic directives for common action, are actually no more than bodies for the settlement of disputes arising between the confederated states.

To understand this clearly it is after all sufficient to look at what happens in the Common Market, which is a typical example of a confederal structure, even if limited to the economic sector: when a question arises on which the states have diverging interests, like the price of corn, the Common Market Commission does not set out to establish what price can allow the best agricultural policy for all Europeans, but to identify the price on which the French and Germans can agree.

What then is the substance of confederations, i.e. of all unions of states in which sovereignty does not belong to the union, but only to the member states? From the conceptual point of view — naturally from the empirical point of view there is a whole series of gradations — the political

substance of a confederation is simply that of an alliance between states. It is, if you will, slightly more stable, slightly closer than an alliance pure and simple, but the political substance remains the same. This is demonstrated by the fact that the real foundation of confederations is the convergence of interests of the states which belong to it. As long as this convergence exists the whole apparatus works, the aim of settling divergences is reached, the recommendations are accepted. But if these interests begin to diverge, the confederation loses its foundation and the whole apparatus idles.

The second point which Hamilton discusses in his polemic against the defenders of the absolute sovereignty of the states — against those who did not want to assign political power to the American Union — concerns the internal consequences of divergences of interest between states in a system of sovereign states. It is a very important point but often forgotten in political science and culture, highlighting the fundamental factor which conditions the internal structure of the states. Hamilton declared that if the Americans had not succeeded in founding a real union of states, they would have found themselves in a similar situation to that of Europe at that time, i.e. a system of sovereign states. Each state would then have felt the need to defend itself against the others to guarantee its own security. The consequence which Hamilton emphasized is that this situation must be recognised as the most important source of state authoritarianism. He demonstrated that the existence of several sovereign states of equivalent strength, having common territorial borders, produces two consequences for each of them: first that they must provide themselves with a strong military apparatus; and that consequently the axis of the general political balance and the spirit of public opinion are centred on military values, and models of authoritarian behaviour tend to prevail over models of liberal behaviour. The second is centralization, which does not depend on the mentality of the citizens, but is a necessity which is imposed on states whose security is continually threatened; to ensure their own survival they must provide themselves with a structure which allows rapidity of decision, indispensable for efficient defence, and must eliminate all potential centres of resistance existing within the country by progressively centralizing power.

All this becomes clear if one compares the history of the states of continental Europe with that of Great Britain. The latter, being separated from the continent by the Channel — not having territorial frontiers — did not need a large standing army; for this reason civil liberties and local self-government developed earlier in England than in any other state, and

centralization progressed much later than on the continent.

In his attempt to make the American people understand the need to create a Union endowed with sovereignty, Hamilton had thus highlighted two important functional features of a system of independent and sovereign states.

Returning now to the birth of the American federation, it is interesting to note that the struggle between those who wanted the sovereignty of the Union to guarantee unity, and those who wanted the sovereignty of the individual states to defend pluralism and autonomy, was apparently insoluble, because at that stage in political culture, sovereignty was seen as indivisible and a state which did not have absolute sovereignty was inconceivable. Thus they seemed to face a radical alternative: either to leave sovereignty with the states and lose unity, or to give sovereignty to the Union and sacrifice the autonomy of the states, pluralism. No one at that time was capable of imagining the mechanism of the federal state. And in fact neither in the political culture of the eighteenth century in general, nor, in particular, in the proceedings of the Philadelphia Assembly itself, from which emerged the draft Constitution of the United States, is it possible to find a plan for a federal state. A way out of the *impasse* had to be found therefore by giving the Union the attributes of a state and at the same time keeping such attributes in the thirteen colonies. What happened in Philadelphia, i.e. the birth of the American federal state, was none other than a compromise between these two opposing tendencies. The most typical result of this compromise was the structure given to the two parliamentary chambers: the Senate was given a confederal structure, being composed of representatives nominated by the individual states in equal number (two) for each state, independently of their population; and the chamber of representatives a unitary structure, composed of deputies elected by the citizens in electoral districts delimited as to have approximately equal shares of the population, and therefore in variable number according to the number of inhabitants in the various states.

To give an idea of how the very men who had helped create it failed to understand this new political structure at the beginning, suffice it to note that Hamilton withdrew, discouraged, from the Convention of Philadelphia, since he was quite convinced that a state in which sovereignty was divided could not function. Nor did Madison, who was nevertheless, as creator of the Union, more moderate than Hamilton, express himself in more optimistic terms in his famous report on the Convention. And yet, starting from this compromise, so disappointing for

its makers themselves, the federal state was born. And very soon it was realised that this was a vital, working mechanism.

2. At this point we have the elements for the general outline of a theory of the federal state. The essential characteristic of the federal state is the division of powers between the federation and member states, which is how the division of sovereignty is manifested. The federal government is assigned those powers necessary for the existence of the whole, i.e. above all foreign policy, defence, and the broad outline of financial and commercial policy. All the remaining powers which concern the other aspects of social, economic, cultural life etc. are assigned to the states. Finally, there are further powers which are termed "concurrent", and which are the concern of both the federal government and the member states. The most important is fiscal, which both must have because, by procuring the necessary financial means, it is instrumental for the exercise of the others. The general criterion is however that all powers not expressly assigned to the federal state are the province of the federated states.

All this is very clear, and corresponds to the theories of the federal state which can be found in every manual of constitutional law. But if one limits oneself only to highlighting the division of powers, there may be a lingering doubt that on every problem there is duality of decision. In this case there would no longer be unity, there would no longer be a community, and it is for this reason that some authors who have not gone into the matter sufficiently maintain that the federal state does not exist, that it is a fiction, and is actually none other than a transitional phase in the process leading to a centralized state. But the American experience, at least until Roosevelt, shows that the division of powers which is proper to federalism achieves unity of decision on every problem, even in the plurality of independent centres of decision-making: which proves the existence of a true community.

This is the formula which gives the clearest idea of the nature of the federal state. It lets us see that we have here a major shift from the traditional conception of the state. Both the federal government and the federated states in fact have exclusive power over their own constitution, and are endowed with sovereignty (even if only internal in the latter case). Both therefore have the attributes of genuine states. They thus give rise to a complex situation in that two different states co-exist in the same area, the federal state and the federated state, each with its own representation: each citizen has therefore dual citizenship. Clearly, for the traditional conception of the state the co-existence of two states on the same territory is a scandal. And yet it is a historical fact, and in North America it has

eloquently demonstrated its capacity to live and function.

3. This plurality of centres of decision-making on the same area — while the unity of decision remains firm on every problem —, this division of representation and citizenship, is the first new aspect introduced by the federal state compared to the traditional structure of the state. But there are other equally new and interesting aspects which are highlighted by Hamilton's *Federalist*. They concern the structures of executive power and judiciary power. These are two very important improvements, crucial I should say, for the theory of democracy, for the theory of the rule of law, and even for the theory of the constitutional state.

Regarding the first of these, in the *Federalist* we find a very precise and vigorous defence of the executive composed of a single person. If the executive is not composed of a single person there is no strong executive, and if there is no strong executive there is no good government, because good government is decisive and efficient in execution. This requires executive unity, which can only be ensured when a single person is responsible for it to the country. This was in fact the solution adopted in the Philadelphia draft, which became the United States Constitution. The responsibilities which in unitary states are assigned to the President of the Republic and to the entire Council of Ministers are concentrated in the President. Indeed, in the USA the heads of the various ministries are not answerable to Parliament, but only to the President, who oversees their work and holds sole responsibility to the nation for all the policies of the United States.

To maintain the virtue of this solution in Hamilton's day meant battling against a very widely-held prejudice, that strong government was synonymous with authoritarianism, and democracy was guaranteed only by a weak government. Hamilton fought this prejudice, saying that weak government meant a government incapable of governing and therefore of staying in power. If this equation of weak government and democracy were really valid, the democrats would have had to acknowledge defeat at the outset.

On the other hand, Hamilton's opponents on this issue emphasized a real danger: that strong government could degenerate into dictatorship. Their fears, based on the political experience of the European states, were anything but unjustified. An omnipotent executive, in unitary and centralized states like those of Europe, has so much power in its hands as to be able easily to subvert the will of Parliament and reduce the judiciary, the weakest of the three powers, to a tool for the implementation of its aims. In a unitary and centralized state, therefore, the traditional division

between executive, legislative and judiciary powers vanishes if one puts the executive power in the hands of a single person, and therefore the alternative is between weak government and lack of democracy.

This simple argument gives us the means to understand certain fundamental aspects of the constitutional history of France, Germany and Italy. In the history of these three countries a constitution has never lasted more than about twenty years, because, as unitary states, they have always found themselves faced with this dilemma: either to renounce the strength of the executive or to give way to dictatorship. This latter possibility was exactly what happened each time a country found itself faced with a serious problem. The classic example comes from France, whose history presents a regular alternation between democracy and dictatorship. The tendency in a democratic regime to leave the tasks of government to the administration ensures that, when there really is a need to act, to govern, to have a real executive, a strong personality appears, silences the factions and imposes his authoritarian leadership. This is what happened with De Gaulle: there was a serious political problem, the Algerian situation; the Fourth Republic was not capable of taking the brave decisions which the circumstances required, and it was necessary to turn to the dictator. Fortunately he was a man of great stature, and France was able to preserve its freedoms, something which did not happen in Germany or Italy.

The case of the federal state on the other hand is entirely different. In it there is a much more effective division of powers than the simple division between executive, legislative and judiciary: that between the federal government and the federated states. To understand the importance of this difference it is useful to note the telling convincing comparison drawn by Proudhon between the traditional division of powers in a unitary state, theorised by Montesquieu, and the division of labour within a factory. Like the latter, the former is a purely functional division, because it does not correspond to an equivalent division in society, in the sense that none of the three powers rests on a social base of its own. It therefore remains a purely formal division. On the other hand, in a federal state the division between federal government and federated states corresponds to a division in the political class, in the electoral apparatus and in the social interests — of which some concern the federation and some the individual states — in the groups into which these interests are organised. This gives rise to a balance of powers which is much steadier and better-anchored in society, which allows the co-existence of freedom and of the unitary executive. The omnipotent President of the United

States, who would be a dictator in a continental European state, unitary and centralized, in America finds an obstacle to his power in that of the states. This barrier is now being weakened even in the United States, because the federated states are progressively losing vitality and autonomy, and for this reason the presence of the executive is making itself felt more and more. But in the classical period of American history, from the origins to Roosevelt, this type of balance worked, showing that a federal state which really is such, can have a strong and effective executive, without the slightest threat to the freedom of its citizens.

The other important improvement that federalism introduces into the structure of the representative democratic state concerns the judiciary power. This is the weakest of the three powers; it has neither the power of the purse (held by the legislative), nor that of the sword (held by the executive), by which men are governed. For this reason, in what is normally called the balance between the three powers, the judiciary has always played a very modest role in Europe. This does not mean that the judges have always sold themselves to the executive, but it is true that the latter has always been able to replace disobliging judges so as to have a judiciary which would accept and legalize its abuses. The judiciary power, therefore, has never effectively fulfilled the function of making the law prevail over the indiscriminate use of power by the other bodies of the state; and this is fatal in a unitary state, where the judge is only upheld by his own honesty.

In contrast, in a federal state the tensions between the federal government and the federated states which are manifested through conflicts of power, are resolved through a judiciary decision, backed up by one or more federated states or the federal government. In other words a convergence is realised, so that opinion and the network of interests which form in the context of the federal state or of the federated states, always align themselves in support of a Court which pronounces in matters of constitutional competence. For this reason the judiciary power functions as the indicator in the balance of powers established within the federal state.

In the federal state, therefore, the law achieves its true autonomy, which is suffocated in centralized unitary states. This finds eloquent confirmation in the history of the Anglo-Saxon countries on the one hand (including Great Britain, which is not a federal state, but nevertheless presents a strongly decentralized structure) and of the continental European states on the other. In the history of France, Germany and Italy the most prominent personalities, the national heroes, the "founding fa-

thers", are great politicians, heads of state, heads of government, party leaders, great revolutionaries, great warriors, like Napoleon, Bismarck, Garibaldi etc. In England and in the United States, the gallery of heroes of national history also includes judges. When we look at the history of the foundation of the United States, when we go back to the men who created their constitution, who won the battle to assign a certain order to the American constitutional structure, of course we find Hamilton, Madison and Washington; but also chief justice John Marshall. A great judge in the United States attained the same popularity, at least when the federal system was solid and functioning, as a great statesman or a great party leader, and even when the federal system began to lose vitality, when the Washington government began to take precedence over the state governments, Roosevelt still had to fight a hard battle against the Supreme Court.

There are two lessons to be learnt from all this. The first concerns the crisis of democracy. Today the crisis of democracy everywhere is the crisis of the executive: the need is felt for an executive which can govern states whose powers, particularly in the economic sector, grow from day to day; in other words an energetic and effective executive. This need can only be met by federalism. The second concerns the crisis of the rule of law, of the constitutional state, a crisis which can be disguised in Italy and in Germany, which do not yet have major responsibilities in world politics, but not in France, which is the most exposed continental European state, the one that must face the most serious political problems. For this reason in France the crisis of the rule of law has manifested itself very clearly: not only do the French have a *constitution octroyé*, in other words a constitution conceded from above and not given to the country by the people's representatives in the Constituent Assembly, but they also have a head of state who stands above the constitution, and concentrates in himself the totality of power. It is evident that, if the law is not able to contain all the powers of the state within the limits which the constitution assigns to them, i.e. if it cannot express itself autonomously in society, one does not have a true constitutional state. For a state to be constitutional, the judges need to have a power in society that is real and not just formally sanctioned by the letter of a constitution; and they cannot have such power permanently except in a federal state.

We should also analyze all the transformations which take place in the federal state as concerns the population. To mention the most important, we may observe that in a federal state, none of the powers and political activities which have the capacity to form the customs and traditions of

peoples, that complex of ideas and common models of behaviour which the Americans call "public philosophy" — in other words the powers governing education, religion, criminal and civil law, mass communication, etc. — are linked to central government, the centre of power which has control over the army and foreign policy. They are either exercised by non-political entities — very large American universities, for example, are private — or assigned to the federated states, which, not having relations with other states, have neither an army nor a foreign policy, i.e. do not have the apparatus of violence in international relations. Consequently these institutions do not function as channels for instilling in the citizens a warlike spirit and a will for power. They do not act on the citizens in a single direction, to bind them to the governing power and destroy in them all other loyalty. Thus, in the federal state a pluralistic people can take shape, what the Swiss call a "federal people", or a people of nations.

4. It may be useful to end the analysis of the nature of the federal state with a historical sketch of the evolution of the forms of democratic government. In the beginning, the democratic experiment manifested itself in the form of direct democracy. In this, all the people had to meet in the square, the *agorà*, to deliberate, and consequently its territorial limit was fixed by the dimensions of a town. This limit being insurmountable, this form necessarily produced closed and bellicose groups, as shown by the troubled history of the wars between the Greek city-states.

The representative mechanism made it possible to extend democratic government to vast groups of cities, to give rise to modern nations. Unitary representation however also has territorial limits. It cannot allow the unification of an entire continent, because it is not able to adapt to the multiple social differences which inevitably exist in states larger than the modern nations. The representative mechanism too, therefore, gives rise to closed and bellicose human groups.

Federal government, on the other hand, with its division of representation, can unify vast, continental groupings; it can constitute the government, no longer of individual nations, but of groups of nations, and at least in theory can be extended to all of mankind, because the division of representation makes it possible to govern a community of practically unlimited size. In practice the North America of the end of the eighteenth century was larger than the whole world is today, if one takes account of the evolution of the means of communication; and yet the federal system was able, in a pre-industrial age, to unify the whole continent. All this makes it quite clear that the federal structure alone can bring about the

political unification of the human race, and in this way fully realize the value of peace.

The Socio-Historical Aspect.

1. We now come to analyse the third aspect which characterizes federalist behaviour, the socio-historical aspect. This is essential, for no human behaviour which gives rise to a particular organisation of political relations can manifest itself without a basis in society and in a particular historical phase which allows it to spread and consolidate.

The current phase in American history raises questions which may provide us with clues concerning this aspect. Federal government is manifestly in decline in the United States. The USA is rapidly starting to take on the structure of a unitary and strongly centralized state. This process goes against the entrenched traditions and psychology of the Americans, which explains how a political campaign like that of Goldwater¹ which included a strong defence of the states' autonomy, found a base in public opinion. This makes us ask: why was it possible for the American Federation to become established and prosper, keeping its structure intact for a century and a half, and why is it now in decline? The answer to this question cannot be found in federalist behaviour in itself, but should be sought in a comparison of the American society of then, which influenced the working of the federal mechanism, and the American society of today, which has influenced its decline.

The fundamental observation to be made here is that during the War of Independence, which sanctioned the Americans' separation from the British crown, a *de facto* American unity developed. *De facto*, because from the institutional point of view there was division: the thirteen colonies, having escaped the control exercised over them by Great Britain, had acquired absolute autonomy and had become genuine sovereign states.

What was the basis of this *de facto* unity? It was undoubtedly linked in part to geographical factors, the fact that the thirteen states were relatively close to each other and territorially similar; in part to the stage of development of material relations of production, and their impetus towards creating a network of economic relations extending beyond the territory of each individual state. But these two factors alone would have created an extremely tenuous unity — taking account above all of the fact that in that period industrialization was only beginning, and communications were not yet greatly developed — were it not for the intervention of

another, decisive unitary impulse: the war, the common struggle against England, which made a powerful contribution towards strengthening the Americans' feeling of being linked by a common destiny. This common feeling was however not strong enough to destroy the Americans' other loyalty, that which bound them to their particular state. On the contrary, this latter feeling of belonging was stronger than the former because it was fed by the diverse traditions of the individual former colonies, and because the individual former colonies already had the state apparatus within which the political process was played out, and within which the citizens were bound to these states, whereas their loyalty towards the broader American community was not supported by any institution endowed with real power.

A quite exceptional situation had been created in North America as regards the citizens' feeling of belonging: there was a kind of bipolarity in the Americans' minds, their loyalty was divided between the American community as a whole and their individual state, and these two feelings balanced each other. This gave rise to a complex society, a society of Americans within which there were the societies formed by the citizens of the individual states. A society, therefore, crossed not only by the normal economically-based divisions (producers, consumers, workers, bosses, etc), but also by territorially-based divisions. It can be called a federal society and the people who form it can in turn be called a federal people.

It is important to note, incidentally, that this socially-based bipolarization rooted in each individual must not be confused with the fact that everyone belongs contemporaneously to several social circles: I belong to Pavia, to the University, to Lombardy, to the Italian state. But there is no equilibrium between these social circles, because one of them, the Italian state, dominates absolutely: whenever a conflict arises between the fact that I am from Pavia, the university, or Lombardy, and the fact that I am Italian, as long as Italy remains a sovereign state, it is the Italian circle which takes precedence. And if I want to avoid this happening, I must, within certain limits, go against the law, which obliges me to put Italy before all.

Starting from these considerations one can draw an initial conclusion: the federal state was able to originate, maintain itself and live for more than a hundred years, giving a free and expansive life to the Americans, because there was a bipolarization of loyalty in the citizens, in society, which made it possible for this delicate mechanism to function. Social bipolarization on a territorial basis is therefore a kind of "behaviour"

which characterizes federalism.

2. What has been said so far gives an initial idea of the kinds of human behaviour which are manifested in an area constituted by many states whenever the conditions we have seen are created in it. But for a sufficiently precise definition of the characteristics of federal society, we must also examine the conditions which prevent it, or impede its development.

Federal society is characterized, as we have seen, by the bipolarization of the citizens' loyalties. Now, the development of a situation of this nature is entirely prevented by the presence of two conditions, one of a social nature and one of a political nature. The former is the existence of a struggle between antagonistic classes. The reason for this incompatibility is clear: federal society develops where territorially-based social divisions are strong enough to maintain an equilibrium between the citizens' two poles of loyalty. For example, the citizen's loyalty towards the state of New York must be strong enough to counterbalance his loyalty towards the United States. But if there was a struggle going on in the state of New York between antagonistic classes, this would inevitably destroy the citizens' loyalty to their territorial community, because it would create profound divisions which would cross the entire nation, giving rise to a social watershed which would put the members of the same community in conflict with each other and would unite the members of different communities in the common battle. The bipolarity typical of federalist behaviour would therefore disappear, and the social base of the federated states, the source of their power, and therefore the possibility of counterbalancing the power of central government, would be lost.

The other absolute obstacle is military power. Wherever a state experiences the need to maintain or augment its military power, it undergoes a process of centralization of power. As a result, loyalty towards the small communities, those which do not have a military apparatus, disappears, the small communities themselves in fact disappear, and that multipolar character which is typical of federal society is lost. The reason for all this is evident: when a state is exposed to the constant danger of war in international politics, and must maintain a strong military apparatus to face it, the defence of the life, destiny and interests of the citizens and their families can only be assured by the group and by its power, not by the small disarmed community, which therefore loses much of its importance and its capacity to inspire loyalty in the citizens.

From all this one can conclude that federalism, as normal behaviour in normal situations, can develop when the division of society into

antagonistic classes and the division of mankind into antagonistic nations has been overcome. If we bear in mind these two obstacles, and the consequences which can be drawn from them, we can understand how a federalist experience, however limited and imperfect, could be accomplished in the United States; and we can prefigure the historical situation in which federalism can become established in a stable and definitive way among mankind.

As regards the former case, we can note the manifestation of two exceptional situations in the United States (at least up to a certain point in its history). On the one hand, a strong attenuation of the class struggle, due to the fact that wages have always been higher than in Europe, as the availability of enormous expanses of free land incessantly demanded manpower from the urban centres of the East, holding back the formation of a large organized urban proletariat. Added to this, on the other hand, pioneering in the USA also fulfilled the function of attracting the most exuberant, brave and energetic sections of the population, those which in Europe found their natural outlet in proletarian agitation. These two characteristics of the economic history of America thus explain the attenuation of the class struggle and the fact that in America socialism, as a consciousness, as a theory, as a political party, did not develop. This permitted the formation of the social bipolarization of which we have spoken: the citizens of the state of New York have always been able to maintain a certain solidarity amongst themselves above the classes, which were not so strongly in conflict as in Europe; and to therefore maintain a strong territorial loyalty to their state. The same attenuation took place in the military field. The United States benefited (until the discovery of the most modern means of destruction, which are capable of reaching almost any point of the globe) from an insular situation. It bordered on states which were almost non-existent from the military point of view: Mexico and Canada, and was separated from Europe by the Atlantic. America's security was therefore guaranteed without an army, without conscription, without all that characterizes a state with militarist traditions. The navy was sufficient to guarantee the security of the citizens, while equilibrium in Europe was guaranteed by the English fleet. For this reason the United States remained for a long time practically extraneous to international political life, at least in its military aspect. This made a particular public philosophy arise: isolationism, and with isolationism the idea that the Americans had a particular propensity to manage international relations not so much on the basis of contests of power but by law and dialogue. This was clearly false: to impute a type

of behaviour to the nature of the American people, when it was actually due to the power of the United States, power determined by its geographical position.

The foregoing analysis also allows us to see why the federal experience which developed in the United States has been precarious and limited. Precarious because the advantages of its insular situation were cancelled by the modern development of armaments and means of communication. The consequences of this were that the United States became progressively more involved in the struggles of world politics, developing a powerful military apparatus and introducing conscription. All this inevitably meant that power became progressively concentrated in the hands of central government, resulting in the progressive depletion of the federal institutions. Limited, because in the United States, federalism, in a certain sense introduced prematurely from the historical point of view, has not really been the government of a community of consolidated nations.

The uncertain nature of the American people has meant that it has not yet been clearly understood that one of the fundamental characteristics of the federal state is that of being the government of a community of nations, and has obviously facilitated the transformation of the United States into a bureaucratic and centralized state, and of the American people into a genuine nation in the European sense.

But the conception which can be developed from the examination of the obstacles which impede the birth, diffusion and consolidation of federalist behaviour allows us not only to understand the precarious and limited federalist experiences achieved so far, but also to locate federalism, in its complete and definitive form, in the development of history. It is sufficient to apply what we have said: if there can be no bipolarization among individuals until conflicts between antagonistic classes and nations have been overcome, it follows that federalism, in its full and definitive form, can manifest itself only at world level, while at regional level it can manifest itself only in imperfect forms.

With federalism in its perfect form, there can be a full manifestation of cosmopolitanism on the one hand and communitarianism on the other: these will cease to be simple ideals of the few and become real social forces. Cosmopolitans have always existed. Cosmopolitanism is a philosophy, an attitude of mind which began with stoicism. Throughout history there have always been great minds who have been able to think beyond the divisions between peoples; even the Christian religious experience is a cosmopolitan experience. But cosmopolitanism has never

become a social force: it has only been the ideal of the few individuals who anticipated the future.

The same can be said for communitarianism. There have always been those who have understood the nature of the community and who have fought to transform their societies into genuine communities. The last great cultural trend which expressed this state of mind was personalism, which proposed to transform man as he is, in conflict with other men, into one who is a brother to other men, enlarging the normal field of morality from the family (which in current societies is the only social circle in which human relations are marked by love and mutual respect) to a wider circle, the community. Today towns, even the small ones, which ought to provide the ideal testing ground for a communitarian experience, are not in fact real communities, in which each individual is a person — in the sense expounded by Mounier² — and in which everyone feels they share a common destiny. But if we imagine a situation in which all possible disputes are regulated by law, because it has universal application, in which therefore the state, authority, and religion do not legitimize violence, we can glimpse a real possibility of the communitarian ideal being realized, transformed into an operative force in society.

NOTES

¹ Republican senator 1952-64, presidential candidate 1964.

² French philosopher (1905-1950), developed personalism.

Notes

THE FEDERAL PROSPECT OF FEDERALISM IN THE SCHUMAN DECLARATION

The Schuman declaration of 9 May 1950 is the real founding document of the process of European unification. This was where, on the basis of Franco-German reconciliation, the actual building of a united Europe began, which, while not yet having reached its conclusion, has achieved such progress as to make realistic, though not inevitable, the attainment of the final target. This target is indeed clearly indicated in the declaration, which defines the pooling of coal and steel production, under the direction of an authority independent of the governments and whose decisions were binding on France, Germany and other member countries, as “the first concrete foundations of a European Federation.” Precisely because the final target has not yet been reached, the declaration is as relevant today as in 1950, not only in the norms it established and the objectives it set, but equally, I believe, in the crucially important decision to make a qualitative leap without allowing itself to be blocked by national vetoes. This analysis of the Schuman declaration will be developed as follows: 1) its origins, 2) its federalist content, and 3) its current relevance.

1. To understand the attitude of the governments faced with the problem of European unification, we must begin with an illuminating reflection of Altiero Spinelli's, implied in the *Ventotene Manifesto*, 1941 (the founding document in the struggle of the movements for European federal unification), and developed explicitly in the immediate post-war period. According to the founder of the *Movimento federalista europeo*, the national democratic governments are at once instruments and obstacles with respect to the objective of a truly united Europe. They are instruments, both because peaceful European unification, as opposed to that achieved on a hegemonic basis, can be obtained only as a result of the

free and democratic decisions of national governments, and also because the irreversible historical crisis of the nation-states following the Second World War (bound up with the structural impossibility of tackling the fundamental problems of economic development, democratic progress and security on the basis of national sovereignty) has confronted the governments with the inescapable alternative, “unite or perish”. At the same time the national governments are obstacles to unification because the holders of national power are objectively impelled — by the law of self-preservation of power expounded by Machiavelli — to oppose the actual transfer of the substantial share of this power to the federal supranational institutions without which effective European unification cannot be achieved.

Spinelli emphasised that this tendency is destined to manifest itself more intensely in permanent government staff such as the diplomatic service, senior civil service and military bureaucracy, than among the relatively transient personnel, i.e. heads of government and ministers. The former are not only the natural depositories of nationalist traditions, but, in the case of transfers of sovereignty, would immediately suffer substantial reductions in their power and status. For the latter the situation is more complex, in that they represent democratic parties, whose ideological make-up includes an internationalist and more or less generically Europeanist component, and in that they have a direct relationship with public opinion, which, in view of the catastrophes produced by nationalism and the glaring impotence of the nation-states, inclines to an increasingly favourable attitude to the idea of European unity. Given this contradictory attitude within the national governments, a strong policy of European unification, one which goes beyond simple intergovernmental co-operation based on unanimous resolutions, can only emerge from the governments when the situation of structural crisis of the nation-states is translated into conditions of acute power crisis, of genuine *impasse*, and depends on the existence of courageous statesmen and the active intervention of personalities or movements committed to the federal unification of Europe above all else.

Such a situation indeed underpinned the Schuman initiative in 1950. By then a policy of European unification had come into being in western Europe (the only part of the continent which had a relative possibility of choice), in response to the outbreak of the Cold War and the American decision to subordinate aid for reconstruction, through the Marshall Plan, to the beginning of European co-operation. The international organisations born as a direct or indirect consequence of American pressure,

namely the Organisation for European Economic Co-operation, the Brussels Pact (which in 1955 became the Western European Union) and the Council of Europe, were however characterised by a particularly weak con-federal structure, particularly because Great Britain (a country in which the historic crisis of the nation state had manifested itself less evidently) persisted in defending the prerogatives of national sovereignty, and the other partners were not prepared to proceed without the UK. The qualitative leap from these first, weak forms of European co-operation to the beginning of the process of community integration was made possible by the evolution of the German question induced by American policy.

A fundamental corollary of the American strategy of containment of the Soviet bloc (which had led to the Marshall plan and then to the foundation of the Atlantic Alliance) was the decision to go ahead with the economic and political rebuilding of that part of Germany occupied by the western powers, eliminating the remains of the previous policy of maintaining the division between the zones of western occupation and of strongly limiting their economic development. This decision was guided by the knowledge that without a full recovery of what had always been one of the fundamental strongholds of European economic development, western Europe would remain irremediably weak. In this context, the Americans, having obtained the constitution of the Federal Republic of Germany, set the goal of eliminating all obstacles to the full development of the German economy, opening the way for the Germans to re-appropriate their own heavy industry, which was subject to the international authority governing the Ruhr, and therefore to production limits. Faced with this American decision, the French government, whose foreign policy had come under the leadership of Robert Schuman, an exponent of the “party of reconciliation with Germany”, found itself caught between two fires: on the one hand concern about the resurgence of German power, of which economic rebirth was the premise, and on the other the prospect of a tough diplomatic clash (bound to end in defeat) with the Americans, who were determined to promote the full economic recovery of western Germany without delay. Yet from this *impasse* France was able to emerge in an evolutionary way with the courageous proposal, suggested by Jean Monnet, to bring under joint European control both the German coal and steel industry, and that of France and of other European countries prepared to participate in the venture. Following the immediate positive response from Germany under Adenauer (the leader of the German party for reconciliation with France), from Italy

under De Gasperi and from the Benelux countries, the problem was resolved by creating a new kind of body on the basis of the Schuman Plan, quite unlike the Brussels Pact, the OEEC and the Council of Europe: the European Coal and Steel Community.

There is therefore a crucially important link between the German question and community integration, but this does not mean that the essential goal of the latter was that of controlling Germany. In reality the fundamental and permanent impetus behind European unification lies in the irreversible crisis of the system of the European nation-states, which in the era of world wars and anti-fascist Resistance led to a widespread awareness of the need to unite. Against this background, without which the process of European unification could not have begun and developed, the question of peaceful co-habitation of Germany (the last power in modern history to lay claim to European hegemony, after the precedents of Spain and France) with other European countries has played a crucial role, in that it has offered the more advanced Europeanists, in France as in Germany and in other partner countries, the concrete political possibility of overcoming nationalist resistance to a policy of supranational unification in depth.

The success of the ECSC is on the other hand linked to the method by which Schuman developed his initiative. He prepared for its launch by excluding any involvement of personnel from the Foreign Ministry — knowing full well the potential here for resistance capable of stifling the initiative at birth —, entrusting its preparation to Monnet and his collaborators at the planning commissariat, and soliciting the support of public opinion in France and other countries, so as to make it more difficult for manoeuvres to shelve it stemming from the diplomatic service or those with economic interests.

2. The innovative significance of the ECSC is bound up with the fact that it contains the prospect of federalism. If by federalism one means the overcoming of national sovereignty through its transfer to democratic supranational institutions, in whose decisions the member states participate, thus keeping a substantial and intangible autonomy; if by federalism one means, in other words, the construction of a federal state (a state of states), it seems clear that the prospect of federalism is present in Schuman's initiative. Indeed, though it did not give rise to a fully developed federation, it went beyond simple intergovernmental co-operation and therefore prepared for the actual construction of a federal state; for only the courageous and dramatic decision to begin overcoming

national sovereignty was enough to block the prospect of the full reconstruction of German sovereignty, which was justly perceived as pregnant with devastating implications.

In more precise terms, any explanation of the federalist content of Schuman's initiative must first of all make reference to Monnet's vision, which was the inspiration behind it. What the functionalist approach to European integration, whose clearest and most effective advocate was Monnet, has in common with the federalist approach, whose greatest exponent was indisputably Spinelli, is the objective of federation: the two approaches are therefore part of the same alignment in contrast to confederalism, whose principal points of reference are Churchill and De Gaulle. That said, Monnet's functionalist approach is characterised by the conviction that the way to overcome resistance to going beyond national sovereignty lies in the gradual development of integration in limited sectors or functions of state activity, but gradually adding more important ones so as to achieve a progressive and almost painless depletion of the national sovereignties. Monnet, who had been the instigator of specialised supranational bodies created during the two world wars to pool the Allies' economic and military resources and make their war effort more effective, was convinced that the method tried during the war could also be applied in peacetime to advance European unification.

In concrete terms, the method he proposed after the Second World War was to entrust the administration of certain state activities to a special European administration, which would receive the nation-states' common directives, formulated in special treaties and in further intergovernmental decisions; this administration should however, in the context of these directives, be separate and independent from the national administrations. Those national policies which were to be made joint were those likely to produce the most serious motives for rivalry between the European states and therefore, in particular, those relating to coal and steel, at that time considered the two basic products of the economies of industrialised countries. Bringing the production and distribution of coal and steel under common rules, applied by a supranational administration, would create a solidarity of interests in economic life so deep as to push towards gradual integration of the rest of their economies and subsequently of other fundamental state activities, including foreign policy and defence. The unification realised by the various agencies specialised around concrete interests and efficient supranational bureaucracies would in the end find its logical conclusion in a federal constitution.

It should here be observed that, beyond the superficial differences that have emerged in the context of political polemic and in moments of exasperation, not lacking on either side, the substantial difference between the federalist and the functionalist approach can be summed up in two points: the conviction that European integration is destined to remain precarious and reversible until a federal constitution has been achieved; and the belief, contrary to functionalist automatism, that a federal state cannot be achieved without activating a movement for European unity autonomous of governments and parties and capable of mobilising public opinion by campaigning on the structural limits of functionalist integration, in particular its precariousness (due to the persistence of the criterion of unanimity on essential questions) and the democratic deficit (the depletion of national sovereignties without the institution of a fully developed supranational democratic sovereignty). The two approaches are therefore different, but at the same time dialectically complementary, in the sense that each has an autonomous and decisive role.

Returning to the relationship between the functionalist approach and Schuman's initiative, the *impasse* in which the French government found itself, described above, offered Monnet the opportunity to realise his invention, his revolutionary community. What the ECSC had in common with the first European intergovernmental organisations was that in the final instance decision-making power was kept in the hands of the national governments, in correspondence to the fact that not all governments were prepared to accept an irreversible transfer of sovereignty to supranational bodies (the treaty had a limited validity of fifty years!). The ECSC did, however, contain some important seeds of federalism: the decisive role attributed to a body autonomous of governments, the High Authority; the direct efficacy of normative and community law; the attribution of its own resources to the community budget; the principle of the majority vote for some resolutions in the Council of Ministers; and the possibility of direct election of the joint Parliamentary Assembly, which also had the power to pass a vote of no confidence in the High Authority. The governments had to accept all this because the realisation of an objective far more advanced than simple liberalisation of trade objectively required stronger and more effective institutions, which would have to be democratised, at least in the future, in order to prevent those competences transferred to supranational level from being permanently removed from effective democratic control. The final target of federation was not indicated in the text of the treaty; it was however made explicit in the text of the declaration on the basis of which the negotiations were

conducted.

Apart from these elements contained in the Schuman declaration and in the treaty which derived from it, the federal prospect is also identifiable in the decision to proceed on the basis of a more restricted group than the circle of states involved in the first Europeanist initiatives. When the proposal of the ECSC was launched, the OEEC had existed for over two years and the Council of Europe for a year, including, apart from the Six, Great Britain and the majority of western European countries. Thus, the crucially important procedural choice taken by Schuman was precisely that of operating outside the legal context of these two organisations, within which Great Britain and then the Scandinavian countries and Portugal would have eliminated the innovative aspects of the initiative, and of opening the negotiations only between those governments which were prepared to discuss the creation of a supranational authority. In this way a hard core was formed within a broader, purely intergovernmental circle, in the belief that the success of the enterprise would later draw in the initially recalcitrant states (as indeed then occurred).

Contributing to the adoption of this procedural choice were both the nature of the problem to be resolved (to avoid the rebuilding of full German sovereignty), and the initiative of the *Movimento federalista europeo*, led by Spinelli, and the Union of European Federalists (UEF), of which the MFE constituted the avant-garde. In fact, immediately after the coming into force of the Council of Europe, the federalists organised a grand popular campaign throughout Europe promoting the agreement of a federal pact to establish a supranational political authority, democratically elected and provided with the powers necessary to realise progressive economic unification, to conduct a common foreign policy, and to organise a common defence. The coming into force of the federal pact between the ratifying countries — and this was the salient point — would not have required the unanimous agreement of the member-countries of the Council of Europe, but ratification by at least three states with a joint population of a hundred million would have been sufficient. In substance the federalists proposed to apply to European unification one of the fundamental principles of the procedure by which in North America the Convention of Philadelphia created the first federal constitution in history: setting aside the requirement of unanimous ratification. This initiative of the federalists undoubtedly reinforced the determination of Schuman and of the other governments of the Six to proceed with the strategy of the “hard core.”

3. The great progress achieved by community integration — right up to the historic step of monetary union, which would not have been possible without the option of the *avant-garde* method, and until the opening of the process of enlargement to almost all the European countries — demonstrate, with the irrefutable force of facts, the validity of the choice made in 1950 to go beyond simple intergovernmental co-operation and to introduce into the politics of European unification the federal prospect, both on the level of institutions and on that of the procedure by which to create them.

To have a proper understanding of the process, one must however emphasise the decisive contribution made to this progress by the Europeanist movements of federalist orientation. Not only have they kept alive, by constant, systematic and widespread action, the idea of the European Federation and of popular participation in its construction on the basis of the democratic constituent method; but they have also played an essential role at certain crucial junctures in the building of Europe. Noteworthy among these are: the campaign for the direct election of the European Parliament and for the reinforcement of its powers; Spinelli's initiative promoting the European Treaty of Union, approved by the European Parliament in the first half of the 80's, and which greatly contributed to the birth of the Single European Act; and their constant commitment to the European currency since the end of the 60's.

The final target of the European Federation has not yet been reached: considering the obstacles lying between us and its creation, it is important to reflect on the current relevance of the Schuman declaration. This is because today, from many quarters, the validity of the distinction between federation and confederation is contested, and many deny the necessity or possibility of the process of European integration resulting in the creation of a federal state, on the basis that, in the context of globalisation, the state form is not only objectively in crisis but actually destined to be overtaken by something which however cannot be clearly defined.

In reality the federalist argument is entirely relevant today, and can be subdivided into the following considerations;

a) The model of the federal state which could reasonably emerge from European unification will be different to previous federal systems because it will, for the first time in history, federate historically-consolidated nation states and a continent characterised by a cultural, linguistic, religious and socio-economic pluralism (a rich heritage to protect and value), without equal in the world. The European federal state will

therefore be strongly decentralised, but will exclude any form of national veto, while there will be plenty of room for qualified majority decisions; there will be a federal monopoly of legitimate force; and the principle of democratic responsibility of the supranational political bodies must be fully applied. These are the essential conditions if the deficit of European integration on the level of efficiency and democracy is to be overcome at the root, thus making integration irreversible.

b) The only valid response to the depletion of state sovereignties consequent to growing international interdependence, of which globalisation represents the most recent development, is not resigned acceptance of the decline of statehood, but rather the enlargement of the dimensions of the democratic state and the reinforcement of the instruments of democratic participation, which are made possible by the principle of subsidiarity that is proper to a fully developed federal system. Since statehood is the irreplaceable basis of the pursuance of the general interest, in other words of peaceful coexistence, of the protection of democratic liberal rights and of solidarity, the most important commitment in an increasingly interdependent world is the creation of a federal European state. This after all, as it says in Schuman's declaration, must be understood as a fundamental contribution to world-wide peace, which means that the European example must foster the formation of other continental federations and in the end contribute, as it says in the *Ventotene Manifesto*, to the federal unification of the whole world. The alternative to this development is the prevailing of a neo-feudal dispersion of sovereignty and therefore of a generalised anarchy, which with irresponsible thoughtlessness the theoreticians of a new mediaeval period appear disposed to accept.

c) The process of European integration has reached a point where putting off the federal outcome opens the way to the dissolution of the European Union. On the one hand, monetary unification (the greatest success achieved so far) has accentuated the contradiction with which functionalist integration has always grappled because of the postponement *sine die* of the construction of supranational democratic sovereignty. The democratic system will end up going into a fatal crisis and the community framework is destined to fall apart unless the depletion of the capacity to govern the economic process through national economic and social policies is answered by the creation of a democratic European government. This must be capable (on the basis of the elimination of the national veto in matters of macro-economic, and in particular fiscal policy) of ensuring socio-economic cohesion and the competitiveness of

the European economy in the context of globalisation, and more generally, of overcoming the abnormal mismatch between the dimension of politico-democratic responsibility, which is still fundamentally national, and the dimension of effective decisions. On the other hand, a transition to a federal system (which also means a single foreign, security and defence policy) within a short time-scale is imposed by the international context following the dissolution of the bipolar system. In this new context, on the one hand the European Union must become a producer of global security instead of remaining a simple consumer of security, sheltered by the American umbrella; on the other, the creation of democratic and effective supranational institutions is indispensable, to tackle the problems of the enlargement to central, eastern and Balkan Europe. Enlargement is a huge challenge (and a demonstration of the success of the European project), but is destined to produce explosive consequences unless the limitations of functionalist integration are overcome at the same time.

For these reasons the need to realize the final goal of Schuman's declaration, the European federation, is acutely relevant today, as is the strategy of the "hard core" or avant-garde nucleus proposed in it. This strategy is the only way to stop national vetoes holding up crucial advances and to tackle the current process of enlargement (which must not be delayed, *inter alia* so as not to compromise the stabilising effects of this prospect, in terms of progress in the field of human rights, the protection of the minorities, ethnic-territorial conflicts, and political and economic reforms) and the consequent danger of institutional paralysis. To create a hard core adequate to the current challenges does not mean however the concession of further opting out, the admission of constructive abstentions or the realisation of reinforced co-operation, which, despite the usefulness of these devices in certain specific cases (in particular opting out of monetary unification), lead to a Europe *à la carte* destined to disintegrate at the first serious crisis.

If Schuman's initiative in 1950 gave rise to a pre-federal community in the broader context of the Council of Europe, to take inspiration from that example in the current situation of integration means to establish a federal community among those states which are agreeable: a community with its own institutions and which, as a unitary subject, is part of the broader circle constituted by the European Union. The latter must be kept alive to guarantee its fundamental acquisitions, in particular the single market, and it must be possible at any moment to move from it into the federal core, on the sole condition of accepting its rules.

Such a choice requires a separate treaty, as in the case of the ECSC, in order to prevent the initiative being blocked by governments not disposed for the moment to make the federal leap, but on the other hand requires a Treaty-Constitution, to establish a constitution for a federal state. And by consequence it means by-passing the method of intergovernmental negotiations and activating a democratic constituent method which assigns an essential role to the representative organ of the European people.

Sergio Pistone

GLOBAL INTERDEPENDENCE AND THE CRISIS OF STATEHOOD

At the beginning of June, the International Criminal Court for the former Yugoslavia closed the formal inquiry into NATO's bombing campaign in Kosovo, clearing the alliance of the charges levelled against it. But the very fact that the Court was required to assess the war conduct of the United States and its allies, which intervened in the conflict in the name of the safeguarding of the human rights of the populations involved, is quite indicative of the contradictions with which this body is struggling, and merits several considerations.

Naturally, the issue here is not the assessment of NATO's intervention, nor the behaviour of the Court, nor even the controversy to which this behaviour has given rise. The question, rather, is that of whether or not it is possible to judge the war conduct of sovereign states. International criminal courts — and this applies both to *ad hoc* ones as well as to the permanent one whose ratification is currently in progress — are not, indeed, in the business of abolishing war, nor of declaring it illegal as such, but rather, of judging it. They start from the assumption that, in a world of sovereign states in which only power relations have any influence, war as such cannot be outlawed, if for no other reason than because it represents, for democratic countries, their very last chance to oppose and seek to put a stop to the expansionistic or hegemonic projects of authoritarian states, or to intervene where there is violation of the human rights of groups or entire populations. From this derives the claim

that wars which are conducted in the name of the “defence of human rights” and “respecting” the principles sanctioned by international treaties (themselves drawn up in order to spare civilians pointless suffering and to prevent the committing of atrocities) can be considered juridically *just*.

Clearly, this claim is without foundation: presuming to have the capacity to determine, within the sphere of an action that, by definition, is violent and lawless, what amounts to excessive brutality or gratuitous violence means claiming to be able to judge the strategic war conduct of a country and to enter into an assessment of the opportuneness of certain choices that have been made, necessarily, in order to achieve a rapid victory with the fewest possible losses. It is clear that such an assessment is practically impossible to make: can it not perhaps be said that the first duty of those in charge of the armed forces is to spare their *own* soldiers useless suffering, because this is the mandate they are given by the citizens of their state, and to achieve victory in as short a time as possible? What is the basis upon which judges without a democratic mandate claim the right to establish which suffering must be prevented, and which lives spared, and which can, instead, be sacrificed?

A similar argument can be put forward with regard to the question of the *just* war. In general, as Kant explains so well, given that states exist, in relation to one another, in a state of nature, “the method used by states to defend their law can never be, as before an external court, trials, but only war.... And moreover, this permanent state of war cannot even be defined as unjust, since within it, everyone is his own judge.”¹ “The expression ‘unjust enemy’ is a pleonasm when applied to the state of nature, because the state of nature is, itself, a state of injustice. A just enemy would be one whom it would be unjust for me to resist, in which case he would no longer be my enemy.”² Law, in fact, can rest “solely upon the principle of the possibility of an external constraint, which can co-exist with the freedom of everyone in accordance with general laws.”³ “And a state that rests upon a general, external (that is, public) law, which has force on its side, is a civil state.”⁴ It is thus only within the Kantian civil state (in other words within the State) that law can be guaranteed. Outside it, the concepts of just and unjust become, from the juridical point of view, meaningless. This is why, even though it is true that international criminal courts claim to make purely juridical — and not political — assessments in order to clarify the responsibilities solely of individuals, and therefore that, in theory, they do not set out to express judgements on wars that are in progress, in fact, in the absence of a state framework that

constitutes the basis of the law, no evaluation of a conflict can ever be juridical, but is, necessarily, political; in substance, these institutions actually find themselves in a position where they *are* establishing which wars can be authorised and which cannot, on the basis of criteria that are never expressly set out. Conflicts are, in fact, the last link in the power chain that underpins relations between states and, as such, they can never be divorced from the situation that generated them. However, given that it is impossible for a court to assume the political responsibility for establishing the primary causes of conflicts, all it can do, as it seeks to assess who is guilty of violence and oppression, is to respond to the power balances between the states. If the hegemonic powers at international level label a country or regime as an enemy — a country or regime that may indeed be despotic and politically dangerous, but which, on the moral plane or as regards universal law, is no worse than dozens of others — then it, or rather its leaders, will become the object of the court’s deliberation. Similarly, a group of countries wishing to create difficulties for the hegemonic powers may ask the court to intervene in order to assess the action of the latter, and while it may not achieve effective results, it will succeed in injecting a certain element of unease into the process of the formation of public consensus towards the victors. All this is inevitable, because international criminal courts, which are not sustained by any political power and which have no democratic legitimacy, must have the support of the states to be able to act, and obviously, the latter use them as instruments of their own foreign policy. And it is, in any case, better that they be used by states — at least states are institutions that are founded on the consensus of the people, and thus exercise a certain degree of responsibility, albeit necessarily partial — than in the hands of individuals (“independent” judges) who are not answerable for their actions before any democratic body.

The most profound and most dangerous contradiction on which international criminal courts are based is thus the idea that international justice can be pursued even in a world that is divided up into independent states and that the law can be established without challenging their existence as sovereign entities. In accordance with this assertion, as mentioned earlier, the state ceases to represent the basis of the legitimacy of the law; instead, the law can be imposed not only in the absence of a political power that has the monopoly on force and can thus impose respect for it, but also in the absence of the consensus that would provide the basis for its legitimacy. In practice, it is an unworkable idea because these courts, in reality, can only act within the framework of the power

relations between states. On a conceptual level, however, it nevertheless remains a decidedly ill-fated idea, because like all mystifications, it produces a movement away from a true understanding of reality, and from the possibility of acting effectively in order to improve it.

* * *

This separation of state and law is part of an increasingly widespread current of thought that tends to attribute to the state a secondary function in the government (now *governance* in fact) of the political and economic processes. In the face of the nation-states' partial loss of sovereignty and reduced capacity for intervention, both products of the process of globalisation, the most common reaction is, in fact, to stop regarding the state as the primary level in the organisation of power, in the areas both of domestic policy (where it can be replaced by the momentum of the market and by the organisations of civil society) and of international policy (where there is a growing number of international bodies which ought to be able to provide not only the framework for cooperation but also to assume the role of decision-making bodies).

But here again, we are clearly in the presence of a mystification which continues to conceal both the weakness of the nation-states and the power relations on whose basis the states act. It is no coincidence that the most widespread support for these theories has been generated, above all, in Europe, where the inadequate dimensions of the nation-states and the consequent reduction in the governments' capacity for intervention and sense of responsibility are the very reasons why the crisis of the state is felt so keenly. This fact is aptly illustrated by comments, reported some time ago in Europe's leading daily newspapers, made by the Czech president, Vaclav Havel: "In the coming century, most of the states will begin their transformation from cult objects into simple civil administrative units, in the ambit of a complex planetary organisation ... It will be possible to see a shifting, both downwards and upwards, of the practical responsibilities and jurisdiction of the state: in the first case, towards the various bodies and structures of civil society to which the state will gradually have to transfer many of its tasks, and in the second towards communities and organisations, regional, transnational and global. And this transfer of functions is already under way."

It is probable that no one in the United States would subscribe to this view since, in that country, the federal government continues to play a fundamental role in directing economic policy and shoulders responsibility for foreign policy. In reality, where it works, the state framework is

still the central point of reference. In Europe, however, it is a view that is now extremely widely held, particularly in Germany, Great Britain and Italy. Even Habermas, a rigorous intellectual who in fact acknowledges the crisis of Europe's nation-states and sees the creation of a European federation as the possible means of restoring the state's capacity for intervention (and who thus grasps the link between enlargement of the orbit of the state and the possibility of once more being able to govern political processes), when required to tackle global issues and to link them to the questions of post-national democracy, points to the launch of a "world domestic policy" as a solution, while regarding as neither possible nor desirable the constitution of a "world state."⁵ By "world domestic policy" he thus means an institutionalisation of the procedures (in order to obtain a pragmatic harmonisation of interests at world level and an intelligent establishment of common interests) that would take into account the independence, preferences and peculiarities of what were "previously sovereign" states. The protagonists in this project would thus have to be, in the first place, non governmental movements and organisations, the first embryos of a world civil society which would generate the impetus for the overcoming of national interests.

Habermas maintains, then, that choices decisive for the future of mankind can be made without the existence of a decision-making body, an institution which bases its authority, and thus founds its legitimacy, on the consensus of the people, and which is backed up by the democratic mechanisms that are essential for expressing the general interests of a whole community that feels part of a common destiny. In fact, all he is doing is expressing a need — the need to succeed in affirming the common good of the whole of humanity — without indicating how it could be fulfilled, but willing that men might prove able to become entirely rational beings, capable of cohabiting without the need to create institutions that have the monopoly on force and the capacity to ensure respect for the law (the two requisites fulfilled by the state).

At the time of the war in Kosovo, Habermas re-examined this concept from a new angle, and in a much more explicit manner. Setting *pacifism of law* against *realist* thought, he affirms the need to transform international law into a law of universal citizenship. The war in Kosovo, justified as a peace-making and defence of human rights mission, can, according to Habermas, be interpreted precisely as a step towards the affirmation of the cosmopolitan law of a universal society. The defence of human rights has become, in fact, a primary duty of our times that derives from the tragedies of the first half of the twentieth century. What is more, the

process of globalisation is gradually divesting the nation-states of their sovereignty, and leaving the way clear for intervention in their domestic affairs. But in order for the defence of rights to become an objective that can be pursued effectively, it must in some way be institutionalised, creating a juridical structure for international relations, so that the usufructuary of the law is also the author of it; there is therefore a need to create a “democratic legal order” on a world scale which would be the foundation for the legitimacy of intervention. This scenario, he maintains, could emerge even regardless of a world state or government’s monopoly on violence. It would be sufficient to have an efficient Security Council, the binding decisions of an international court of justice and integration of the general assembly of representatives of government with a second level of representation of the citizens.

The fact that a scholar like Habermas, who is actually a firm supporter of the role of the state in many areas, and above all in the social field, should stumble into such an obvious contradiction is indicative of how difficult it has now become to think through the question of statehood and the problem of peace. It is in fact clear that if the legitimacy of an intervention in the name of the defence of human rights is based on the fact that the usufructuary of that intervention is also the author of the rights in question, then the “institutions” that Habermas suggests are sufficient to create a democratic legal order at world level (a reformed UN and a court of justice with binding powers) certainly do not have the capacity to realise this objective. In reality, only the state has this capacity, but to regard a world state as superfluous, unrealistic, or even dangerous, is, inevitably, to be drawn up a blind alley.

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The question of the links between a state framework and the possibility of imposing law is thus crucial to an understanding of the role of the state. If it is not grasped, then it becomes impossible to assert the importance of the latter in every field. The refusal to recognise the role played by the state in directing and regulating the economy, and in pursuing the objective of social justice, is rooted in the same contradiction as before: that of maintaining that politics, i.e., the capacity to govern the processes that are in progress and to impose respect for the law, can be divorced from the state, i.e., the organisation of power (the state has the monopoly on force) and from consensus (the state, in fact, is the people and vice versa).

As Carl Schmitt, one of the few authors to have tackled with real lucidity this question of the relationships between state, law and people,⁶ clearly explains, the essence of the state is the fact that it represents the political unity of a people, and thus is founded on an act of political will. And it is in this act, through which the multitude becomes a people, that the basis for its legitimacy and its power lies. The same applies to the constitution which, when the term is applied in its most profound and absolute sense, also coincides with the state, and indeed constitutes its principle of unity and of social order; it too is the product of a conscious decision, made by the people in their capacity as holders of constituent power and of sovereignty. It is through this exercising of political will that a people becomes aware of being a subject that is capable of acting and of determining by itself its own political destiny. The legitimacy of law is thus based on the act of political will through which a people affirms its own existence, of which the state is the concrete expression. This is why the modern state embraces both the concept of formal law (the law understood as regulations, and more precisely as juridical rules, which is the basis of the idea of the rule of law), and that of political law (law understood as concrete will, as power, as an act of sovereignty — as the will of the people⁷), and both of these concepts of law are central to an understanding of the modern constitution, because they correspond to its two fundamental elements, the part which relates to the rule of law and the political part.

This also makes it possible to understand why the modern state is, as Eric Weil maintains, the only sphere in which a community can reach conscious and universal decisions.⁸ As regards the organisation of power it is, in fact, the only form in which there is coincidence between those who are the authors of the law and those who must respect it, in which the holder of rights, and the subject bound to fulfil the corresponding duties, are one and the same.

Obviously, today’s states are only partial and highly flawed versions of the ideal model that embodies the general will. The main reason for this is to be found precisely in the existence of a multiplicity of sovereign states which makes the state, at once, “the guarantor of peace and respect for the law on its inside, and the agent of violence in relationship with other states... The exercise, or the threat of the exercise, of violence by the states externally necessarily compromises the certainty of legal relationship internally, since the two spheres can not be isolated. As a result, the state can achieve internally a sphere of legality only at the cost of tolerating and often promoting a sphere of relationship, both in

international relations and internally, that is removed from the control of the law.”⁹

The crisis of national sovereignty, produced by man’s growing interdependence, brings to light first of all the need to enlarge the sphere of influence of the state, until it is sufficient to cope with the, now global, dimensions of the various problems it faces, be they economic, environmental, or questions of security, social justice or the defence of human rights. This process will certainly be a very long one, and one in which provision will have to be made for intermediate stages: regional unions of which Europe, providing it proves able to complete the course of its own unification through the founding of a federation, will be the first example and model. However, this process, which coincides with the overcoming of the division of humanity into sovereign states, is the only one with the capacity to achieve anything approaching a realisation of the full expression of the general will. It will involve “the progressive gaining of self-awareness of the world federal people in-the-making through the formation of regional federations, and its resolution will be the foundation of the cosmopolitical federation....[It will be] the foundation of a state that, in its turn, will approximate more than ever before to the realisation of its own idea, freeing itself from its violent side and assuming as its sole mission the pursuit of the common good of humanity.”¹⁰

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In conclusion, institutions like international criminal courts, as well as analyses that indicate the need to affirm a law of universal citizenship, both constitute demonstrations of a real need, and highlight — albeit, generally-speaking, unconsciously — the fact that the crisis of the state as “the agent of violence” in international relations has already begun. But the solution that both envisage, i.e., the transformation of international law into regulations that will bind the sovereign states, is wrong and even counterproductive: it is wrong because there can be no short-cuts in the affirmation of peace, which, rather, is brought about through the slow process of building a world state; and it is counterproductive because, as mentioned at the start, spreading the illusion that peace and law can be achieved even in a divided world not only leads to the mobilisation of energies in pursuit of illusory objectives, but also leads away from an awareness of the reality of the problem. Demonstration of this is provided, once again, by Europe, which exploits the international institu-

tions in order to avoid shouldering its responsibilities and making a real contribution to the peace-building process. Compliant alignment with American decisions, which is what we currently see, certainly does not constitute a real contribution, and neither, vice versa, do minor efforts to unsettle the hegemonic power — such as, precisely, lending support to the birth of the International Criminal Court — in areas where it is clear that there is no penalty to be paid. Europe can, in fact, make a real contribution only by setting in motion the process that, through the completion of its federal unification, will lead to the overcoming of the absolute sovereignty of the states, and open up the way for similar processes in other parts of the world.

Luisa Trumellini

NOTES

¹ I. Kant, *Zum ewigen Frieden. Ein philosophischer Entwurf*, in I. Kant, *Sämtliche Werke*, Band 6, Insel-Verlag, Frankfurt a.M., 1964, pp. 210-211.

² I. Kant, *Die Metaphysik der Sitten*, in, I. Kant, *Sämtliche Werke*, Band 4, Insel-Verlag, Frankfurt a.M., p. 474.

³ *Ibid.*, p. 339.

⁴ *Ibid.*, p. 366.

⁵ J. Habermas, *Die Postnationale Konstellation*, Frankfurt a.M., Suhrkamp Verlag, 1998.

⁶ These highly schematic references are taken from *Verfassungslehre*, Berlin, 1928.

⁷ “Political here means, in contrast to the rule of law, a concept of law that derives from the form of political existence of the state and from the concrete structure of the organisation of power”, in C. Schmitt, *Verfassungslehre*, *cit.*

⁸ E. Weil, *Philosophie politique*, Paris, Vrin, 1966.

⁹ F. Rossolillo, “Popular Sovereignty and the World Federal People as Its Subject”, in *The Federalist*, XXXVII (1995), p. 150.

¹⁰ *Ibid.*, p. 184.

Thirty Years Ago *

WHY BUILD EUROPE?

The Current Political Picture and Historical-social Significance of European Federalism.

In the years that have elapsed since the end of the Second World War, European society has witnessed the emergence — in forms which were, as long as the Cold War curbed the free expression of fermenting ideals, only virtual or limited in scope, and which, following the removal of that barrier, are now becoming more explicit and widespread enough to be considered almost general — of the desire to achieve modes of civil cohabitation and of the organisation of political power that, going further than the Russian and American models — these are based on forms of authoritarianism which, while ostensibly poles apart, both encroach upon the citizens' development as persons — have the capacity to lead to the construction, on the basis of a political framework that is tailored to the requirements of men, of a freer and fairer society.

The expression of this general anti-authoritarian feeling, has been most marked in three sectors, and in relation to three of modern European society's key problem areas: education, industrial relations and the environment, natural and urban.

In schools, it took the shape of a protest against the bureaucratic control exercised by the state and the conditioning by the production system which, seeing schools as instruments whose sole function was to produce citizens biddable in the face of power and readily integrated into society's economic structure, forced, and continue to force, teachers to impart a rigid and specialised culture and to adopt authoritarian and repressive methods of teaching. The call, in reaction to all this, was for genuinely democratic schools, entirely free from bureaucratic constraints

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and frameworks, for schools which, through the introduction of a modern approach to teaching, based on free interlocation between teachers and pupils and the teaching of a living and contemporary culture, would support the development of a student's individual personality, rather than strangling it arbitrarily.

In industry, it manifested itself as a backlash against outdated managerial methods which violate unjustifiably the dignity of workers as human beings, and saw the latter claiming both the right to take possession of a greater share of the product of the company and the right to be involved, as a class, in the planning of production on a national scale and, on an individual level, in the reaching of decisions regarding the organisation of labour within the factory and the running of the enterprise generally.

With regard to the natural and urban world, it emerged as a general acknowledgment, so widespread as to be unprecedented in the history of civilisation, of the urgent need for a carefully formulated environmental policy — a policy able to reconcile solutions to problems of economic development with the safeguarding of natural values and the protection, or restoration, of urban environments that allow the continued existence, or recreation, of a sense of community in human relations, thereby putting a stop to the current process that, through the anarchic spread of cities and the systematic destruction of the natural environment, is progressively dehumanising social relations and the lives of individuals. This acknowledgment took the form of a protest against the centralising of territorial policy decisions, which masks the speculative interests that play a leading role in the destruction of the natural and urban environment, and a claiming of the right of local communities to discuss and decide upon, independently and in a democratic fashion, the issues that concern them.

These widespread aspirations and anti-authoritarian struggles are now accompanied by a deep appreciation of the need to realise another value that is, indissolubly bound to the values that stir European society today: peace. Never before has there been such an acute awareness of the fact that humanity, while engaged in a great struggle to liberate the individual, and to win acknowledgment of personal dignity and responsibility, has equipped itself with means of destruction so powerful as to be capable of destroying in the shortest space of time, any achievement of civilisation. Means of destruction that render these very achievements both difficult and uncertain: threatening humanity with destruction, they mobilise vast energy resources, material and moral, and so doing channel them away from the great civil battles of our times.

The Emergence of New Values and the Need for a New Political Theory

From a certain point of view, these instances of unrest and these claims and demands follow on from the values brought to the surface by the great political struggles of the nineteenth century, and as such must be interpreted as manifestations of the need to carry on with and complete the liberal, social and democratic revolutions. These revolutions, and the present anti-authoritarian and pacifist currents, are therefore part of a single line of development: that of man's progressive taking control of his own destiny, and of the progressive humanisation of power and, in general, of relations among men. In fact, the needs that unsettle contemporary European society bring to the fore once more, in different forms, the great values that inspired the ideologies of the XIX century: freedom of the individual from the arbitrariness of power; greater involvement of the citizens in the reaching of decisions that concern them at all levels; and fairer distribution of wealth.

But the struggles currently in progress in Europe have, together, led to the emergence of possible new values. While the great ideologies of the XIX century had as their objective the liberation of social classes — first the bourgeoisie, and then the proletariat — the purpose of the current unrest — despite the class-based terminology that is often used by some of the groups that give voice to it, and which can be explained in the light of Marx's observation that the claims of every historical movement tend to be expressed using the terminology of the one that immediately preceded it — is the liberation of the individual as such.

On the other hand, it is only today that the value of peace itself, which was nevertheless embraced by the liberal, democratic and socialist ideologies, finds itself placed at the top of the scale of values; only today that it is considered an end in itself, whereas in the great ideologies of the XIX century it occupied, a subordinate position, and its realisation was regarded a by-product of the creation of a liberal, democratic or socialist order respectively.

There is nothing arbitrary about this change in perspective (from the values that marked the great revolutions of the nineteenth century to those that now prevail in Europe), rather, it is the result of the evolution of the material means of production and of the productive forces.

The result of the evolution, over the XIX century, of the material means of production and of the productive forces has been the progressive integration of the social classes. This certainly does not mean that all the injustice that existed in the division of wealth in Europe has been

eliminated, rather that, with the working class now having an average income that is sufficient to guarantee its members a dignified existence, the violent phase of the class war is over, and it has ceased to be a key problem in political life. Put another way, the nineteenth century did in fact bring liberation of the classes. This development, through the establishment of community-based social relations that had been unthinkable while class hatred still represented an insuperable barrier between the proletariat and bourgeoisie of individual states, cities and villages, created the material basis for the emergence of a new value to pursue: the liberation of the individual.

Moreover, the process that brought about this integration of the social classes was not solely a vertically-moving one; in the course of the XX century, it also began to spread outwards, in other words, to bring the integration of populations of different states. This new direction taken by the process, whose manifestation was particularly clear in Europe where the contradiction between the modern level of development of the material means of production and the nineteenth-century dimensions of the nation-states is so evident, has had two consequences which, while appearing contradictory, are in fact convergent. The better means of communication and the more effective weapons to which it gave rise rendered war a vastly more destructive event than in the past and, for the first time, made peace the indispensable condition for civil progress of any kind.

On the other hand, by bringing the peoples of different states into ever closer and more frequent contact with one another, it created, for the first time ever, the conditions in which the realisation of peace through the overcoming of national barriers could be envisaged.

However, Europe today, whose situation with regard to concrete aspects and values is outlined here, is still lacking a political theory that will provide the framework needed in order to understand this new reality that is contemporary European society, and in order to create institutions with the capacity to win the consensus of the citizens of Europe and to deliver a policy tailored to the new needs. This theory does not correspond to the liberal, socialist or democratic ones, whose function, irrespective of their ideological content, was to provide the framework for the interpretation of the social reality of the different phases of the XIX century. What is needed is a new theory which conserves all the non ideological elements of liberalism, democracy and socialism, while at the same time going beyond them to arrive at a vision which is right for the problems of today.

This theory is federalism. Viewed in its structural dimension as the theory of the federal state, federalism provides an institutional instrument which, on the one hand, is open (its scope not limited to a single traditional nation) and can even represent a political formula for a world government, and on the other, extremely segmental, and thus able to offer the greatest possible regional division of power and the greatest degree of self-government. The federal state is perhaps the only political formula which on the one hand allows, through the overcoming of national barriers, the current supranational course of history to be controlled in a democratic fashion, and makes it possible to imagine the achievement of perpetual peace through the creation of a democratic world government, and, on the other, guaranteeing local communities a broad measure of autonomy, allows the conditions to be created for the development of a truly community-oriented existence and thus for the liberation of the individual.

The Nation-State against Renewal

No theory has yet been widely diffused that provides the framework for expressing the new concerns unsettling European society, a fact that can be blamed on the fact that the latter, coming up against a political obstacle and finding no positive outlet, are transformed into gestures of rebellion or into a sterile sense of unease. Our problem now is to understand the nature of this obstacle and to find the political solution to the state of crisis with which Europe, due to the deep contradiction that has been created between the de facto situation and the values shared by most of its citizens, is grappling.

This obstacle, as indicated previously, is the nation-state, and the overcoming of the nation-state constitutes the indispensable preliminary condition for the putting into practice of any progressive policy in Europe today.

The reasons why the nation-state now constitutes the factor blocking any progressive evolution of politics and society in Europe can be understood by bearing in mind two elements, one historical and the other present-day, which explain its incapacity to resolve the problems of our times.

The first element, passed down from previous historical times, is the centralisation of the state in continental Europe. The reasons behind this phenomenon cannot be examined here, but it is one which has, in the course of modern history, left a deep impression on the whole of the

political and social life in these European countries. By creating an authoritarian and bureaucratic machine of state, far removed from the lives of the citizens and thus subject to no form of popular control, it frustrated, in part, the efforts of the protagonists of the liberal, democratic and socialist revolutions and is responsible for the authoritarianism which is still present in all sectors of contemporary society and against which, in schools, factories, and in natural and urban settings, students, workers and the most responsible sections of the population continue to fight.

On the other hand, despite now being weakened as we shall later see, and despite, as a result, leaving room for new aspirations towards decentralisation and the rebirth of minor nationalities, this kind of state does not allow these aspirations to take root, to achieve an effective political expression and thus to obtain concrete results. This is partly because it uses the ideology of the nation as an eternal and indivisible entity to justify its existence and partly because it has, through a centuries-old levelling action, systematically eliminated all local peculiarities, both linguistic and cultural, thereby preventing the rise of any political will to restore an effective degree of decentralisation within the existing states.

The second factor, which emerged with increasingly dramatic clarity in the course of the XX century, is represented by the fact, mentioned earlier, that economic relations and strategic problems, swept along on the wave of uninterrupted development of the material means of production, have assumed dimensions so great as to render increasingly insufficient the dimensions of the European states, political units which, while equal to the problems of nineteenth century societies, are entirely inadequate when faced with the problems of modern society. From leading protagonists they have been reduced to little more than pawns on the chessboard of world politics, and have managed to conserve their material prosperity only by relinquishing, in the ambit of the common market, a large share of their sovereignty on the economic front.

This is the only real reason for the crisis of the nation-state in western Europe, a crisis which everyone is talking about, but which few really understand. On its most general level, it can be perceived as a crisis of consensus, as a divorcing of the citizens from the state which is motivated by the fact, acutely if not altogether consciously registered by the citizens themselves, that the state is no longer a decision-making centre with the capacity, through its actions, to guarantee them their security and well-being, these having now come to depend on other decision-making

centres: the US government and the international capitalism freely operating within the framework of the common market.

This crisis of consensus immediately becomes a crisis of the process of the formation of political will, in the sense that no political class can, without strong support from public opinion, establish stable and homogeneous majorities which have the capacity to carry forward bold policies, and also in the sense that, in a situation in which the political parties are increasingly in disrepute and lacking in members, the very selection of the political class becomes a defective process at the end of which the running of the state is entrusted to mediocre figures, devoid of political vision.

This explains why the governments of Europe, even when faced with the threat of utter disorder, have proven unable to summon up the energy and imagination needed to tackle the problems of schools, of the working world, and of the natural and urban environment and why, in the midst of their own confusion and impotence, they are allowing an increasingly untenable situation to fester.

In particular, it explains the impotence of the working class, condemned to a subordinate position by the national dimensions of their unions, which find themselves engaged in an unequal struggle with a capitalist class that, in its advanced sectors, operates on a European level.

Moreover, the impotence of Europe's nation-states, whose closed and militaristic structure has, what is more, always rendered the equilibrium in Europe unstable, has created in Europe and in that section of the world that might naturally look to Europe for assistance, a power vacuum that has been a leading factor contributing to the deterioration of the world equilibrium: it obliged the two superpowers, employing vast military, financial and ideological resources, to extend their spheres of influence to parts of the world that would, on a purely geographical basis, naturally fall outside their range of action; and it had the effect of setting the two superpowers in direct opposition to one another, without a third influential protagonist on the international stage to act as a mediator of their conflicts. The impotence of Europe's nation-states has thus had enormous negative significance also with regard to the maintenance of peace.

The above considerations show clearly that none of the ideals and aspirations currently alive in Europe can even start to be realised while European society continues to be organised on the basis of the historically superseded nation-state model, characterised as it is by centralisation and impotence; it is also clear that the only struggle that might offer these ideals and aspirations a positive outlet is that which targets the overcom-

ing of the nation-state and the founding of the only form that can, today, be regarded as politically feasible: that of the European federation.

A European federation would eliminate the two factors, mentioned earlier, that make the nation-state the obstacle to European society's evolution towards higher forms of civil cohabitation. First of all, it would, upon its foundation, cover an area that is highly diversified both culturally and linguistically: the terrain of the historically established European nations. As a result, the federal structure of the European state would not be an empty legal formula; on the contrary, the different social behaviours, deeply rooted in history, on which it would rest would bring to life and lend substance to the segmented legal structure of the federal state, and through the division of power that this would involve, ample room would be left for the realisation of the desire for self-government shared by various minor communities, territorial and functional.

And that is not all. A European federation, by securing a leading role on the international stage and thus the capacity to influence the international equilibrium and control an economy that has expanded to reach continental dimensions, would re-establish the cycle of trust between the citizens and the powers that be (completely destroyed by the nation-states) and would therefore be able to express a political will strengthened by the energy and imagination that is needed in order to solve the problems of our times.

It is only in the context of a European federation, therefore, that the creation of a democratic and pluralistic education system becomes a feasible prospect; only in the context of a European federation that the unions, undermined and thrown into difficulties by their national dimensions, which render them impotent in the face of an economy that now operates on a European level, would regain the strength they need in order to involve workers deeply in the planning of the economy, to ensure that they obtain a truly, and not merely nominally, greater share of the national product, and to affirm, through concrete measures, the right of workers to have a say in the decisions that relate to the organisation of labour and the running of the enterprise generally. It is only in the context of a European federation that local communities might acquire sufficient independence and power to participate actively, each within the sphere of its own territorial jurisdiction, in regional planning, asserting, above and beyond interests of short-term economic development, those relating to the safeguarding of community values and of the conditions that allow the individual to develop freely.

A European federation, finally, would make a vital contribution to the

establishment of a more peaceful world equilibrium, its presence alone filling the power vacuum that renders the current world equilibrium tense and unstable; it would provide European citizens determined to strive for peace with an instrument capable of turning their aspirations into a policy, rather than into unproductive expressions of dissatisfaction, which, in the sphere of impotent nation-states, is all that they can be.

World Federation as the Final Objective

Having appreciated the sheer extent of the social changes that will be rendered possible by the foundation of a European federation, it is extremely important to underline, to avoid any ideological mystification, that the foundation of a European federation will not mark the end of prehistory, the leap from the reign of necessity to the reign of freedom.

History shows that man's domination of man has two main sources, which are closely interconnected: one is the social division of labour which necessitates the organisation of labour itself, and thus the establishment of relationships based on command and obedience, and the other is the international anarchy which produces both war and the need, in order to face war or even just to avoid it, to base the whole of the life of society on a network of authoritarian relationships, and which thus perpetuates the social division of labour even in sectors in which, theoretically, this could be overcome.

The stage now reached in the evolution of material production relations in the most industrialised part of the world is such that we are starting to glimpse the possibility that these two sources of oppression might one day be removed. On the one hand, the revolution in the mode of production represented by automation, which is already rapidly turning workers into technicians, opens up the prospect of the complete abolition of alienated labour. On the other, the spread of interdependence in human relations, which also depends on the evolution of the mode of production, is generating the historical tendency to create political units of increasingly vast dimensions, and makes it possible to envisage, even as a future prospect, the political unification of mankind in the framework of a world federation which, by eliminating once and for all the division of the world into sovereign states, will put an end to anarchy, and thus eliminate the very root cause of war.

From this perspective, it becomes possible to imagine an era in which the working day would, for everyone, be just three hours long; an era in which all the energies of men, set free by the disappearance (or the trend

towards the disappearance) of alienated labour and by the eradication of violence from international relations, might be poured instead into the democratic government of the free communities in which they will live, and in particular into the management, to social ends, of the production activities that will evolve within them; an era in which private ownership of the material means of production might be abolished, but without the emergence of state capitalism and bureaucratic centralism; an era in which it will be possible to realise the model of the democratic school, as society will no longer be looking to schools to produce a workforce equipped to carry out predetermined functions, but instead, complete individuals.

Thus, in this society, human relations, currently based on dominion and exploitation, abstract and mechanical, determined by the objective requirements of the social division of labour and of the *raison d'état*, will be replaced by relations of a new kind, which today are best manifested within the family setting: relations in which, to use an expression of Brecht's, men will be men for men, in which men will consider one another as ends and not as means. The basis of this society will not, therefore, be authoritarian organisation of factories, administration and the armed forces, but instead, the community — the social sphere in which these relations between men will manifest themselves in day-to-day life.

In this society, pluralism will become a living reality, because society itself will no longer be a gigantic machine in which men are mere cogs, obliged to sacrifice their human identity, their individuality, in order to play their part as elements in a single, impersonal plan; instead, it will be the sphere within which the infinitely diverse individual vocations of men, and their natural inclination to associate with one another to different ends, might be allowed full scope.

But, while the definitive liberation of mankind has today become, for the first time, a prospect that can be envisaged, it is, on the other hand, unthinkable that its realisation will coincide with the political unification of Europe. Indeed, neither of the two causes of oppression and exploitation that we referred to earlier will be eliminated upon the foundation of a European federation.

The latter will, as we have seen, produce an international equilibrium far more peaceable and progressive than the current one, but it will still be a sovereign state in a world of sovereign states and, as such, will not eliminate the root cause of war and international tension; and like it or not, it will inevitably adopt a policy of influence. It will allow important

advances to be made in the nerve centres of today's society: in schools, the working world and in natural and urban settings. But it is unthinkable that automation, still in its initial stages, might lead in a short space of time, and for as long as international relations continue to be characterised by anarchy, to the disappearance of the social division of labour; it is also impossible to imagine that the European society of tomorrow will prove able to overcome the capitalist stage — however controlled and humanised this may become — in the evolution of production relations, or the need for command and obedience-based relationships within the economic sphere, or for a certain subordination of schools and regional politics to the demands of the production system.

The Historical Significance of European Federation

Some may be discouraged by the realisation that European federation is only a partial objective, but awareness of this fact constitutes a crucial intellectual tool in our struggle. Attempts to present federalism as an immediate political project, as the full realisation of all our values, are false and contradictory. False for all the reasons we have outlined here, and contradictory because a value is fully realised only when its realisation touches all men: as a political project, federalism regards Europeans alone, even though the foundation of a European federation will have major repercussions at world level. The significance of all this is that, irrespective of the scope of the advances rendered possible by European federation, Europe's federal experience will unfold in a world that will continue to be devastated by war, hunger and injustice.

From a historical point of view, a political experience cannot be regarded as a success if its protagonists fail to become involved in the suffering of the rest of the world. Countries, rich, free and just, that will not be touched by the tragedy of the part of the world that is poor and oppressed — in general these are small, privileged countries — are whited sepulchres: in truth, they are neither truly free, nor truly just, denying as they do in their relations with the rest of the world, the very values that they claim to have realised at home.

But becoming involved in the suffering of the world's poor and oppressed means assuming responsibility for setting them free from their misery. And responsibility implies a policy of influence, it implies the possession of arms, it implies the organisation of power (in the state) so as to be able to use those arms, it implies the maintenance of high levels of productivity through the organisation of labour: in a way, it implies

relinquishment of some of the victories won in the civil sphere and the assumption of part of the suffering that one seeks to alleviate.

This will be the position in which Europe, destined in view of its size to be one of the major protagonists on the world stage, will find itself. But although its foundation will not signify the definitive realisation of all the values for which it stands, this will in no way undermine the universal historical significance of this development. Indeed, the historical significance of great revolutions is not measured solely on the basis of the material transformations that they have brought about, but also and especially on the basis of the importance of the message that they have delivered to, and of the prospects that they have opened up before, mankind. The historical importance attached to the French Revolution would be impossible to justify had its sole function been that of elevating the French middle classes to power in their country. Similarly, the foundation of a European federation will assume universal historical significance as a result not so much of the internal material transformations that it will bring — even though these will be momentous — as of the importance of the example that it will set to the rest of the world, and of the contradictions that it will throw up.

European federation will, in fact, provide an example of the institutional transformation needed for the democratic government of a modern society characterised, as a result of the evolution of the mode of production, by the increasingly vast spheres of interdependence in human relations that are emerging thanks to the overcoming of the idea of the nation as the basis on which political power must necessarily be organised. The foundation of a European federation will thus provide the first example of democratic political control to emerge in the course of the supranational phase of world history, a phase which is emerging with remarkable evidence in Europe, but which is destined increasingly to touch the whole of mankind. Thus, European federation will have a historical significance that will extend beyond the area directly affected by it. In short, it will be the prefiguration of world federation.

The universal historical significance of the European federation can already be seen in the objectively anti-imperialistic and anti-colonialist role that it will, upon its foundation, automatically assume within the world equilibrium. Imperialism and colonialism constitute the only political formula, other than federalism, with the capacity to exert some form of political control over the present supranational phase in the course of history. It is a formula which would be overcome by the birth of a European federation, as the latter would break the Russian-American

monopoly of power and also be capable of adopting a responsible policy towards the countries of the third world, a policy that really would allow them to extricate themselves from the downward spiral of underdevelopment and enable them to evolve towards ever more profound forms of integration, and thus towards real, not just nominal, independence. This would, of course, be an indispensable precondition for the creation of a world federation as the latter can be born only as a pact between peoples that are equally free and civilised.

But, above all else, the future European federation will embody a contradiction so rich in potential for future development that it will constitute a dynamic and progressive element in the next phase in the historical course. Its foundation, unlike that of the American federation, will not be an expedient for the resolution of a crisis situation limited to a specific area, moreover not central to the world equilibrium, but the conscious overcoming of the nation-state, in other words, of the principle which decrees that state and nation must, necessarily, coincide.

The European federation will not seek, upon its foundation, to justify its existence by setting itself up as the state of the Europeans, but only on the basis of a negative principle: in short, the rejection of the nation as the basis for the political organisation of mankind. As a result, it will, from the outset, show a particular quality that, despite being an innate characteristic of the federation as a form of state, failed to emerge in the American experience: that of being open to all the peoples of the world, a form of state whose very principle is negated by frontiers. Having said that, the reality of the world equilibrium is such that world federation cannot, today, be considered an immediate political objective. The European federation will thus start life as a regional federation, and such it will be destined to remain for a long time to come. It will, as we have already said, be obliged to bow to the rules of *raison d'état*, albeit a *raison d'état* that will be, globally, more progressive than that of the current nation-states; it will adopt a policy of influence, albeit, overall, a more evolutive one; there will be no abolition within it of relationships based on domination, even though these will be rendered more humane. But the political power will not have at its disposal any ideological instrument which works as effectively as the ideology of the nation as a means of justifying war, dominion, and exploitation.

The nation-state, founded on the principle of the necessary coincidence of state with nation, represents the full accomplishment of a political formula. It provides those in power with all the ideological instruments they need to justify inequalities among men, national ego-

ism, war and exploitation. The federal state, on the other hand, when it is restricted to one world region, is an imperfect political formula. Being limited in space, it cannot eliminate the inequalities among men, national egoism, war or exploitation; at the same time, it cannot justify nationalism and closure, representing through its very birth the antithesis of these values. It is thus a weak and contradictory political formula since, through its very realisation, it constitutes a negation of its own principle.

What this means, however, is that it is an evolving formula — the contradiction that undermines it is also the motor driving it on and preventing it from crystallising, rendering it unstable until such time as cosmopolitanism, its principle, is finally realised through the founding of a world federation.

These considerations are, in our view, crucial if we are to understand what ideas European society will prove able to embody, the values which it will bring to the fore. These elements help us to appreciate that, in this regard, European society will be poles apart from American society, not only because it has, unlike the latter, lived through the experience of socialism, and not only because the pluralism that will characterise European society will be richer by far than the, somewhat artificial, pluralism of American society. The difference will lie, in part and above all, in the following fact: as its birth will be objectively qualified, in value terms, by the overcoming of the nation-state, and thus by rejection of the world's division into sovereign states, the European federation is destined to trigger social behaviours oriented towards cosmopolitanism, and these, frustrated by the reality of European politics, will constitute a permanent ferment of opposition, a permanent reminder of certain values, a permanent guilty conscience to trouble Europe's politicians. These behaviours will be the salt of European society and will keep alive the significance, in value terms, that the foundation of the European federation will objectively have had for the rest of the world. All this means that the bearers of the historical significance of the European federation will not only be the political classes in power, but also, and above all, the forces in opposition. Thus, in seeking to evaluate how important this federation will be to the future of mankind, it is necessary to consider not only the policies that the European governments will prove able to implement, but also, and above all, the possible new values that the opposing forces, inside and outside parliaments, will prove able to highlight and disseminate.

The Nature of Federalist Action

To conclude, a further consideration should be presented which, in fact, follows on logically from all that has been said thus far. By giving voice to its concerns and aspirations, and by engaging in its various struggles, European society is responding on a daily basis to the question, "Why build Europe?" Federalists find themselves faced with the task of removing the obstacle that bars it — the nation-state — and of creating the institutional framework within which these concerns might be quelled, these aspirations realised, and these struggles won: a European federation. This is the most they can do. They cannot expect to shape the society of tomorrow's Europe, because, as Proudhon writes: "...now it is not a question of imagining, of piecing together in our minds a system that we will later unveil: that is not the way to go about reforming the world. It is up to society to put itself right, there is no other way; therefore, what we must now do is study every manifestation of human nature, laws, religions, customs, political economy."

Thus, federalists need, above all, to be able to understand the nature of the process that is under way, to understand all its limitations, and to help the people of Europe to gain an awareness of the movement in which they themselves are the actors. Federalists might be reminded of the illuminating remark made, with reference to the working class, by Marx in *The Civil War in France*: "It [the working class], he writes, does not have a wonderful utopia ready to be brought about by popular decree. It knows that the conquest of its own freedom, and with it that highest form of life towards which today's society, thanks to its economic development, is irresistibly moving, can be won only through long struggles, and by passing through a whole series of historical processes, by which men and circumstances will be entirely transformed. It does not have ideals to realise; it only has to liberate the elements of the new society that have already evolved in the bosom of the disintegrating bourgeois society."

All this is not to say, of course, that the action of federalists serves no purpose. While they may not be able to change society, their intervention is crucial to the transformation of the institutions that prevent it from evolving. And there can be no doubt that without the initiative of the federalists, Europe will not be built.

Neither does all this signify that the European government will not have choices to make. All it means is that the alternatives with which it will be faced will be such that, in the most important areas, even the most unpopular and the worst choices will still be infinitely more advanced

than the most "progressive" choices that might be made by a national government.

Neither, finally, does it mean that federalists should, in the course of their struggle, lose sight of the ultimate values. It just means that the realisation of these values depends not on the capacity of federalists themselves to develop an attractive "utopia" that can be brought about by popular decree, but rather on mankind's slow and uncontrollable maturation in the course of history: this they can favour by showing the way, not by plotting its path ex novo.

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