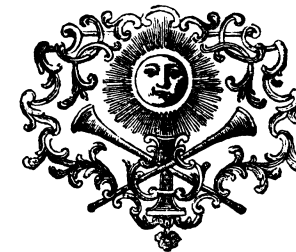


# THE FEDERALIST

a political review

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

Hamilton, The Federalist



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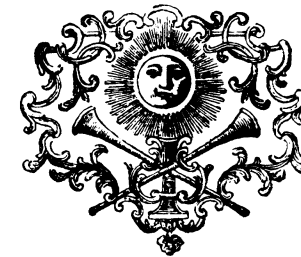
YEAR XLIV, 2002, NUMBER 2

# 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.



*The Federalist* is published under the auspices of the Fondazione Europea Luciano Bolis by Edif, via Porta Pertusi 6, 27100 Pavia, Italy. Three issues a year. Subscription rates: Europe 35 € or 35 \$; other countries (by air mail) 50 € or 50 \$. A three-year subscription (100 €, 100 \$ or 125 €, 125 \$ respectively) is also possible. All payments should be made by cheque or Eurocheque directly to Edif.

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## CULTURE AND POWER

The history of the part of the world that dates back to the Greek-Christian mould provides us with a demonstration of the fact that culture — in the most elevated sense of the word — flourishes in places of power, and withers in places that power has abandoned. The clearest examples of this correlation are the decline of science and the arts in the territory of Ancient Greece once the latter, at the close of its historical period as a city-state, had lost its *de facto* independence (being conquered first by Macedonia and subsequently by Rome); and the general decline of civilisation in Italy following its exclusion from the process of the birth and consolidation of the modern state in Renaissance Europe. It goes without saying that the acquisition and loss of power and cultural growth and decline are not phenomena that occur strictly contemporaneously. The birth, flourishing and death of a culture is a slow process, which presupposes the formation of a cultured society and of a tradition that power cannot create overnight, a process whose inherent inertia allows it to persist even after the power system has changed. This is why Greek culture continued to prevail for a relatively long time even after the Peloponnesian War, which signalled the end of Athens' power in the Mediterranean; equally, the Italian Renaissance continued bearing its extraordinary fruits well after the invasion of Charles VIII and well after Machiavelli's dream of unity proved unrealisable; indeed, it lasted, thanks to Papal patronage, even up until seventeenth-century Rome. That said, the above-mentioned correlation does exist: indeed, despite the spread of Greek culture to Rome and all over the empire of Alexander the Great, the geographical territory of Ancient Greece, following the Macedonian and Roman conquests, disappeared from history's cultural stage for two thousand years, while Italy suffered a similar fate for three centuries. This is a fact of incalculable significance, because culture is the sphere in which the human mind expresses its greatest potential, and because it is culture that renders human life worth living. When a region with great artistic and scientific traditions is reduced to a cultural wasteland, the generations to come are consigned to a destiny character-

ised by dehumanisation and barbarisation of social coexistence.

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We are currently witnessing the unfolding of a similar scenario in Europe, vis-à-vis the United States. Some aspects of it are so obvious that they have become widely acknowledged: first and foremost, there is the case of scientific research, which is in a deplorable state throughout Europe. Thanks to the close political, historical and linguistic ties it has with the United States, Great Britain is a partial exception to this, both in the field of scientific research and in culture generally. It is no secret that a promising young European researcher must either make the painful choice of renouncing his vocation, or be prepared to emigrate to the United States (or, secondarily, to Great Britain). In this way, the states of mainland Europe bear the cost of educating valuable young scientists, only to allow them to produce their scientific fruits on the other side of the Atlantic (where, moreover, secondary schools are in a very sorry state, barely equipped to fulfil their educational function).

This scenario is glaringly obvious in the sphere of popular culture, too, a term that covers the way we dress and eat, the light music we listen to, the films we watch and the language we use in our daily lives. We are referring, of course, to the Americanisation of society, which is a much maligned, but little understood phenomenon. It is to be noted, in this regard, that the danger lies not only in the vulgarity of popular American culture. When a product targets a hundred or more million people, it is very difficult for it to avoid the risk of becoming vulgar, and in any case, our equivalents of certain manifestations of American popular culture far surpass the latter in terms of vulgarity. The real problem is that the phenomenon constitutes a sign of Europe's growing incapacity to produce culture, an incapacity that crosses the barrier — an increasingly blurred one — between popular culture and culture in the highest sense of the word. Indeed, European countries from time to time present themselves as constituting “cultural exceptions”, but the exceptions that they boast stand out, as a rule, only for their mediocrity.

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It is important to recall that the great majority of living artists, and artists recently active, in the field of visual arts, are or have been, active in the United States or Great Britain, countries that boast the biggest

modern art galleries (and the leading galleries of art generally), the biggest auction houses, and the largest private collections. The same applies to literature. Writers using the English language have at their disposal a vast potential market and a publishing industry well equipped to meet their requirements, while European writers are discouraged by a suffocatingly small market and by the hazards of translation, which is often arbitrary in the selection of texts, always impossible when it comes to poetry, and imperfect in the case of narrative. New York is the world's largest laboratory of modern architecture (even though Berlin exerted a considerable — if short-lived — pull in this sector in the period following the fall of the Berlin Wall, when the city became a symbol of German reunification). The world's greatest theatres, which have the capacity to launch new author after new author and to form and revive great companies and experimental youth companies, are all American and English. The trends we see in the field of natural sciences also emerge in that of the social sciences: the most prestigious schools are all located in the United States (and to an extent in Great Britain), and this is also where the most important journals are published. Indeed, the greatest distinction for a non Anglo-Saxon scholar is to have a contribution published in such a journal. Finally, let us not forget the Internet, a great instrument of cultural diffusion, and the enormous benefit that the Americans derive from their substantial control of it, from their technological superiority, which puts them at an advantage over Europeans, and from the resulting higher quality of their sites. The only partial exceptions to this general process of European cultural impoverishment that can perhaps be advanced, are those of classical music and historiography: the first because it is inevitably and inextricably bound up with the continuous re-interpretation of great works of the past, and the second because it is stimulated and facilitated by the fact that, up to the middle of the twentieth century, Europe was the stage for most of the events that gave rise to modern Western culture and constitutes the richest deposit of documentation through which these events can be studied.

But America (and, up to a point, Great Britain) is more than just the ‘promised land’ of immigrating artists and men of culture. It is also a great importer of cultural wealth. While European governments and private collectors are busily selling off their cultural and artistic heritage in an attempt to ‘balance their books,’ the United States and Great Britain are amassing more and more cultural wealth through their constant and sizeable purchases. In this way, the immeasurable artistic heritage that Europe acquired over its long history is, as a result of an inability to hold

on to it and to manage it effectively, being progressively eroded to the advantage of the Anglo-Saxon world, in rather the same way as that of other civilisations, now declined or defunct (Italian, Egyptian, Assyro-Babylonian, and Greek), were plundered by the great European monarchies.

This does not mean that the American cultural world is a land made up only, or prevalently, of valuable artists and men of culture, while Europe has been left entirely devoid of such individuals. With the spotlight constantly trained on America (and to an extent Great Britain), charlatans and lightweights in these countries are often undeservedly attributed greatness; on the other hand, the difficulties of working in Europe, out of the spotlight and in the midst of a thousand difficulties, can favour the development, albeit often unacknowledged, of real talent. But the existence of this clear trend towards cultural transmigration to the United States (and to a lesser degree to Britain) is undeniable: the impetus that public and private patronage in these countries has given to the instruments of cultural creation and diffusion has created a community that often places fakes on a par with the truly talented, but also a climate in which the latter nevertheless enjoy encouragement and real stimulation.

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When national, regional and local governments, and their agencies, issue commissions, particularly in the sectors of architecture and sculpture, power can clearly be seen to be influencing culture. But this influence also extends to their capacity to create the conditions needed for an extension and strengthening of what we might define the culture market. Culture, and art in particular, needs both a vast audience, cultured and rich, which appreciates and purchases its products, and an environment that provides stimulation, offering models and suggestions and creating links between, and highlighting the creativity of, those that produce culture, in a situation that can be likened to that created in Paris, Vienna and Berlin prior to the advent of Nazism, or around the outbreak of the Second World War. Power thus needs not only to promote the diffusion of wealth, but also to encourage the creation of the institutions (libraries, galleries, theatres, orchestras) that make it possible to bring together, in a true community, producers and enjoyers of culture and art, to encourage patronage and to abolish, through coherent legislation, all barriers to the circulation of cultural products. It is, in any case, necessary

that the society concerned produces a surplus that, through public initiative or private patronage (the latter nevertheless being in the public interest), can be channelled into the promotion of culture. The fact is that this kind of surplus is currently being produced by the economy of the last remaining world power, America, and to a lesser extent by its satellite, Great Britain. On the other hand, the strangled economies of the states of mainland Europe, conditioned by their division to adopt a deflationary policy that does not leave room for initiatives designed to encourage research and creativity, are not producing such a surplus at all.

Clearly, and it is worth repeating this point, this does not exclude the existence of isolated exceptions, great spirits for whom cultural development is a wholly interior process. But they are, indeed, exceptions. It is no coincidence that culture tends to concentrate in places that produce and attract, from all over the world, writers and artists. And today, the states of mainland Europe no longer offer a public large enough to allow their capital cities to become leading centres of scientific and artistic development exercising a strong power of attraction.

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Language is undoubtedly an important vehicle for the formation of a cultural market and environment. The existence of a common language constitutes a humus that is crucial for the germination and spread of new experiences, even in those cultural expressions that do not use the vehicle of language directly. But language is not a neutral factor, unrelated to power. It follows power and spreads in a measure commensurate with the sphere of influence of the country (or of one of the countries) in which it is spoken as the mother tongue. The present domination of English is simply a result of the United States' domination in the world.

But beyond these factors, which are ultimately of a material nature, a decisive role is played by the spiritual vigour that is always present among peoples whose power is on the increase, and by the spiritual feebleness that characterises peoples unable to unite in a body politic capable of dealing with the problems of their era, and whom power has abandoned. This brings us to the crucial importance, for a flourishing of culture, of a political community bound together by a strong sense of solidarity based in part, if not only, on an awareness of its responsibilities towards the rest of the world or, in the past, towards that part of the world that was known to it. It must not be forgotten that the roots of music, dance, poetry and theatre all lie in the festivals that periodically drew primitive communi-

ties together and provided their members with a means of strengthening the bonds that united them. In the great civilisations of today, the idea of citizens taking part periodically in great collective performances, in which each and every participant is both a creator and a spectator, is beyond the bounds of imagination. But this is not the reason for the loosening of the, albeit changing, ties between culture and community. Even though it remains true that culture goes on existing long after the development of a people has reached its height and begun to decay, it is also true that the periods of the most intense cultural activity have been those in which the protagonists of this activity were aware of being creators for a community that has a role to play and a mission to carry out in the world. In America (and in Great Britain to an extent) an awareness of such a role does exist, however much one might be inclined to criticise the manifestations of it. In the crumbling states of mainland Europe, on the other hand, no awareness of such a role exists, for the simple reason that the European states no longer have a role to play.

To this a final consideration can be added, which is by no means the least important. It is precisely because culture needs an audience that its creations need to be exhibited, produced, and published in places that attract the attention of the whole of mankind. And these places are, first and foremost, the places where power is exercised, where the decisions are taken that shape the destiny of each and every one of us.

\* \* \*

The present cultural flowering of the United States is certainly not without its dark side. America is a young country, which has the vitality, but also, in many aspects of its civil life, the rough edges of youth. Added to this, it has paid a high price, in political and economic terms, for its prolonged exercising of responsibility towards the rest of the world, both before and after the end of the Cold War. The current power of the United States is, at once, imposing and fragile. It is questioned in practically all the parts of the world where it is exercised, as well as within the US itself, and its affirmation is based almost exclusively on military might rather than on concurrence of the interests of the hegemonic power with those of its allies and satellites. This cannot fail to have repercussions in the cultural sphere, within which America's affirmed supremacy is in any case contested; and the quality of its cultural output is negatively conditioned by the fact that it is, to an extent, used to serve the designs of

an often brutal power that, on the whole, is not up to its responsibilities. America's hegemony is inevitably accompanied by nationalistic and imperialistic tendencies that result in serious lapses of objectivity and of taste. This does not alter the fact that America's supremacy, however lukewarm the support it receives from those who are subject to it, is destined to last for as long as there is no prospect of an alternative world equilibrium, an equilibrium in which new centres of power support the United States in seeking to guarantee a more peaceful world order, based on consensus and collaboration. Far from undermining American power, this new equilibrium would strengthen it, as well as that of the new centres, and give it a firmer foundation. But until this happens, America's domination of culture, however much this is based on canons and models partly adulterated by an extreme imbalance of power, will not only persist, but also grow increasingly marked.

The fact remains that the United States' cultural predominance, due to the conditions in which this is brought to bear, does not make up for the decline of European culture and signals the start of a period of global cultural impoverishment. To reverse this trend, culture in the United States will have to regain its freedom, and stop being conditioned by a struggling power and by the ideology that this power uses as the foundation of its relations with its citizens, while culture in Europe, with its 2,500-year-long history of scientific, artistic and philosophical evolution, will have to undergo the rebirth that will enable it to make a decisive contribution to the civil enhancement of mankind. There can be no doubt that responsibility for this epoch-making change rests not with the United States, but with Europe, whose hopes of regaining its lost power, of once more assuming its rightful responsibilities at world level and thus of creating the political conditions for its cultural renaissance, depend on its capacity to achieve its own political unification. It can thus be noted that this is not a question of stirring up old eurocentric ideas, or of establishing some kind of cultural hierarchy. The fresh launch of Europe as a cultural centre would inevitably stimulate the cultural rebirth of other areas, too – China, the Islamic world, India – all of which have a history every bit as ancient and glorious as that of Europe, and all of which might be prompted by the European example to create the conditions needed for their own renaissance and inclusion in the process leading to the evolution of a world culture.

*The Federalist*

# Europe in 2002

UGO DRAETTA

## 1. *The Convention and its Mandate.*

2002 will be a crucial year for Europe. On March 1st, the Convention that, in December 2001, received a mandate from the Laeken European Council to do the groundwork for the next intergovernmental conference (IGC) on the revision of the Treaties, began its task. The said IGC is scheduled to take place in 2004 (or late 2003, if the Italian government manages to have the conference coincide with the semester of Italian Presidency of the European Union).

In reference to the revision of the Treaties, two preliminary considerations are warranted: 1) The Maastricht Treaty was followed by the start of an apparently *ongoing process of general revision* of the Rome Treaty. The first general revision came with the Single European Act of 1986, almost thirty years after the Treaty of Rome. The second came six years later, in 1992, as a result of the Treaty of Maastricht. Following Maastricht, and over a short period of time, further general revisions were agreed, in the Treaties of Amsterdam, and Nice — the latter, should it be overtaken by current events, may indeed never come into force — and now the member states are already working on a new revision. The messages that can be derived from this are: a) that the *status quo*, as far as the European Union Treaties are concerned, does not appear to be an option, b) that radical reforms are indispensable, and c) that such reforms, evidently, have not been satisfactorily achieved through the Maastricht, Amsterdam or Nice Treaty revisions. 2) Much has been made both of the new process by which we will arrive at the next revision of the Treaties and of the importance of the inclusion in the Convention of representatives of the European and national parliaments. Official rhetoric aside, however, it has to be borne in mind that the *process of revising the Treaties is still firmly in the hands of the national governments*. The Convention has an

important, but purely advisory, function. The Convention will not take any decision; all final decisions will be taken by the governments at the IGC scheduled for 2004 (or 2003).

The national governments themselves, at the Laeken summit, defined the mandate for the Convention. The document revolves around two fundamental and long-debated problems that can now be put off no longer: a) to ensure a greater level of *democracy* in the European integration process, and b) to guarantee the continent's citizens certain *constitutional rights* at European level. The Laeken European Council, though, in formulating the mandate for the Convention, avoided even hinting at possible solutions to the abovementioned issues. Furthermore, the mandate, seeking to identify the problems currently encountered by the European integration process, is, as we explain below, formulated in a rather ambiguous and contradictory way.

## 2. *The Problem of the Democratic Deficit.*

Let us start by clarifying what is generally meant when, in reference to the European Union, we refer to the *democratic deficit*, a problem that, for some time now, has been seen as one likely to undermine the very legitimacy of the Community institutions.

Theoretically, a democratic deficit is created a) when there is no or insufficient involvement of the citizens in the election of the bodies that have legislative power (in a democratic state legislative power obviously rests with a democratically elected parliament), and/or b) when the executive bodies whose decisions directly affect the citizens are not sufficiently accountable.

Is there a democratic deficit in the European Union? The answer can only be in the affirmative, insofar as: 1) the Council of the European Union issues regulations (legislative acts) that are directly applicable to the European citizens, but those same citizens do not elect the Council; the latter is, instead, an expression of the executive powers of the member states. The European Parliament, which is elected, has, at most, the power of veto. Consequently, in the European Union, it is the executive that wields legislative power, a situation similar to that prevailing in Europe prior to the French Revolution. 2) The Commission, which enjoys substantial decision-making authority in such matters as antitrust and structural funds, is not politically accountable to anything like the degree that similar bodies within the single member states are. In particular, the European Parliament's power to force the Commission to resign, through

a no confidence vote, is not comparable with the considerable power that the national parliaments wield over the national governments. The European Parliament is no more a legislative body than the Commission, being composed of politically independent individuals, can be likened to a national government. Furthermore, especially in the area of merger control, even the judiciary control that the European Court of Justice and the Tribunal of First Instance exert over the Commission is largely inefficient. This is illustrated by the recent decision of the Tribunal of First Instance to overturn, in the context of the *Airtours* case,<sup>1</sup> a 1999 decision by the Commission to block (for reasons the Tribunal considers illegitimate) the merger; it is a belated move that, three years on, can have little or no practical effect. The same applies to the powers enjoyed by the European Central Bank, whose political accountability is nothing like as great as that of the central banks in the various member states.

Some in Brussels argue that there is no democratic deficit in the European Union, since the European Parliament is elected by the European citizens, and the members of the Council of the European Union are representatives of the governments, that is to say expressions of the democratically elected national parliaments.

In answer to the first of these arguments, the fact that the European Parliament is elected by the European citizens certainly does not eliminate the democratic deficit in the European Union, as the European Parliament enjoys no legislative powers, but at best a power of veto over the decisions of the Council. It can paralyse Community action, not determine it. It is consequently no surprise that the elections of the European Parliament, which take place in the individual member states and not on a European-wide basis, are not based on debates of European-wide issues, but serve essentially the purpose of gauging the political situation within each individual member state, rather like the *mid-term elections* in the U.S. What is more, elections are meaningful when they are conducted within the framework of a true contest for power among opposing political forces, but at the level of the European Parliament there is neither effective power to compete for, nor, therefore, scope for a true political contest.

The second argument, i.e., that the control exercised by the national parliaments over the respective members of the Council of the European Union resolves the problem of the democratic deficit in the European Union, defies common sense. This control is too remote to render the Council representative of the European citizens, which is what a European legislative body should be. In actual fact, the national governments

are, with regard to their national activity, collegially submitted to the control of the national parliaments, but the actions of their individual members at the level of the European institutions are subject to no such control. And neither is the Council of the European Union, in its collegiality, subject to any democratic control by the European citizens at European level.

But is this democratic deficit in the European Union tolerable or must it be eliminated? A few preliminary considerations will help us to answer this question:

1) When the authority that member states confer on an international organisation, created by them, empowers that organisation to introduce measures aimed at the member states themselves, and which the latter are required to incorporate into their own internal legal orders, then no democratic deficit can be said to exist — this is what happens with the majority of the international organisations, such as the U.N. On the other hand, there is necessarily a democratic deficit when the authority conferred by member states on an international organisation is the authority to adopt measures directly applicable to the citizens within those member states. This is because, by so doing, the international organisation acts in lieu of the member states in the territory subject to their jurisdiction. Examples of such activity, outside the European Communities, are understandably rare and essentially confined to technical matters, in the sphere, for example, of the International Civil Aviation Organisation or the World Health Organisation. It was only with the advent of the European Communities that the authority to decide measures directly applicable to the citizens acquired an unprecedented dimension, because of the vast array of functions delegated to the European Communities by the member states.

2) As long as the European Community remained solely an economic community (basically up to the 1992 Maastricht Treaty), the democratic deficit was tolerable — the aim was to create a common market first, followed (after the Single European Act) by a single market — and the democratic deficit appeared to be more than offset by the advantages the European citizens derived from the economic integration achieved. But since the functions delegated by the member states to the European Union began (from the Maastricht Treaty onwards) to extend to other areas: social questions, environmental protection, the protection of privacy, consumer protection, civil justice, etc., this wide delegation of authority and of legislative powers in the said areas has accentuated the problem of the democratic deficit.



3) Indeed, this wide delegation of authority led the Council, upon the initiative of the Commission, to adopt a large number of legislative measures in the above-mentioned areas, and this rendered the democratic deficit intolerable. The European citizens started to perceive these measures as “external” to them, since they had been adopted, in the absence of a democratic debate, by bodies that had not received any popular mandate. This has, increasingly, distanced the European citizens from the European institutions, a situation that is evident to all observers and that was acknowledged by the Laeken summit as one of the problems for which the Convention ought to seek a remedy.

4) Added to this, certain decisions reached by the Commission, especially in the area of merger control, have been widely criticised and even belatedly declared illegal by the Court of Justice, highlighting before public opinion the Commission’s lack of accountability.

We have now reached a point at which even the governments recognise that, if the European integration process is to advance, *a solution to the problem of the democratic deficit must be found without further delay*. Various considerations can be advanced in support of this view: 1) At the present time, the European Union’s common foreign and security policy is based mainly on an intergovernmental approach, that is to say on the use of traditional-type diplomatic contacts and on the unanimity rule. Instead, many believe that, to be effective, a common foreign and security policy can only be decided at European level and that achieving this objective is crucial to the future of the European integration process. 2) Equally, it is maintained that the single currency cannot continue to be supported by economic and budgetary policies decided at national level and coordinated only through an intergovernmental stability pact. It is widely held that the single currency needs a true common economic and budgetary policy that is decided at European level and covers levels of public spending and of taxation. Incidentally, many economists maintain that, in the absence of such a policy, the single currency cannot be regarded as an irreversible achievement. Let us not forget that for Delors saw the common currency as a bet that could be won only through the realisation of Europe’s political unification. Indeed, he described it as a bridge to the future, built in the hope that a politically unified Europe might provide the supporting pillars.

The Commission appears to recognise the need for truly European foreign and security, and economic and budgetary policies, a need to which it responds by claiming for itself the right to determine such policies. This, in fact, is what emerges from the Commission’s Commu-

nication of May 22, 2002, entitled *A Project for the European Union*.<sup>2</sup> However, it is immediately obvious that a solution of this kind would render the democratic deficit untenable. Establishing a common foreign and security policy could imply having to choose between war and peace and such decisions, in a democratic state, can only be taken by a democratically elected parliament. They cannot be delegated to a politically unaccountable Commission. Equally, a common budgetary policy implies decisions over taxation, an area that is a prerogative of democratically elected bodies. Consequently, *an effective common foreign and security policy, as well as a common economic and budgetary policy, both of which are crucial to the progress of the European integration process, cannot be achieved without first solving the problem of the democratic deficit*.

### *3. The Problem of the Constitutional Rights of the Citizens at European Level and the Principle of Mutual Recognition.*

We come now to the second of the topics included in the mandate issued to the Convention by the Laeken summit, that of guaranteeing European citizens *constitutional rights at European level*.

It is a question that is interwoven with that of the democratic deficit and that, from different premises, leads us to the same conclusions. To clarify the terms of the debate it is worth recalling that the European integration process, so far carefully conducted to safeguard the sovereign prerogatives of the member states, has been achieved through the use of two mechanisms: the *delegation of functions* by member states to European institutions and the *principle of mutual recognition*.

We have already discussed the *delegation of functions* and its impact on the democratic deficit. But this delegation of functions creates not only problems in terms of the democratic deficit, but also the need to guarantee European citizens recognition of their constitutional rights at European level. For example, when the Commission, in antitrust matters, acts, at once, as prosecutor, jury and judge, and in the absence of effective judiciary control, the constitutional rights to a fair hearing, an appeal, etc., are violated, a fact already acknowledged in a decision reached by the European Court of Human Rights.<sup>3</sup> The Commission’s proposal, which now seems to have been abandoned, to extend its powers in the antitrust area so as to include the right to conduct searches at individuals’ private domiciles, would only, if accepted, render more urgent the need to give the European citizens adequate constitutional guarantees that the invio-

lability of their homes is a right that will continue to be protected.

The *principle of mutual recognition*, on the other hand, has played a key role in the common market's evolution into a single market. It has allowed the rules concerning the free circulation of goods, people, services and capital to be harmonised on the basis of the requirements of the country of origin as opposed to those of the country of destination. In other words, by adopting the principle of mutual recognition, the member states, rather than delegating functions to the European institutions, have elected to maintain their own competences, undertaking at the same time to consider certain certification, authorisation and control procedures performed by the authorities of other member states as equivalent to those performed by their own authorities. The net effect has been that of causing a level of harmonization at the maximum common denominator of liberalization. In fact, those states that would have preferred to retain, internally, measures less liberal than the ones adopted by other states, would have ended up by discriminating against their own citizens.

For as long as it was merely a question of accepting bank or insurance practices, diplomas and other qualifications, food products, etc., applying the rules of the country of origin, the principle of mutual recognition worked well within the European integration process. Even when the principle was extended to the creation of a single space for civil justice and the recognition of civil awards, there appeared to be no significant drawbacks, not, that is, that were not offset by the advantages to be derived from its application.

The problem of the need to provide the European citizens with adequate constitutional guarantees arises, instead, when there is talk of extending the principle of mutual recognition beyond the functioning of the single market, for which it was originally conceived, to fields like that of criminal justice. The recent proposal for a *European arrest warrant* is a move in this direction. The problem with this proposal is that the principle of mutual recognition would end up by impacting on fundamental human rights such as that of personal freedom, which can only be assured within the context of constitutional guarantees provided by the true Constitution of a true state, and not within the framework of intergovernmental cooperation, where such guarantees are absent. In other words, the constitutional rights of the European citizens, when it comes to fundamental issues such as personal freedom, cannot rest on indirect guarantees provided by intergovernmental cooperation between sovereign states, but, to be effective, must be an integral part of the constitutional environment in which those citizens actually live and operate. A

citizen of a member state deprived of his or her freedom by an act of a public prosecutor of another member state cannot rely on a set of guarantees established in an international agreement to which his or her state is party, but is, instead, entitled to be able to rely on constitutional rights established in a Constitution which has been approved by his or her democratically elected representatives.

In conclusion, all those who want to see the process of European integration progressing realise that such progress is conditional upon the realisation of an effective common foreign and security policy, as well as a common economic and budgetary policy, both of which must be freed from grip of the system of intergovernmental cooperation. A true common foreign and security policy would, as even the conclusions of the Laeken summit acknowledge, give meaning to the otherwise fragmented policies carried out on an individual basis by the member states, while a real common economic and budgetary policy would ensure the stability of the single currency. Finally, only a single space for criminal justice can meet the old and new challenges thrown up by the world of organised crime, including terrorist crime. *In order to fulfil these objectives, however, the problems of the democratic deficit and of the constitutional rights of the European citizens at European level must first be solved.*

#### 4. *Europe at a Crossroads; the Solution to the Problems of the Democratic Deficit and of the Constitutional Rights of the European People.*

The truth is, Europe is at a *crossroads*. Either it can proceed along the path of integration, extending the process to the areas indicated above — which would mean having to find solutions to the problems just identified — or it can take a step backwards and adjust to lower levels of integration, where the democratic deficit is a problem of tolerable dimensions and the constitutional rights of the citizens at European level are not an issue. Maintaining the *status quo* does not appear to be a viable option.

We should not conceal the fact that the second alternative is the one preferred by at least some of the present members of the European Union, or the fact that, for reasons that will be made clear, this alternative is likely to be the one preferred by Europe's prospective new member states.

Assuming, however, that the objective is to proceed along the path of European integration, and not to turn back, how can we rectify the democratic deficit and solve the problem of guaranteeing Europe's citizens the constitutional rights at European level that are needed as integration advances? The answers are, in truth, very simple, even though

they are not even hinted at in the Convention's mandate, formulated by the Laeken summit, or in the proposals advanced by the Commission. And even though they represent the only possible way forward.

To solve the problem of the democratic deficit, *the body that has legislative power clearly has to be elected by the citizens*. Thus, either legislative power must be granted to the European Parliament, which is democratically elected, but has no legislative capacity, or the Council, which currently has such legislative power, must be appointed through democratic elections, transforming itself into a higher chamber, or senate, representing the states within a bicameral system in which the European Parliament would be the other chamber.

As regards the constitutional rights of the European citizens, what is needed, equally obviously, is a *European Constitution*, but this presupposes the existence of a federal state, since we have heard of states without Constitutions, but not of Constitutions without states. The said Constitution must not only list the fundamental rights of the citizens, to date the only aspect that has attracted the attention of commentators, but also, within the framework of Europe's dearly-held separation of powers principle, establish the necessary organs and the decision-making processes at European level.

At this point the debate on the future of Europe runs into all kinds of difficulties. This is because, for the member states that currently control the process of integration, acceptance of the simple solution set out above would inevitably mean the *loss of their sovereignty*. Indeed, the transfer of legislative power at European level to a body elected by the citizens would mean a) the disappearance of the member states as sovereign entities, and b) the creation of a sovereign federal state, with its own Constitution, which would prevail over all other national laws or regulations. But due to an unwillingness to acknowledge this plain truth in unequivocal terms, the debate on the future of Europe has become confused and ambiguous, with misinformation prevailing. Many, including the governments of the member states, the Community institutions, and the media, share the responsibility for this.

We must not, however, judge too harshly the tendency to conduct in ambiguous terms the debate on the European integration process. It has to be considered that states, like individuals, possess the instinct of self-preservation and that as long as the states continue to control the process, they will not be ready to give up their sovereignty easily. This means that, unless there is some drastic change of direction, the democratic deficit will remain unresolved, the European citizens will not have constitu-

tional rights guaranteed at European level, the European Union will not have an effective common foreign and security or economic and budgetary policy, or, finally, a single space for criminal justice. Added to this, the Community institutions, such as the Commission, will never favour such a solution since, in a process of federal integration, they would be superseded.

### 5. *The Dangers of Misinformation.*

All this has resulted in a shameful level of misinformation, and meant that the debate on the future of European integration rarely focuses on the truly important issues. In Italy for example, but also elsewhere, many debated who should represent the country in the Convention, but few were really keen to know the position of those representatives on the issues concerning the future of Europe.

No official source can — or indeed does — deny that the problem of the democratic deficit must be solved, but all are generally quick to add that “realistically” this must be done “gradually.” Evidently, fifty years of European integration have not been long enough to ensure a “gradual” transition to a democratic system. It is difficult to understand why the European citizens do not deserve to enjoy, immediately, the levels of democracy and of constitutional rights that are necessary at the present stage of European integration, and to which they are entitled. In truth, the main obstacle is only the member states' jealous, although understandable, defence of their sovereign prerogatives.

The debate is thus steered, even by qualified sources like the Commission, in a way designed to generate hostility towards, for example, the so-called “*superstate*.” It is frankly difficult to understand what is meant by *superstate*. If the term refers to a centralised — not federal — state, then it has to be said that nobody has ever, in fact, proposed such a solution, or deemed it desirable; it is thus hard to see why it should constantly be used in the debate, which it only serves to corrupt and to distract from the real questions.

To avoid referring clearly to a federal state, some talk about a “*Federation of Sovereign States*,” an expression that is inherently contradictory since the federal states that form a federation are not sovereign states. It is only in a confederation that the states remain sovereign, but the confederal structure is not adaptable to the present Europe. Others use the term “*Federation of Nation-states*”: if this formula implies a federation in which the federal states retain their national and cultural identity,

then this is typical of any federation and is exactly what a European federal state should be.

The truth is, we are faced with two alternatives: either the current situation of fifteen states that continue to be sovereign states (a situation in which the European integration process has no real hope of advancing further and in which some of the existing achievements may even be in jeopardy) or a federation embracing those European states that are ready to accept such a solution (and, by implication, the loss of their sovereignty) *tertium non datur*. To believe, as some do, that Europe has found a new formula that will allow European sovereignty to be reconciled with national sovereignty is to indulge in a delusion that can only perpetuate the misunderstandings and delays the solution of the problems that have been identified. In fact, no such intermediate formula exists; indeed even those who defend it cannot really say what it might consist of. The truth of this is evident in the fact that the problems faced, from Maastricht and Amsterdam through to Nice and now the Convention, have always been the same, and remain unsolved today.

Ambiguity also surrounds the question of a European Constitution. A constitution defines the supreme structure of a state (be it centralised or federal) and the fundamental rights of its citizens. It is often drafted by the most prominent of those citizens (the Founding Fathers of the Constitution), who are democratically entrusted with the task. A constitution cannot be described *a priori* using words such as conservative, liberal, competitive, or any of the other adjectives often used when talking about a desired future European constitution: it is simply the result of the political forces prevailing at a given time in a given community, and that is as it should be.

In spite of all the rhetoric that accompanied its adoption at Nice, the famous Charter of Fundamental Rights of the European Union, is not — nor ever could be — a constitution. This is because those who drafted it have no democratic legitimacy and because there exists no state to provide a setting for it. It is certainly appropriate to talk about the fundamental principles on which the European Union is based, such as the free circulation of people, but this is very different from talking about a constitution in which the various bodies of a state are identified, according to the principle of the separation of powers. A constitution must, indeed, guarantee a system of checks and balances among the various powers and guarantee the fundamental rights of the citizens. And this can only be done within a state.

## 6. A European Federal State as the Answer to the Problems of European Integration.

The answer to the problems faced by Europe in 2002 is *political unification of the continent*. Only a *European federal state* can, in the long term, justify Europe's single currency. It is not true to say that the only alternatives open to European integration are the community method and the intergovernmental method. In truth, neither of these are equipped to meet the challenges of today. The intergovernmental method, conditioned by the unanimity rule, is no longer effective, while the community method is not able, beyond a certain point (already surpassed), to guarantee the European citizens an adequate level of democracy and constitutional rights. A European federation appears to be the only possible avenue, a "light" federation competent only for those few areas that are better handled — as many recognise — at European level: foreign and security policy and economic and budgetary policy.

The principle of subsidiarity implies that other matters would remain within national jurisdiction or within local jurisdiction inside each federal state. Indeed, the logic of the subsidiarity principle is that decisions must be taken at the level that is the closest possible to the citizens. While, clearly, certain decisions (those relating to problems of a European dimension) must be taken at European level, we could well discover that *the national sphere, within which all powers are currently concentrated, is not the one most appropriate for many other problems that would, instead, be better handled at a local level*. This way, local instances might gain the recognition they deserve, and separatist tendencies, *which are, sometimes dangerously, present in many member states*, might be contained.

Consequently, the fear that a federal state would imply the loss of national identity is groundless. On the contrary, national identity, together with local identity, would be fully safeguarded. A federal state would not be an entity foreign to the Europeans, but *their* own state, within which they would all be able to reconcile their European, national and local sense of identity.

At this point the ambiguities and contradictions inherent in the mandate given to the Convention, as well as the confusion in the present debate over the future of Europe, emerge more clearly, and some brief considerations are warranted: 1) almost everybody acknowledges the need to solve the problem of the democratic deficit, but it appears to have become almost politically incorrect to mention what is, in fact, the only

possible solution to this problem, namely the creation of a European federal state. The word “federation,” so frequently used by Europe’s Founding Fathers (De Gasperi, Adenauer, Spaak, Schuman) to define the final stage of the European integration process they had started, has been erased from the Community lexicon. 2) almost everybody acknowledges the need to proceed along the road of the European integration, but it is not explained how this is possible without solving the problem of the democratic deficit and creating a European federal state. 3) almost everybody acknowledges the need to guarantee the European citizens constitutional rights at European level, but it is not explained how this can be done while at the same time maintaining national sovereignty. 4) But the most hypocritical attitude — if we might be forgiven this crude term — is that of pretending that all these objectives can be reached, while at the same time expanding the European Union to 21 and maybe 28 members.

#### 7. *A Two-Speed Europe as the Only Possible Avenue.*

In support of our arguments, however, we need to do more than simply state the glaringly obvious, i.e., that this kind of enlargement will, particularly given the fact that the unanimity rule still prevails in the most important areas (fiscal and social matters for example) *paralyse the Community decision-making process*. This so obvious that it is hardly needs saying.

It is necessary, instead, to consider that a greater level of European integration, which is the alternative to a regression of the process, would, as we have explained, require the member states to relinquish their sovereignty. Now, it cannot seriously be believed that the states of Central and Eastern Europe, which have just emerged from Soviet dominance and are only now fully enjoying their regained national independence and sovereignty, will be prepared to give these up again in favour of a more integrated Europe. It is essentially for economic, not political reasons that these states want to be part of the European Union and, incidentally, all of them harbour very strong nationalistic forces. The consequence of enlargement will be a dilution, not an acceleration of the European integration process.

It is not by chance that the member states pushing for enlargement are the ones, among the fifteen, that believe that there is already too much “Europe” and that, openly or less openly, would be content to see European integration regressing to nothing more than economic cooperation, forgetting more ambitious objectives. Enlargement, a historical

mistake that future generations will lay at the door of the present one, will certainly grant them their wishes.

The truth is that the federal solution mentioned above is not a practicable alternative even within the fifteen present member states of the European Union. And since some of those states are openly opposed to it, the only possible avenue appears to be that of a *two-speed Europe*, an expression that, at Community level, corresponds to the term *enhanced cooperation*. We will, for the sake of convenience, consider these two terms as synonymous, even though the use of the word “cooperation” is not particularly appropriate when talking of federal-type solutions, which, involving the creation of a new state, actually go beyond the notion of cooperation among states. Only a two-speed Europe can prevent the pace of European integration from being that of the more recalcitrant member states and allow states that want to proceed faster to do so, together with those that share their ideals.

It is very surprising, in this regard, that the declaration following the Laeken Summit contained no mention of enhanced cooperation and that the Commission, in its previously mentioned Communication of May 22, 2002<sup>4</sup>, was openly hostile to such a solution. Equally surprising is the fact that the rules on enhanced cooperation established by the Nice Treaty are so restrictive: for example, there cannot be any enhanced cooperation in the area of foreign and security policy. Thus, we have some member states that are not only unwilling to proceed towards federal-type solutions, which is comprehensible, but also determined to prevent other states from doing so, which is less comprehensible. This hostility can only be explained by the fact that, as the few examples of enhanced cooperation so far realised (the Schengen Agreement, the single currency) have shown, this form of cooperation exerts such a strong force of attraction that it ends up by involving an increasingly large area. It is precisely this effect that the member states opposed to any form of further integration in Europe want to avoid. The question is whether these states’ jealous defence of their sovereign prerogatives is in the best interest of the citizens of all the states.

#### 8. *A Historic Opportunity for an Initiative by the Italian Government.*

The process of European integration, if it continues to be controlled by national governments anxious only to preserve their sovereign prerogatives, is bound to remain paralysed by the obvious conflict between the interests of European integration and those bound up with the

maintenance of these prerogatives at state level. A quantum leap is needed and the time available for it running out: the lack of an adequate response to the demand for “Europe” originating from civil society can, as we have all seen, only favour the insurgence in some member states of extreme forms of nationalism, often coupled with xenophobic and racist tendencies.

Moreover, the European states’ jealous defence of their national sovereignty appears somewhat anachronistic in the light of the globalisation process that has already eroded this sovereignty considerably. In other words the relinquishment of sovereignty needed in order to form a European federation would probably end up being a relatively minor sacrifice.

As the Convention searches for new solutions, there has never been a better time for an aggressive initiative along the lines of the great European federal design promoted by outstanding individuals such as Proudhon, Einaudi, Altiero Spinelli and others), an initiative capable of making a difference and of having a truly historic impact. The time has never been better for a European federation capable of asserting itself as the voice of civilisation in the world, a world presently dominated by a single superpower upon which we Europeans have no choice but to depend, even to deal with crisis situations close to home, like those in the Gulf and in the Balkans.

Following the precedent set by De Gasperi and Spinelli’s 1953 advocacy of a European Defence Community — the EDC failed to see the light because of a handful of votes at the French National Assembly — the Italian government could now take it upon itself to promote this kind of initiative. Now, almost fifty years on, the time is far more ripe for a development of this kind, and the chances of success vastly higher, obviously within the context of a deeper form of enhanced cooperation embracing federal solutions. Certainly, the Italian government will need allies and these are most likely to be found among the six states that started the European integration process fifty years ago with great ambitions. Such an initiative would, as has been the case with previous forms of enhanced cooperation, undoubtedly have the effect of attracting other states. In the meanwhile, the European Union, having created a federal core at its heart, could be enlarged without difficulty to other countries, Russia in particular.

With vision lacking and the European integration process stagnating, the Italian government would do well simply to advance the idea, presenting it *as the only possible solution to the problems of the demo-*

*cratic deficit and of the constitutional rights of the European citizens, of a federal core made up only of those states that are ready to be part of the same. Such a move would doubtless pay dividends in terms of the country’s image and would, at the same time, be perfectly consistent with the proposal for a European Union enlarged to include even Russia.* The proposal would also wipe out any doubts over Italy’s commitment to the European ideals and force those states that are truly opposed to progress of the European integration process to come out into the open. Even were the proposal rejected in the short term, it would nevertheless be to Italy’s credit to be the country advancing, in a rather depressing scenario, what would be, to date, the only proposal of potentially historic significance – a seed whose fruits might be reaped in the future. By associating itself with an initiative of this kind, Italy would not only be reflecting the noble ideals shared by the Founding Fathers of Europe, but also choosing a politically advantageous course, substantially free from drawbacks. It is an opportunity that we sincerely hope it seizes.

## NOTES

<sup>1</sup> Decision by the Tribunal of First Instance of June 6, 2002, *Airtours v. Commission*, case T-342/99.

<sup>2</sup> COM(2202)247 def.

<sup>3</sup> Decision of April 16, 2002, in the *Colas* case.

<sup>4</sup> COM(2202)247 def., p. 19.

# Self-Determination or Self-Government?

ALFONSO SABATINO

## Introduction

The hope that the collapse of the Berlin Wall would bring peace and lead to the building of a new and progressive world order, has, so far, proved to be a vain one. The twenty-first century has brought with it a series of unresolved problems, hangovers from the last century: the political organisation of mankind into independent and sovereign states, the tendency to use force in relations between states, and the unequal distribution of the power to use the world's resources. Increasingly, these problems can be seen to conflict with the great scientific and technological revolution of today, which is creating a closer and closer global interdependence among men and making peace, equality and solidarity in the historical interests of everyone.

It is not by chance, therefore, that we are currently witnessing two phenomena that in fact constitute two sides of the same coin. First, we are seeing growing sections of civil society, both in the advanced and the developing world, claiming the right to take back control of their own destiny, pressing for the globalisation of rights and of politics alongside the existing globalisation of the economy. As a result, globalisation is highlighting the need both to democratise the international bodies that direct relations between states, and to overcome mankind's political division into independent and sovereign nation-states. Second, we are seeing citizens and local and regional bodies affected, in their daily lives, by phenomena that are running out of control. The national governments are powerless to oppose the negative phenomena produced by a globalisation that has evolved in the absence of a world government, i.e., terrorism and international crime, uneven distribution of wealth and speculative movements of capital, fluctuating employment, and illegal

immigration. All this has fuelled the political demand for ethnic-regional closure, and generated a strong wave of opposition to centralised state institutions and even calls for secession.

This is an extremely dangerous trend. The evils of Nazism and of religious and racial conflict that historically Europe has known have not been defeated. The progress achieved with the creation of the European Union (1993) and the launch of the single currency (1999) have to be set against the disintegration of the Soviet Union and of the socialist federal republic of Yugoslavia, both of which began in 1991. And there is a growing risk that a Balkan-type phenomenon could also emerge in western Europe, which is currently witnessing a proliferation of ethnic nationalist political groups and a growing intolerance of cultural differences. Unless the process of Europe's political unification is rapidly completed, there is every chance that these forces, today founded on ambiguous autonomist stances, could openly embrace secession. Elsewhere in the world (Rwanda, Kurdistan, Kashmir, Sri Lanka), ethnic, national, religious and racial conflicts are, without doubt, expressions of widespread democratic and social-economic deficits and of a lack of political order at local and international level, but they are also factors contributing to the destabilisation of the world power situation. The same applies to the conflict between Israel and Palestine, which has dragged on for over half a century without any political solution being found that is capable of guaranteeing the civil coexistence of the various Middle Eastern peoples. The world is thus faced with two dramatic alternatives: a rebirth of nationalism or the launching of the process that will lead to the political unification of mankind.

While the reasons for and possible solutions to this crisis clearly need to be discussed and examined in depth, to use the principle of self-determination as a means of justifying the creation of small ethnic states, each with its own currency and armed forces, is clearly quite unacceptable (this is, indeed, the flaw inherent in the solution to the Israeli-Palestinian conflict that, starting with its Resolution no. 181 of November 29, 1947, gained the support of the United Nations, i.e., to divide Palestine, already under British rule, into two independent states). Not only does the birth of new states through secession fail to guarantee the spread of democracy and respect for the rights of the individual and of minority groups, it also fuels international disorder and the spread of armed conflicts and exposes to discrimination the minority groups that are inevitably part of such states.

Given the world's mix of peoples, races, ethnic groups, religions and

languages, any state founded on national, ethnic, racial or religious identity is ultimately induced to assimilate forcibly, or to persecute, the minorities within its territory that have other national, ethnic or religious identities. This, of course, is likely to prompt reactions from the groups affected and from bordering states, which rise to the defence of these minorities, thus creating the conditions for border conflicts and “humanitarian meddling” and very probably inducing the governments involved to adopt an authoritarian and militaristic stance. None of this favours the spread of democracy in the world, the global development of the forces of production, or the affirmation of the international institutions that promote peace.

In the face of the current resurgence of nationalism and international instability, the objective of federalists continues to be the affirmation of peace in Kantian terms, through the gradual building of a world federal state, possibly the ultimate union of a number of continental or sub-continental federations. From this perspective, and given the United Nations’ acknowledgement of the right of self-determination, federalists must now seek to tackle this issue also within the context of the debate over institutional reform of the UN. This is, indeed, a decisive question: as long as it continues to uphold the principle of the absolute sovereignty of nations and of self-determination, the United Nations, like the League of Nations, will continue to lack the means both to curb potentially violent clashes between states and to bring about their peaceful coexistence.

As far as national, ethnic and religious conflicts are concerned, federalists cannot, in any case, go along with concepts and political initiatives that produce inequality among people, violation of the rights of citizens and minority groups, cultural, economic and social discrimination, the spread of weapons, border disputes, armed conflicts and the growth of international disorder.

### **Institutions for Peace and the Democratic Government of the World**

*The Federal State as an Instrument of Peace and Democratic Supranational Government.*

Dominant political thought has yet to reflect in depth on the relationship between the growing interdependence among men and the need for an evolution of the structures of democratic government at international level. Federalists apart — and here we can cite, above all, Altiero Spinelli and Ernesto Rossi, *The Ventotene Manifesto*, 1941, and Mario Albertini,

*Lo stato nazionale*, 1960 — no one has questioned the model of state, independent and sovereign (also definable as nation-state), which became prevalent in the wake of the French Revolution. This particular model was thrown into crisis at the start of the twentieth century, giving rise to two world wars, after which, it was renewed and propped up by the two hegemonic superpowers in the framework of the bipolar world order. Today, however, faced with the challenges of globalisation, the nation-state is proving incapable of defending its independence and exclusive sovereignty.

The line of thought that can be traced from Immanuel Kant (*Perpetual Peace*, 1795) right up to Lord Lothian (*Pacifism is Not Enough*, 1935) contains one firm point: the objective of peace must, and can, be pursued through the building of a world state. While Kant was not sufficiently familiar with the institutional model born out of the War of American Independence, twentieth-century political thought emphasised that such a state would have to have a federal structure, because this would make it possible to reconcile efficient government of relations between states at global level with the necessary decentralisation, to a number of levels, of the government of society, thereby ensuring the presence of institutions that are close to the citizens and equipped to deal with their problems. According to the federalist school, this is the only way that dominion of force can be replaced by the rule of law in political relations between states. It must also be added that the federal state throws into question the independent, sovereign state, i.e., the model of state that prevails in Europe, and in other parts of the world influenced by western political culture.

Despite being the model of a highly advanced form of political organisation, the nation-state, being bound by the principles of independence and exclusive sovereignty, has proved unable to guarantee peaceful international relations. No independent, sovereign state can peacefully extend its capacity for democratic government to the territory and citizens of another state. Even relations between democratically governed countries are based on the prevalence of strength. It is to be recalled that the great powers that triggered the First World War were, with the exception of the Russian empire, all supported by representative democratic regimes and that the conflict itself brought an end to the Second International and undermined the very legitimacy of the nation-state.

There does exist, however, a formula that would make it possible to achieve government of continental areas and world government, and also allow the nation-states’ limitations in international relations to be over-



come, at the same time heightening the importance of internal objectives, such as civil coexistence and the presence of government institutions that are close to the citizens. This formula is the federal pact between state and citizens, basically, the application, to unions of states, of the *federal structure*.

The world already has a number of such structures. The United States of America, the Federal Republic of Germany, the confederation of Switzerland, India and Brazil, for example, are all federal unions. Western Europe, in the second half of the twentieth century, saw the unfolding of a real process (still to be completed) of federal unification of nation-states. This process boasts some interesting and original features: it constitutes the first time in history that a federal enterprise has sought to involve large and established states, states that were once enemies and are now reconciled, states whose economic and social interests concern, overall, around a fifth of the world's GDP and, in the wake of the imminent enlargement of the European Union, over half a billion people. As declared in the 1950 Schuman Declaration, the founding act of the process of unification, its common objective is the building of peace among states and peoples that were once in conflict with one another. The European Union has already acquired a number of pre-federal characteristics, thanks to the direct election (since June 1979) of the European Parliament, the creation of the single currency (January 1st, 1999) and the entry into force of the Amsterdam Treaty on European Union (May 1st, 1999), which, through the introduction of the co-decision procedure and the vote of confidence in favour of the Commission, increased the powers of the European Parliament. These characteristics are, however, still precarious and need to be consolidated through conclusion of the federal pact, that is to say through the adoption of a Constitution-Treaty marking the founding of a federation (federal state) of states and citizens. The problem is a pressing one, and it is currently being examined by the European Convention.

Federal unions bring together, under a single government, a number of states and their citizens. The latter assume dual citizenship: citizenship of their state of origin and that of the federation. On an institutional level, this dual source of political legitimisation of the federal state is reflected in the structure of the parliament, which is made up of a lower chamber that represents the people of the Union, and a higher chamber that gathers together representatives of the member states. The political executive, or federal government, has exclusive jurisdiction only in the areas of foreign policy and security, customs and overseas trade relations, currency and

the freedom of domestic trade, and the guaranteeing of cohesion. All other fields of political activity can be shared with the member states or be the exclusive prerogative of the latter. Disputes over jurisdiction between the institutions of the federation and those of the member states are decided by the Constitutional Court. In practice, the federal state achieves peace through the disarmament of the member states (centralisation of foreign and security policy and control of the armed forces), the introduction of a single currency (equal distribution of the power to use resources) and the safeguarding, for both member states and citizens, of respect for the law (federal Court of Justice, which acts as a constitutional court and as a court of final jurisdiction). Through the federal structure, it is thus possible to achieve coordinated government of independent political authorities (Kenneth C. Wheare, *Federal Government*, 1963), particularly in large continental or sub-continental areas. Through the federal region, the federal member-state and the federation of large world regions, this can also be organised on a number of territorial levels, ranging from the level of the local community to that of a world federation. In this way, federalism reconciles and guarantees both unity and pluralism of states.

A world federal state must necessarily be created following a diffusion of democratic states and the participation of the same in the formation of regional (continental or sub-continental) federations. The diversity of peoples — in terms of their historical background, their level of social and economic development and their cultural and religious experiences — renders quite impossible, on the other hand, both the creation and maintenance of a centralised world state, and the development of imperial or hegemonic-type unification processes.

#### *The World Federal State and the Guarantee of Local Government.*

By separating and balancing powers, safeguarding cultural differences, and creating efficiency in the administrative and fiscal spheres, the federal system can be viewed as the perfect liberal-democratic regime. In answer to those who fear a negative impact on democracy of the construction of supranational states, it must be pointed out that the federal state, being founded on the principle of subsidiarity, actually renders the institutions more democratic and more visible to citizens. The federal structure makes it possible to achieve maximum decentralisation and at the same time, through fiscal federalism, renders social justice complete. The distributional function of the federal budget (referred to by the

expressions *revenue sharing* and *Finanzausgleich*) guarantees a solidarity between more and less developed territorial communities that completes the solidarity between social classes and age groups already guaranteed by the welfare state.

On a global level, the plan to transform the United Nations Organisation into a federal world state could become reality were the competencies currently attributed to the Security Council, and to other bodies, like the International Monetary Fund (IMF) and the World Trade Organisation (WTO) instead transferred to the federal government. At the same time, the United Nations' secretariat could be turned into an out-and-out political executive, the Security Council into the High Chamber of great continental or sub-continental federations and the Assembly elected directly by the world's citizens. Basically, it would be a question of uniting in a global democratic institution only those competencies that relate to the maintenance of international order (if necessary through recourse to constitutionally legitimate force), the government of the single currency and the safeguarding of freedom of trade at world level. All the other competencies of the modern democratic state (domestic security and judicial affairs, environment, health, transport and telecommunications, growth and fiscal policies, for example) could be shared and coordinated flexibly by the different levels of political power (ranging from local to world level), thereby guaranteeing, in accordance with the subsidiarity principle, the greatest possible degree of decentralisation.

Examples of all this can, indeed, be found in current experience. The process of European unification that is under way and the great sub-continental federations that already exist, such as the United States and India, provide clear examples of widespread local government and of flexible, concentrations of power at federal level.

It can be added that, in what is currently a transitory world power situation — a situation in which relations between great powers are characterised by balance rather than by hegemonic tension, and in which conditions favouring peace among states could prevail over conditions generating conflict, as will be the case when the world's great regional federations are founded — these federations will be characterised by a strong inclination towards decentralisation and will, quite probably, restrict their jurisdiction to external relations, membership of a reformed UN, freedom of trade and their internal fiscal and distributional function.

## Nationalism is Opposed to Peace

### *Overcoming the Principle of National Sovereignty.*

What clearly emerges from these considerations is that neither a world state, nor even a regional continental or sub-continental state, can be founded on the principle of national sovereignty. Instead, as we already see in existing federations, it must necessarily be founded on recognition of the pluralistic structure of the population. This pluralism must be expressed at a number of levels: cultural, linguistic, ethnic, religious, social-economic, as well as at the level of private associations and of the institutions. What is more, this pluralism, which characterises the social and government structures through which the life of the citizens of federal states is played out, fosters a sense of belonging to a number of different groups, be they of a political and legal nature — one can be a citizen of a town, region, state and federation — or religious, cultural, ethnic and linguistic.

In a global federal state and in continental federations, citizenship structured on several federal levels must be legitimised — in accordance with the excellent formula of “constitutional patriotism,” a term coined by Jürgen Habermas — through respect for the democratic values, including equality among men, that are guaranteed by the laws of the constitution and by local statutes, as well as by a belief in the objectives of peace and justice, including social justice. Such a state must necessarily reject any form of legitimisation that is based on the exclusive membership of its population to a particular ethnic, linguistic, cultural, religious or national group, and, respecting constitutionally acknowledged freedoms, must guarantee the rights of all citizens and all organised groups. A foretaste of the pluralistic character of the future world state can be found in the UN Charter (see, too, article 7 of the Amsterdam Treaty on European Union, which assimilates the Convention for the Protection of Human Rights and Fundamental Freedoms signed in Rome on November 4th, 1950, and the EU's Charter of Fundamental Rights proclaimed in Nice on December 7th, 2000).

It is thus necessary to overcome the principle of a population's exclusive membership of a single nation, ethnic or religious group or faith as a means of legitimising the existence of a state. Such a principle has, fundamentally, a totalitarian character, as shown by the racist extremes of nationalism seen in Europe between the two world wars, which led to the Nazis' physical elimination of Jews, gypsies, and the mentally and

physically handicapped, and latterly by the extremes of ethnic nationalism that have grown up from the ruins of the ex-Soviet Union and the former socialist federal republic of Yugoslavia. Today, the principle of the exclusive sovereignty of the nation-state, which Zionism has inherited from Europe, is preventing Israel, and all those involved in the quest for peace in the Middle East, from entering into a constructive dialogue with the neighbouring Arab states, despite the fact that the latter, as demonstrated by their support for the Saudi peace plan endorsed by the Arab League on March 28th, 2002 in Beirut, seemed initially receptive.

*The Initially Progressive and Subsequently Conservative Function of Nationalism.*

It was during the French Revolution that the principle of national sovereignty really began to be used to political ends. The republic that, in France, was formed following the deposition of the king and the abandonment of the divine right of kings concept soon found itself battling with a pro-restoration coalition of Europe's remaining monarchies. At the end of the eighteenth century, democratic legitimisation alone was not enough to mobilise civilians and the military against an external enemy — an enormous undertaking — and ideological evocation of the nation in arms became a necessary expedient. The peculiarity of this national legitimisation in France stands out even more if one considers the fact that, in another historical period and in entirely different conditions as regards external security, the affirmation of democracy in Great Britain did not rely upon recourse to the national principle, and indeed to this day the United Kingdom unites, in the name of loyalty to the Crown, the people of England, Scotland, Wales and Northern Ireland. American democracy, likewise, has not had to have recourse to nationalism as a source of its legitimacy; instead, this hinges on the Declaration of Independence and the Philadelphia Constitution, both of which were inspired by principles of equality.

On a historical level, there can be no denying the progressive function that the nation-state, called upon to support the ideals of freedom, equality and brotherhood through which the French Revolution opposed the old monarchic and feudal order, initially fulfilled. In the same way, we cannot fail to acknowledge the progressive role played, this time in an endeavour to support the launch of the Industrial Revolution and the modern democratic state beyond the Rhine and south of the Alps, and to overcome a situation of regional political disunity, by the movements for

German and Italian unification. In Italy, particularly, the liberal-democratic forces of the time soon realised that the economic and trade freedoms needed to launch industrialisation and sustain the growth of social classes that would support a modern democratic state could only be gained through political unification of the peninsula and independence from Austria. It can thus be argued that the national principle had to become established in Italy and in other European countries in order to overcome the conservatism of the Hapsburg empire.

The period in which the national principle can be seen as a progressive factor came to an end in the latter part of the nineteenth century, when the spontaneous forces of the Industrial Revolution began to spread beyond the boundaries of the European nation-state and assume continental and today global dimensions (globalisation). This appraisal is shared by two authors as diverse in background as in political thought: the Bolshevik, Leon Trotsky (*Der Krieg und die Internationale*, 1914) and the federalist and liberal economist, Luigi Einaudi, who, in 1948, was to become the first president of the Italian republic (*La Società delle Nazioni è un ideale possibile?*, 1918 and *Il dogma della sovranità e l'idea della Società delle Nazioni*, 1918). As history has shown, it was not by chance that the close of the nineteenth century was characterised by the United States' establishment as a great, continental-size democratic and industrial power, and by the emergence of the crisis of the European system of states and the quest, by the same, to obtain "vital space." This crisis led to World War One and was ended definitively, after the horrors of Nazi fascism had contaminated the whole of mainland Europe, by the Second World War. The fever of nationalism, which hit the peoples of Europe in the first half of the twentieth century, reflected the climate of war in the continent, which in turn was prompting all the countries to concentrate their power and to mobilise, on an ideological and military level, all their forces. It can be added that, in the crucial phase of the crisis of the European power system, nationalistic centralism, in its extreme form of Nazism, prolonged the sovereignty agony of Europe's nation-states.

With the start of the historical phase of supranational economic integration, which coincided with the early part of the twentieth century, the national principle ceased to play a progressive role, and today could certainly no longer be used to legitimise the affirmation of modern democratic states covering entire continental or sub-continental areas. It was not by chance that the process of European unification began after 1945, precisely as a means of overcoming Europe's division into nation-states, and rested on the general post-war reconciliation, first and fore-

most, that between France and Germany.

*Responsibility for the Rebirth of Nationalism in Eastern Europe and the Balkan States.*

But this does not mean that the national principle has definitively run its course. One need only think of the after-effects of the fall of the communist regimes at the end of the bipolar era — a fall that stripped the countries of central-eastern Europe, the ex-Soviet Union and the former Yugoslavia of their ideological legitimisation. Communism, when it collapsed, was not rapidly succeeded in the Warsaw Pact area by an alternative political class or by democratic structures capable of legitimising power. From a global viewpoint, the end of the Cold War also meant the end of the confrontation between two universal views of the future organisation of the world — that of the partnership of democratic powers, favoured by the Atlantic Alliance, and that of the communist International, led by Moscow. However, unlike the period following the end of the two world wars, when the League of Nations and the UN were put forward as admittedly imperfect but nevertheless innovative proposals, in the wake of the Cold War, western political thought has not managed to come up with any quantum leap for the construction of a new world order. It must be pointed out that an effort in this direction was made by Gorbachev, who proposed a Common House, but the sudden end to his political career put paid to the project.

The difficulties that the ex-communist states are experiencing as they make the transition to democracy are understandable. The democratic state has never been an established reality in these countries, with the exception, briefly, of Czechoslovakia, where the attempt was undermined by the predominance of Slavic nationals over the German minority in Bohemia and over the Hungarian minority in Slovakia.

Added to this, there has been no development in the former communist countries of the supranational integration that has become so much a part of the civic heritage of the western European peoples over the past half century. What is more, all the relations established by the Warsaw Pact and by the COMECON came under the imperial control of the USSR. The Soviet Union and the socialist federal republic of Yugoslavia were federations only on a superficial level; in reality, the dictatorship of the sole governing party meant that they were centralised. In the Soviet Union, the communist party was dominated by the Russians and Ukrainians, and in Yugoslavia it was under the strict control of the Serbs. Given

these premises, it was inevitable that the collapse of the communist regimes would generate the need to find a new source of legitimisation of power. And the emergence of ethnic-national legitimisation, through secession, constituted the picking up of the threads of an old argument left unresolved ever since the collapse, in 1918, of the Austro-Hungarian, German and czarist empires.

Moreover, while it is true that this form of legitimisation failed entirely to take into account the development of the process of unification that was occurring in Europe, it is also true that it was encouraged by active stances (on the part of Germany, Austria and the Vatican) in favour of the secession of Slovenia and Croatia, by the initial support lent to Serbia by France and the United Kingdom, and by Italy's failure to react. This incoherent behaviour on the part of the western European states highlighted the incompleteness of the process of political unification and the limitations of the European Union's intergovernmental method of reaching common foreign and security policy (CFSP) decisions. In short, the prevalence of national interests within the EU contributed decisively to the disintegration of Yugoslavia.

Alongside the responsibility of the west, it is also necessary to recall how the dominant political classes in Slovenia, Croatia, Lithuania and other Baltic republics helped to set in motion the processes of secession. The Slovenian government, in particular, played a key part in triggering the process of disintegration in Yugoslavia, preferring to increase Slovenia's chances of gaining access to western Europe's market economy, rather than tackle the problem of democracy throughout the federation, or offer solidarity to the country's poorer regions through the instrument of fiscal federalism. Similarly, Lithuania's secession contributed to the dissolution of the USSR rather than its transformation into a true and modern democracy.

With the exception of European federalists, no political movement or association has managed to show the peoples of the ex-Soviet Union and the former socialist federal republic of Yugoslavia that the road to democracy and membership of the global market is not that of self-determination inspired by ethnic nationalism. The western political system did not succeed in showing the USSR the road of democratic internal federalism, or Yugoslavia how to gain access to the European Union while at the same time preserving the country's unity. Symptomatic of all this is the fact that, at the end of 1991, while the Maastricht European Council was approving the Treaty on European Union, the Soviet Union was dissolving into the unstable Confederation of Inde-

pendent States and the secession of Slovenia had already set the ex-Yugoslavia on the road to its tragic disintegration.

*The Dark Consequences of Ethnic Nationalism in the Balkans.*

Overall, the result of this rebirth of nationalism cannot be regarded as anything other than totally negative, a chain whose final links were Slobodan Milosevic's ethnic cleansing in Kosovo, which triggered the NATO military intervention of 1999, and the secessionist follow-on actions of the Albanian minority in Macedonia in 2001. And Serbia is not the only country to stand accused. The newly-formed ethnic states lost no time at all in seeking to oppress the minority groups within their borders. The Baltic states in the former USSR began denying Russian and Polish residents political rights, and Georgians and Azerbaijani started to pursue, respectively, Ossets and Armenians. In the former socialist federal republic of Yugoslavia, Serbia's suppression of the autonomy of the provinces of Kosovo and Vojvodina in 1989 prompted Slovenia's demand for secession. And Slovenian ethnic separatism paved the way for Croatian and Macedonian ethnic separatism, for ethnic cleansing of Serbs, by Croats, in Zadar and in Krajina, for the oppression of Bosnian Moslems by Croats and Serbs, and so on, in a trail of massacres that extended to Kosovo and Macedonia.

The destabilisation of the Balkans left the Serbs trapped in a spiral of blind and intolerant nationalism and in their support of a group of corrupt ex-communists that formed around Milosevic. The story was not much different elsewhere. When not expressions of local crime linked to contraband and drug trafficking (for example, the UCK), the new republics' governing parties were inspired, initially, by the former fascist movement of Ustashi (Croatia) or by Islamism (Bosnia). The destabilisation of the region favoured political centralisation and authoritarianism within newly formed and unstable states and, finally, triggered an international conflict over the problem of Kosovo.

It must be clearly underlined that in central-eastern Europe, outside the former socialist federal republic of Yugoslavia, only the prospect of membership of the European Union conditioned the new regimes, blocking at birth their internal ethnic cleansing programmes and conflicts over doubtful territorial claims: one need only think of the Hungarian minorities in Slovakia, Romania and Vojvodina, the Polish and Russian minorities in Lithuania, Latvia and Estonia. The separation of Prague (Czech republic) and Bratislava (Slovakian republic) was decided by

agreement and without bloodshed, partly because this was the only way both countries could keep alive their hopes of joining the European Union.

**Clarification of the Terms Self-Determination and Self-Government**

*The Reactionary Nature of Self-Determination.*

The term self-determination is generally used in reference to a political action whose aim is the creation, through secession from an existing state entity, of a new independent sovereign state, which has its own armed forces and currency, and whose legitimacy is based on the principle of the ethnic, national or religious group. Self-determination originated with the proposals that US president Thomas Woodrow Wilson advanced, after the First World War and in the wake of the collapse of the central European empires, as a means of restoring European political order on the basis of the national principle.

Wilson's self-determination design was completed through the creation of the League of Nations, conceived not as a federal-type organisation, but as an international coordinating body whose task was to straighten out the power crisis in Europe. But in the absence of a supranational government, application of the principle of self-determination did nothing to help resolve the problems of peace and development in Europe, as the events of the twentieth century so dramatically demonstrated, but instead aggravated the political and economic fragmentation of Europe, accentuating border disputes, the oppression of minority groups, centralism and militarism, protectionism and international anarchy generally.

Subsequently, self-determination was invoked more successfully in support of the independence claims connected with decolonisation, and those advanced by ethnic or national minorities who enjoyed no or very little recognition of their rights. In this regard, we can cite some separatist claims that are still active, in the Basque provinces and in Quebec (where a recent referendum rejected the idea of secession), as well as in other parts of the world, such as Jammu and Kashmir, Tibet, and Kurdistan. These trends towards political fragmentation of the world, trends that find expression even within democratic countries, such as Spain, Italy, Canada and India, must be opposed and defeated, because they are not the way to defend the rights of individuals and oppressed minorities, they do not promote the affirmation of peace in international relations and in

relations between individuals and social groups, and they are one of the causes of the crumbling of international order.

Referring specifically to the application of the principle of self-determination in the former socialist federal republic of Yugoslavia and in the ex-USSR, the setting in motion of the processes of secession has done nothing other than upset the civil existence of the populations affected, generate wars, grief, hatred and ruin, and jeopardise the affirmation of peace and democracy in two internationally sensitive areas. It must also be made clear that the international community's recognition of the mono-ethnic states born from the ashes of the former socialist federal republic of Yugoslavia and the Soviet Union only favours these fragmentary trends.

Self-determination is, ultimately, an undemocratic and reactionary political principle, which threatens global order and the coexistence of peoples, prevents the affirmation of the world market and the development of the forces of production, and opposes the development of federalism.

#### *The Democratic Principle of Self-Government.*

Unlike self-determination, the concept of self-government is part of the framework of democracy. It is concerned with the protection of interests and autochthonous cultures of local regions and communities but does not undermine the unity of the state or the pluralistic make-up of society. Self-government is based on the principle of subsidiarity, on the democratic sovereignty of the electorate, on freedom of association among citizens and freedom of union among territorial institutions, and on the supremacy of constitutional law. A dynamic mechanism, it allows the political-institutional structures best suited to the different problems facing society to be identified. In the context of the application of the subsidiarity principle, self-government can be practised in the ambit of decentralised or federal states. As a rule, the constitutional laws of such states are flexible enough to allow the jurisdiction of a political decision-making centre to be horizontally extended or reduced (depending on whether the citizens wish to add to or reduce the spheres of intervention of a municipality, region or state), or vertically transferred between different levels of political authority (in instances when it is deemed appropriate to transfer jurisdiction for something to a higher, or lower, political authority). A concrete and recent example of access to self-government was the Nanavut region in northern Canada, inhabited by

Inuit Eskimos. On April 1st 1999, this region won administrative independence from the federal government of Ottawa in the areas of education, health, social services and cultural and residential policy. An even more significant example has been the devolution programme carried out in the United Kingdom, where autonomy has been granted to Wales and Scotland, which on May 6th 1999 respectively elected their own assembly and parliament.

It is also worth recalling that it is the process of European integration that has strengthened the institutions of decentralised democratic government within Europe's nation-states, and also helped in the overcoming of problems relating to the presence of national minority groups in certain border areas, such as South Tyrol — a prevalently German-speaking Austrian province that was acquired by Italy after the First World War. The easing of these difficulties has been favoured by the loosening of the borders separating EU member states and by the birth, upon the entry into force of the Maastricht Treaty, of a common European citizenship.

Self-government, then, is a political concept based on the typically federalist principles of subsidiarity, solidarity, cooperation and coordination — and it is federalism that renders possible the building of mankind's political unity, from local community to global level, in peace and in respect for the law, through the exercising of the sovereign democratic power of the citizen at various levels of organised political power.

#### **Conclusion**

The history of mankind is the history of the evolution of power relations between peoples and social groups. The spread of the democratic method of regulating these relationships, through universal suffrage, began only a few centuries ago. Today, there are still many examples in the world of hegemonic or imperial relationships, of a political, cultural religious and social-economic nature. What we should be asking ourselves, however, is whether secession sanctioned by the principle of self-determination constitutes the right way of overcoming these relationships, or whether the priority should, instead, be to promote the spread of democracy and the rule of law, and thus to launch the process of supranational unification in areas where this has not already been done. In concrete terms, should we be favouring the independence of Tibet and Chechnya, or fighting for the full affirmation of democracy and human rights throughout China and Russia; should we be supporting self-determination in Kashmir, or working for a reconciliation between India

and Pakistan — the kind of reconciliation brought about in Europe between France and Germany — and the foundation of a federal state in southern Asia that could be extended, for example, to Bangladesh and Nepal? Should we allow Israel to remain a besieged state, constantly struggling to repress the Arab-Palestine revolt prompted by its effort to find “vital space” on the West Bank and in the Gaza Strip, or instead encourage it to play a vital role in a process of peace and civil, social and economic emancipation (within the framework of the creation, supported externally by the European Union and the United States of America, of a federal union of middle eastern states)? What is the point of promoting self-determination in Tibet, Chechnya, Kurdistan or Kosovo when, leaving aside the question of whether such processes could even be peacefully managed, the outcome would only be the formation of yet more states incapable of guaranteeing their people democracy and economic development? Has the self-determination carried out in the ex-USSR and in the former socialist federal republic of Yugoslavia helped the world to travel further along the road to peace, or instead set it on the pathway towards war and political disunity?

In reply to these questions, the focus of a coherent and gradualist strategy would have to be the launching of processes of social and economic expansion and the spread of democracy in the world, starting with regions inhabited by minority groups that currently do not enjoy the right of freedom of cultural expression and self-government. If this is the direction in which we wish to move, the priority must be to complete the federal building process in Europe, because this would certainly help to trigger other regional integration processes and favour the development of democracy within regions such as China, and the Islamic world, currently pervaded by fundamentalism.

It must certainly be acknowledged that the fight for self-determination has, in the past and because of the presence of imperial relations, in certain circumstances played a progressive role. The United States of America would never have been founded had it not entered into a struggle for democracy (“no taxation without representation”) against the fiscal power of the English Crown (1775) and without the Declaration of Independence (1776) of the thirteen colonies, which was followed by the War of Independence. Independence was, subsequently, at the heart of the Philadelphia Convention and underlay the affirmation of a democratic state model without doubt far more advanced than that which the English Crown might, at best, have been able to guarantee the north American colonies, and that which it subsequently guaranteed its own

subjects in England. That said, the fight for democracy and for the political representation of the north American colonies in Westminster did come up against objective difficulties of a geographical nature. At that time (*Obstat natura*, as Edmund Burke put it), the Atlantic constituted a difficult barrier to cross.

That this was, however, an exception, is a truth demonstrated by the revolt of the southern slave states that prompted the call for secession and the American Civil War. The president at the time, Lincoln, defended the federal union, a legitimate stance given that the union was not founded on an imperial mechanism, but on racial equality, democratic government and the preservation of peace. Lincoln’s comment that anarchy is the idea at the heart of secession is politically valid today, given that efforts to achieve supranational integration (which in Europe’s case explicitly embrace also the objective of political unification) and forces of disintegration are both active in Europe, and elsewhere in the world. Furthermore, in view of the threat of a spread of weapons of mass destruction that hangs over mankind, a risk certainly exacerbated by the international disorder prompted by the end of the bipolar era, it is clearly necessary to favour processes of supranational political unification, in order to ensure peace and the responsible government of vast areas of the world, and in order to prevent the political fragmentation of mankind, a trend that opposes the growth of interdependence generated by the current processes of globalisation.

## Notes

### BUILDING EUROPE OR WRITING A “CONSTITUTION”?

Many confuse building Europe, understood in terms of the creation of a power that is lacking, with the writing of a series of rules for a power that does, in fact, exist. This confusion can imply one of two things: in some cases, it is the consequence of an incapacity to distinguish between words (the drawing up of the text of a “constitution”) and deeds (the creation of a European power); in others, it is the expression of a deliberate desire to sanction, solemnly and definitively, Europe as it is today, or even to render impossible any real transfer of power, removing from the Treaties even the seeds of supranationalism they contain.

It is important that federalists do not allow themselves to fall prey to this confusion or to forget that the Movement was born in order to strive for Europe’s political unification, that is to say in order to confront the enormous problem of creating a new state in an area where there currently exist numerous sovereign states, and certainly not in order to engage in academic disputes over the small improvements that it might be possible to make to the inefficient and cumbersome apparatus that is today’s European Union.

What federalists — all federalists — must do therefore, showing that surge of pride of which Spinelli so often spoke and wrote, is to return to the ideals that originally inspired them. Failing this, there will inevitably be a growing tendency in our ranks to renounce our role as an autonomous actor in the process of European unification, the only one with a real awareness of the true nature of its point of destination, and to allow the official Europeanism of the governments and European institutions to dictate our stances and strategic directions. The autonomy of the Movement has always been a condition crucial to its survival. But for us to tow the official European line *today*, a time in which we are seeing a strong involution of the process, and in which even the most pro-European of

politicians are becoming convinced that Europeanism does not pay at the polls and tending to fall back on ambiguous solutions, such as the “Federation of Nation-states,” or to hide behind the principle of subsidiarity to justify the maintenance, and even the strengthening of the power of the states, would be to show that we are relinquishing, unacceptably, our post.

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Clearly, forming a new united federal state from a large number of independent states implies, among other things, agreement upon certain rules. Power is consensus, and consensus must be directed at a new form of living together, and thus at new rules that render possible and regulate the same. It is therefore impossible to divorce rules from power entirely. And in this regard, there are two points that need to be made with clarity. First, these rules must not be the product of a purely academic exercise that culminates in the writing of a series of articles, but rather the result of a strong act of will that constitutes the manifestation of the birth of a new people. Second, the rules whose coming into force marks the birth of a federal state must all come down, substantially, to a single principle: the establishment of a direct relationship between citizens and government, both from the bottom upwards (in the sense that government must be the expression of the people, regardless of the mechanism (parliamentary, presidential, etc.) through which this expression manifests itself), and from the top downwards (in the sense that the government must have the power, within the sphere of its competencies, to act directly on the citizens and, having at its disposal the instruments needed to impose on individuals observance of the laws of the federation, not limit itself to the simple issuing of directives to member-states).

This idea was, with good reason, the main concern of the authors of the *Federalist*, Hamilton in particular. It is essential to bear in mind that the *Articles of Confederation*, whose manifest inadequacy spawned an awareness of the need to found anew, and on new bases, the coexistence of the former American colonies and their citizens, had in many ways mapped out an institutional structure more advanced than that of the present European Union (even though it is only right to recall the diversity of the two historical situations). To cite only the two most important aspects, the United States Congress not only had responsibility for foreign policy and defence, but also decided all questions (apart from reforms of the *Articles of Confederation* themselves) by majority vote, even though,



in the key policy areas, the favourable vote of nine of the thirteen states was required. What paralysed the Confederation, therefore, was neither a problem of competencies, nor the decision-making mechanism itself, but rather the fact that the Confederation was the expression of an agreement among sovereign states; and of its own incapacity to implement its decisions and impose observance of the same on the citizens.

This was because decisions taken by Congress resulted ultimately in nothing more than a series of recommendations to member-states to put them into practice. Consequently, whenever they looked likely to jeopardise the interests of one or more of the member-states, decisions would not be acted upon. The member-states often refused to provide Congress with the military contingents it was their duty to supply or the monies it fell to them to pay. And they were able to do this because Congress did not have the power to recruit troops or to impose taxes directly, these being areas that remained the sole prerogative of the member-states.

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The overturning of this situation, and the attendant creation, in certain essential sectors, of a direct tie between citizens and government, was the revolutionary outcome of the Philadelphia Convention. At Philadelphia, and through subsequent ratifications, a *new power* was created. And it was this power that on the one hand opened up the way for the introduction of new rules, and on the other rendered workable rules that already existed but had, in the old power framework, proved inapplicable or capable of generating only situations of impasse.

Europe has lessons to learn from all of this. Let us take, for example, the question of the extension of majority voting and the abolition of the right of veto. Majority voting is often regarded as the *deus ex machina* that will allow the definitive federal step to be taken. Nothing could be further from the truth. In reality, it is not through majority voting that a federal state will be created, rather it is through the creation of a federal state that majority voting will become possible. In confederations, in which a measure of unity is guaranteed only thanks to the tacit maintenance of an agreement among sovereign states, and in which the citizens perceive the organs of the Union as bureaucratic monsters that are both remote and invasive, the taking of decisions by unanimity *in key areas* is a decisive instrument serving to prevent the majority from repeatedly overwhelming the minority, a circumstance that would inevitably, in the medium term, lead to the dissolution of the confederation. This is why provision

is not usually made, *in key areas*, for majority voting; moreover, in areas where majority voting is introduced, it is not applied, because the states tend to opt for unanimity even when they could theoretically decide by a majority vote; and in the cases in which majority voting is actually applied, decisions reached are not executed by the states that constituted the minority. The opposite is true of federations, in which sovereignty is transferred to the Union as such, and strong popular support for it guarantees the indestructibility of the federal tie. In federations, the citizens feel that they are part of the decision-making process and are aware that the latter is driven by a desire to pursue the common good. And anyhow, the federal government has at its disposal the instruments needed to impose its decisions on the citizens. Thus, of all the unions of states, it is only in a federation that democracy, founded on the dialectics of majority and minority, can truly work.

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The crux of the problem is thus the transfer of sovereignty to the Union, which can come about only as the result of the application of a single rule (even though the overall Union order will clearly have to be regulated by a constitution, whose ratification could take place at the same time as, before or after the actual transfer of power). This goes entirely against the task that the Laeken European Council, tabling over fifty issues, set the Convention. There is indeed no surer way of emptying a problem of all its meaning than to divide it up into a large number of smaller problems, in such a way that even those genuinely wishing to find a solution to it become bogged down by detail and unable to see the true nature of the objective before them.

In this regard, we might, by way of examples, consider some of the issues most often raised in debates on the European "constitution," problems such as the composition of the Commission, the system for electing the European Parliament or for selecting the members of the Second Chamber. Obviously, the significance assumed by each of these problems varies according to whether it is raised in the context of the current power situation or in that of the creation of a federal power. In the first instance, the adoption of one or the other solution will determine the procedures through which compromises are reached between states, establish the power of small versus large states and, in some cases, even prolong or shorten the life of the Union. These problems thus assume vital importance but are, at the same time, extremely difficult to solve. In the

second instance, with the permanence of the Union guaranteed by the citizens' strong support for the institutions and by the power of the government to impose directly observance of the laws of the federation, these same problems instead assume only secondary importance. Indeed, in a true federal state, even allowing for the fact that sometimes vastly diverse local interests are bound to emerge within it and be expressed in its political arena, the existence of a single, albeit pluralistic people, and the awareness this engenders of the prevalence of the common good over single interests, means that the number and provenance of ministers and the way in which members are elected to the first and second chambers, as well as many of the other issues today raised in the debate over the future "constitution" of the European Union, become less important and start to be regarded as mere alternatives.

It is therefore right that we should reflect on the characteristics with which the ideal constitution of a future European Union should be endowed. But it is far more important that we make plain what *founding a federal state* really means and, on the basis of this, strive to define a coherent strategy for federalists.

Francesco Rossolillo

## AGAINST EUROSCEPTICISM

A major phenomenon has emerged in recent times that has been particularly marked in Italy, but that has also had important repercussions in other EU countries. Until a few years ago, diffidence, or even open hostility towards European integration (towards European integration as a whole, and not just towards the current community mechanism) was a prerogative of the political left in general, and of the far left in particular; conversely the attitude of the moderate right wing factions was more favourable, with only the most nationalist right wing groups, from Thatcher to those in France now called *souverainistes*, remaining rigidly anti-European. Now, on the other hand, it is not unusual to find moderate left wing factions that are relatively pro-European, or at least less mistrustful than they once were of the question of European unity. In

Italy, for example, the communists are doing all they can to distance themselves from their vehemently anti-European past, in Germany the name Schumacher is now associated only with a Formula 1 racing driver, while a similar trend is, to a degree, emerging in Great Britain, too. The right, on the other hand, is (in a tendency exemplified, in Italy, by the first and the present Berlusconi governments) assuming an increasingly strong anti-European stance — a stance that, indeed, continues to characterise much of the Italian right wing press.

But the characteristics of this euroscepticism — characteristics that in our view only confirm it as unproductive and insubstantial — are broadly similar whatever the political colours of those expressing it. Here, we examine this scepticism and the arguments it advances, which we regard, almost without exception, as pretexts. We deliberately attach no importance to the provenance of those who, with a common intent that is far from commendable, develop these arguments, which can be taken to represent as much the view of one faction as of another.

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As I have mentioned, the attitude of those who criticise European federalism, attacking both its supranational character (the many partial EU institutions, which they would like not to improve or complete, but to abolish, along with the organisation in its entirety) and its internal structure (that is to say, infranational federalism, which goes so far as to propose the creation of large regions as direct members of the future European federation), presents, almost without exception or variation, certain salient features, which emerge in practically all the writings of those who question the advantages of European integration and, more or less openly, oppose the same. These salient features are examined below.

1) The first is a disregard, deliberate and systematic, for the thought of leading liberal scholars (Luigi Einaudi, Lionel Robbins, Benedetto Croce to name but three) on the subject of European unification — views these critics do not even feel the need to refute, having erased all memory of such individuals. This is clearly anti-liberalism bordering on the irrational.

And this disregard, displayed by those whom we will continue to define euphemistically as "eurosceptics," echoes — perhaps by chance, but significantly nonetheless — the criticisms of European integration expressed by the communists in the first decades following the end of the Second World War (and also by communists surviving today), as well as

those that were and still are raised, in terms paradoxically not dissimilar, by the most extreme and illiberal political right (whose view is that pro-Europeans should void and cancel out the nations, their traditions, and all their history in favour of an insidious Americanisation of European life).

2) Particularly striking is the close similarity between the attitudes of some of these critics and the communist propaganda machine of old, according to which the European Community, having been created for the purpose (upon the orders of warmongering Americans — enemies of peace and of Europe), was solely responsible for the Iron Curtain and the “sequestration” of the countries of eastern and central Europe, the Soviet Union, Stalin and “limited sovereignty” having, in their view, played no role whatsoever.

3) Similarly, the EU, and the governments and political forces that support the EU, are deemed responsible for the difficulties and delays that have impeded the expansion eastwards of the European Union following the collapse of the Soviet Union: difficulties that undoubtedly stem from the selfishness of the EU member states, but which are also, and to a far greater degree, attributable to the dreadful economic, social and political conditions created in these unfortunate countries by regimes imposed for half a century by the Soviet Union, conditions that have precluded and could still preclude their membership of the EU (a fact borne out by the difficulties that have followed Germany’s reunification).

These critics certainly have a point when they complain of the indifference and slowness that have characterised Europe’s embracing of — or rather failure to embrace — the countries of the former Soviet Union (and, in more general terms, of its inability to develop an *Ostpolitik* worthy of the name), an indifference and slowness that has had serious consequences for peoples who, freed from the Soviet yoke, had hoped to be welcomed more quickly and generously into the Union of their more fortunate Western brothers. But the main, and most important, reason for this failure lies in the weakness and inadequacy of the European institutions: and yet it is precisely these that our eurosceptics do not want to see strengthened through federal unity, but rather (seen as structures utterly anachronistic and linked to the Cold War) eliminated and suppressed at root level, or at least drastically cut back and cleansed of all traces of supranationalism.

4) Another, almost equally absurd accusation that these anti-federalists (whom I would term, pure and simply, anti-Europeans) level at the EU is that of failing to solve all the problems of Europe (and the world) and of excluding from the Union ambit a large area characterised by

disorder and underdevelopment, almost, it is insinuated, as though this disorder and underdevelopment were useful, even indispensable, to the development and order of the Union. The European Union is, in short, accused of not being a global union: an accusation that betrays ignorance of the principle that pursuit of that which is better can cancel out that which is good, and fails to recognise the need for gradualism, that is, the fact that historical processes of great import take a certain time to run their course.

5) But this attitude of hostility to European unity presents a more serious weakness: the absence of any alternative plan or project. What other course of action, we might demand, should have been taken fifty years ago, when Luigi Einaudi, in Italy, declared that the nation-states had become “dust without substance” and Robert Schuman, following the suggestion of Jean Monnet, proposed his plan? And what, today, is the alternative to deepening and democratising the Union, to endowing it with political and military competencies, thereby creating the institutional conditions that are essential if it is to expand eastwards with more courage and altruism than the present EU structures allow?

And given the present impossibility that such a Union can ultimately embrace the entire planet, what other form should we wish it to take, if not the form of a state? The state is a fundamental and irreplaceable instrument of order, justice and freedom, providing (and this is the crucial point) that it has already acquired continental dimensions. Such dimensions are necessary if it is to guard against the risks, already identified by Einaudi, that are today represented, among other things, by so-called globalisation, which is not something that should be tackled head on, but something that should, rather, be controlled. Only a state of continental dimensions can truly do this.

Whoever fails to recognise the truth of this shares the view of Italian prime minister Giuliano Amato, who, having defined internal federalism as “a virus like AIDS” [*sic*]<sup>1</sup>, more recently expressed, though less crudely, the analogous view that European federalism has been definitively surpassed. In his opinion, indeed, Europe does not need a supranational state: it would be preferable to see a return to the Middle Ages [*sic*], to numerous centres of power, accepting without reservation the growing anomie produced by globalisation<sup>2</sup>.

6) In short, a positive aspect to all this intransigently anti-European literature<sup>3</sup> can be found only by interpreting the views it embodies — and this often requires a great effort of good will — as expressions of dissatisfaction (certainly justified) with the shortcomings, failures and

inadequacies of the current process of integration.

Just as some theses that condemn internal federalism outright (lumping together all forms of it and viewing all movements that promote it, without exception, as hideous and degenerate expressions of micro-nationalism, tribalism, racism, and the rest) do at least serve to highlight the fact that Europe and the nation-states will, in the absence of a defining moment of unification, of a solid supranational aggregation, run the risk of disintegrating, so the euroscepticism that is so fashionable today can at least be credited with drawing attention to the many — too many — imperfections that still characterise the European Union (which federalist thought — deliberately ignored by these authors — strives unceasingly to highlight), as well as to other failings that even European federalists sometimes neglect (for example, the need, mentioned earlier, for a profound internal federalisation of our states).

But here again, no indications are given as to how these failings might be corrected. By trying to make the transition from the hybrid community formula to a genuine European federal state, or by wiping the slate clean and going back to the old collaboration of European sovereign states (which are, in reality, less and less sovereign, and as divided as they are dominated by foreign influences in the form of large existing or potential continental-size powers)?.

Federalists, at least, unlike eurosceptics — and herein lies the greatest shortcoming of the latter — answer this question in unequivocal terms. Even De Gasperi once remarked pertinently that it will take far more destruction than construction in order to build Europe. This is not to say, of course, that we should limit ourselves to the destructive part, as this would merely amount to “Luddism.”

7) One particular aspect worth looking at here concerns the criticisms levelled at the euro, which its critics would like to see ditched, not strengthened through a transition to a political union, as opposed to just a monetary one. A baby born prematurely can be placed in an incubator or abandoned to the elements. Our eurosceptics are in no doubt as to which course of action they would choose.

I wish at this point, and by way of an exception, to personalise our adversary, citing an individual who is both extremely well informed and correct in his approach, and who embodies, essentially, the criticisms advanced by all eurosceptics. I refer to the German economist, and naturalised American, Hans F. Sennholz, and to an essay of his that appeared in an Italian journal<sup>4</sup>. Sennholz does not declare, or even imply, opposition to European integration or to the euro, but merely observes

that the weakness of the single currency stems, among other things, from the lack of social reforms in the various European countries and from the power of attraction that America’s high-tech new economy exerts over European investors. This, however, is only part of the truth. What he fails to observe is the fact that there was, at least among the most farsighted authors of the single currency programme, a full awareness that, as the English say, “money does not manage itself,” and thus that, in the medium-long term, a European currency could be deemed sensible and durable only if it were supported by a European government of the economy. It is the lack of this that constitutes the real weakness of the euro.

It is worth bearing in mind, at this point, the opinion of a leading American technocrat, Lawrence B. Lindsey<sup>5</sup>, whose comments, let us stress (to parry any criticisms we may attract), stem not from his strongly pro-European ideological and political leanings, but are purely an expression of his considerable expertise and political acumen. Having remarked that Europe, unlike the United States, lacks a system guaranteeing flexibility of the labour market and a fiscal federalism worthy of the definition, as well as, in more general terms, fiscal institutions engaged in the correction of economic cycles, he adds (and this is the decisive point) that if the euro is to succeed, Europe needs to have a centralised decision-making mechanism capable of taking decisions in the field of fiscal and economic policy. It is, in the end, strong and reliable institutions that give a currency strength and stability: in other words, an out and out federal state, like America has.

From this perspective, we must clearly ask ourselves whether the difficulties currently impeding the structural reforms that Lindsey rightly advocates might more easily be overcome were politics — or at least the most important political questions — dealt with at European level; and, in particular, whether the scientific and technological research that is needed to kick-start the European economy and reduce the gap that separates it from the US economy — something also highlighted by Sennholz — is possible only through a programme coordinated at European level, and promoted and supported by a European government. This is another view that federalists (economist Alberto Majocchi of the University of Pavia, to name but one) have long been elaborating.

8) Deserving of even harsher criticism are those responsible for formulating, often fully convinced of their argument, the sophism: European Union = a socialist Europe = closed markets. It is an argument that gives rise to the view that policies can only be changed by destroying

the Union institutions, and not, as we maintain, by developing and perfecting them, and giving them a political character through their transformation into a federal state, within which the alternation of right and left, of forces that are more or less statist, would be an entirely normal phenomenon.

In this case too, this iconoclastic conclusion appears to stem not from objective appraisal, logical reasoning and argued points, but blind ideological prejudice (which I attribute to the historical absence in European culture of a federalist tradition — leaving aside the exceptions that prove the rule — and thus of a deep understanding of the nature, workings and possibilities of a federal state), an absence that is bound up with the mistrust of change inherent in petty conservatism. And this prejudice and ideological closure leads, as I have indicated, not to the overcoming — the Hegelian *Aufhebung* — of the European Union's current political structures, but only to their "simple negation" — unproductive and frustrating.

Hence the need to criticise this euroscepticism harshly and without any mincing of words, given its purely destructive character and its failure to offer any project for Europe as an alternative to the one it opposes. And its incapacity to propose alternatives constitutes an intellectual weakness that goes hand in hand with its moral weakness, i.e., its utter lack of sincerity.

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Nevertheless, to be fair, we must ask ourselves whether those most responsible for this euroscepticism, and who in some way justify it, are not in fact the "official" pro-Europeans who, demonstrating the fatuous optimism of amateurs, are happy with the EU as it is, since "all things considered, it has produced extraordinary results." Those who are happy to accept, by way of an example, that Europe, faced with the repeated bloodshed in the Middle East, should — and given the current state of things, how could it be otherwise? — be nothing more than a passive spectator.

In the light of all this, we can only ask ourselves whether the European Union, looking at the limitations to which it has been subject and the forms it has taken over its half-century existence (a long period of time for institutions too), has not gradually become qualitatively and increasingly different from the federalists' original project, the project that surviving federalists — voices in the wilderness — still defend, and

assumed characteristics that are now irreversible.

My inclination is to answer this question in the affirmative — I say inclination because I certainly do not regard myself as a prophet. The Europe of federalist dreams was and is necessarily a political and cultural project.

Instead, today's Europe is merely an economic enterprise, founded solely on interests and motivated, not infrequently, by selfishness, and it is all the younger generations — and even the middle aged — have ever known. Meanwhile, the nation-states, diminished and demoted to the rank of medium or small world powers, excluded from important international decisions, have somehow adapted to their decline and, albeit wearily and ingloriously, continue to survive.

Perhaps, then, we should be asking ourselves whether the desire to inject fresh energy into a European Union that has long since given up on itself is not in fact tantamount to wishing to breathe new life into a corpse. In other words, whether the European Union — the entire European Union — should not be allowed to go stumbling on, poised between life and death (to paraphrase Italian poet Giovanni Pascoli), while the federalist ideal is relaunched — providing this is possible — through an entirely new project and by an entirely new political force. Or whether, on the other hand, the opportunity that presented itself in the years immediately following the end of the Second World War has not in fact been lost for good, the Europeans having definitively resigned themselves to being, as the Nazis would have put it, *geschichtspensionierte Völker*, peoples that have retired from history.

Certainly, as Benedetto Croce said, history is an ever-open process and, in the words of Horace, *multa renascentur quae jam caecidere*. But, Max Scheler would continue, the long interval that precedes an uncertain rebirth of this kind is characterised by a *sittliche Stagnation*, by a moral inertness in which important victories are, for entire generations, completely lost from view.

Is this to be the Europeans' fate? Or might we still witness, as the French say, *un sursaut* of pride and resipiscence?

It is in this that, in spite of everything, we continue to trust.

Andrea Chiti-Batelli

## NOTES

<sup>1</sup> A comment in an interview with Gad Lerner published in *La Stampa*, on 14th October 1996.

<sup>2</sup> Article in *La Repubblica*, May 21st, 2001; interview with Franco Venturini in *Il Corriere della Sera*, July 4th; conversation with Barbara Spinelli in *La Stampa*, 13th July.

<sup>3</sup> A detailed examination of all this appears in my book *Letteratura pro e contro Maastricht*, Rome, Ed. Dimensione Europea, 1995, pp XLIX, 270.

<sup>4</sup> The journal is *Federalismo e Libertà* (until a few years ago *Federalismo e Società*), Bologna, and it appeared under the heading “Euro incerto e deboluccio”, issue 3-4, 2000.

<sup>5</sup> I refer to an article by Lindsey – until mid-1997 Lindsey was a member of the United States’ Reserve Council – that appeared in a 1997 volume published (in several languages) by the Philip Morris Institute in Brussels, *What is the EU’s global role?* The economic and political concerns of Lindsey and others are fully and well presented – albeit from only a mildly pro-European perspective – in contributions published in *Aus Politik und Zeitgeschichte* (November 14th 1997 issue), produced as a supplement (devoted entirely to the problems and difficulties faced by the EU in the wake of the Amsterdam agreement and as it approached the coming into effect of the single currency) to the Bonn weekly *Das Parlament*; and repeated, in more harshly critical terms, by Milton Friedman (in *Dossier Europa*, Rome, 21st December 1997, edited by the European Commission) and by various other American authors (resumed by Richard Lambert in the *Financial Times*, 19th November, 1997). A more in-depth discussion of the topic, and a detailed examination of the arguments in favour of and against the single currency, can be found in my book *Letteratura pro e contro Maastricht*, cit.

## Viewpoints \*

ALEXANDRE MARC. PERSONALISM  
AT THE SERVICE OF EUROPE \*\*

BERTRAND VAYSSIÈRE

As supporters of European projects go, Alexandre Marc cuts an unusual figure: there was, without doubt, a project that he held dear, a project known as “integral federalism,” but Marc’s intellectual voyage was so out of the ordinary that it is opportune to wonder whether the “non conformist” label that links him to this 1930s current of thought is not perhaps an obstacle to a better knowledge of his actual action. Individualist and stubborn, Marc generated antagonism in a number of quarters,<sup>1</sup> even within his own federalist sphere, where he can be considered a leading figure. Also setting him apart from other great supporters of European projects is his exceptional longevity: Alexandre Marc died on 22 February 2000, at the age of 96, while writing a new book on integral federalism, a project that he always hoped one day to see triumphant in Europe.

But leaving aside this tenacity, a mark of the vitality of a man who devoted all his energies to the defence of an ideal, one must ask oneself how much influence an action conducted outside the traditional political-institutional setting can have: Alexandre Marc dreamed of a Europe born of a mobilisation of society generally. Furthermore, his personal and intellectual background had rendered him mistrustful of the world of politics, which he always approached reticently. We also need to ask ourselves to what extent circumstances influenced Marc’s action, an action that, as his life unfolded, can be broken down into a series of stages that clarified his project and determined his way of defending the same.

We will thus consider this question in three distinct parts, which

\* This heading includes contributions which the editorial board believes readers will find interesting, but which do not necessarily reflect the board’s views.

represent the three main moments in Alexandre Marc's conception of his project. We will begin by looking at his formation, which, intrinsically bound up with the events of his life, made Marc the ultimate man "without a homeland" (like Richard Coudenhove-Kalergi).<sup>2</sup> On a number of occasions in the early '30s he was threatened with expulsion from France because of his Russian roots, and he was not definitively naturalised until 1946. This series of upheavals, which took place in the period between the two world wars, demonstrates that a European background does not have to be a premise for elaborating a political and social project for Europe, which can instead be reached at the end of a long journey; indeed, it was not until he was 40 that Marc arrived at his conception of it. After thought comes action: in Marc's view, and in that of many other federalists, the Second World War seemed to generate the conditions needed to make this project, until then ignored both by the elite and by public opinion, win through. This transition from thought to action was made within the Union of European Federalists (UEF), an organisation, created with Marc's help in December 1946, that had first been envisaged during the war and to which, in an era of transition, he became totally committed, devoting himself to tactical questions, and to the great problems of political, economic and social reorganisation raised by the end of the war. But this positive period seemed to draw to a close with the start of the Cold War, when Marc himself concluded that the project and the political situation no longer coincided. Resigned to the view that action was no longer an option, he became an educator, staking everything on the power of his ideas in the long term.

### **A non Conformist without a Homeland**

#### *A Cosmopolitan Background.*

Alexandr Markovitch Lipiansky was born in Odessa on February 1st, 1904 (January 19th on the Julian calendar), into a not overly religious Jewish family: his father was a businessman while his mother, exceptionally for the country and the period, was a qualified and practising professional (stomatologist-dentist). From a young age Alexandr, surrounded by tutors, demonstrated a boundless and already eclectic intellectual curiosity: the young Russian boy was soon drawn towards the German school of philosophy, particularly through the work of Nietzsche — he reported reading *Thus Spoke Zarathustra* at the age of ten<sup>3</sup> — and Immanuel Kant, both of whom reject any form of determinism and

believe that the spiritual values of the individual prevail over all materialistic and utilitarian considerations. Nineteenth-century Russian socialist philosophers also contributed to the early formation of the young Marc, particularly through their ideal of *sobornos't* (a self-managed community of people, whose models are the *mir*, the *artel*, and the *obshchina*), which quickly occupied a prominent position in Alexandre Marc's future project. But Alexandre Marc's development in this period was not only theoretical — he was also proving to be a committed and militant member of the revolutionary socialist party, particularly in the wake of the dissolution of the constituent assembly at the hands of the Bolsheviks on January 6, 1918 (January 19 on the Gregorian calendar).<sup>4</sup>

It was against this turbulent background that, in 1919, Marc left Russia for France, via Germany. He enrolled in the Saint-Louis Lycée in Paris, where he proved to be a brilliant scholar and, prior to rejoining his parents in Berlin some time between 1922 and 1923, discovered the "intuitivism" of Bergson. Probably inspired by his early reading and wishing to meet masters such as Heidegger and Husserl, he completed his education at the German universities of Jena and Freiburg. But the young Marc was to be disappointed by the experience, refusing to accept contemporary philosophy's lack of political engagement in what was a period of widespread crisis. He thus returned to France and registered at the free School of Political Sciences (1923-1927), after which he started working for the publishers Hachette, and formed his first philosophical society, known as the *Club du Moulin Vert* (whose first meeting took place on October 27, 1930). In this period, he regularly met men such as Nicolas Berdiaeff, Jacques Maritain and Gabriel Marcel, and it is from these meetings that the personalist doctrine of the *Ordre Nouveau* group was born.

#### *The Ordre Nouveau Doctrine.*

The *Ordre Nouveau* group, which definitively adopted this name at the end of 1930, was initially formed with the aim of discussing the spiritual bases of mankind. However, it gradually shifted towards a more general examination of the problems generated by the prevailing climate of crisis. Deeply troubled by the "decadence of the French nation,"<sup>5</sup> the men of the *Ordre Nouveau* proposed a regime not definable on a juridical basis, but characterised rather and above all — and in this it differs from Anglo-Saxon federalism, which focuses on institutional problems — by

a general principle of social organisation based on respect for all kinds of diversity.

In his book, *Histoire de l'idée fédéraliste*, Bernard Voyerne, a militant federalist and very close friend of Marc's, stresses that the federalists' rapid attainment of political maturity is to be attributed to the reflections of the *Ordre Nouveau*.<sup>6</sup> Yet these apparently clear links between federalism and personalism were not in fact established automatically or from the outset by the *Ordre Nouveau* founders. Voyerne writes that Alexandre Marc "and his friends seemed [...] to want [federalism] only as a necessary but in a certain sense complementary dimension to the personalist doctrine they were at the time elaborating."<sup>7</sup> Resolutions passed by federalists during the Resistance and at the time of the Liberation certainly share features with pre-war personalism. The first of these is the "third way" between capitalism and communism: Denis de Rougemont, in *Politique de la Personne*, defines the personalists as "declared anti-capitalists, who nevertheless failed to embrace the abstract collectivisation foretold by the soviets; anti-nationalists, but despite this patriots; federalists on a European political level and personalists on a moral level."<sup>8</sup> The second feature shared by personalism and post-war federalism emerges in the declared apolitical nature of the federalists who, like the personalists, believe the rules of the traditional game of politics to be distorted by the "fatalism" of the right and the "voluntarism" of the left, both of which, in an ageing republic that is out of touch with social realities, are compromised; this is the source of the political non conformism of the two movements, both of which accept in their rank and file men originating from all political persuasions, men who are united in their rejection of a system in which they no longer have faith. This non-conformism explains the emergence of a particular current, caught between the influence of the anarchical and syndicalistic left (characterised by its mistrust of parliamentary imposture and of *laissez-faire* economics) and that of Maurras' right (characterised by its opposition to Jacobinic centralisation and its respect for "living" communities — the family, religion, profession and nation). It is possible to detect a certain ambiguity in these men who want "neither right nor left"<sup>9</sup> and who attribute all evils to parliamentarianism.

The *Ordre Nouveau* movement, created in December 1930, veered towards personalism,<sup>10</sup> an engagement that is based on the idea of the person as well as on spiritual reflection (Marc converted to Catholicism on September 29, 1933 at the *Bon Pasteur* convent in Pau), in contrast to the holistic philosophies (Hegel, Marx), which created false gods (nation-

alisms).<sup>11</sup> The rallying cry of personalism is "the spiritual first and foremost, then the economic, with politics at the service of both of them." The main axes of this philosophy, which developed throughout the '30s, advocate a form of non nationalised economic organisation that, being characterised by economic and social pluralism, liberates man (unlike state monism), although at this stage it was still conceived for a limited framework, i.e., for France alone. It was, first and foremost, a question of "federating French forces to build a new order." Marc defended this vision in pieces written for many French (*La vie intellectuelle*, *Sept*, *Temps Présent*, *Plans*), and more rarely foreign (*New Britain*) journals.

At the same time, Marc was defending the idea of a "*front unique de la jeunesse européenne*."<sup>12</sup> At the age of 29, he and René Dupuis published the book, *Jeune Europe*,<sup>13</sup> in which they stressed the "intercultural" value of the new generation, on which the disappointments of the Great War had left a mark. This generation, no longer wishing to yield to party pigeon-holing, had become "radicalised;" openly "revolutionary," it had severed its links with the liberal and parliamentary system and with "abstract" individualism.<sup>14</sup> Marc had considerable contact with Germans sharing this philosophy, meeting them during his university pilgrimages, individuals such as Otto Strasser and, above all, Harro Schulze-Boysen of the *Gegner* (*Adversaries*) group, whom Marc already envisaged as the future leader of a revolutionary European federalist movement,<sup>15</sup> Walter Dirks and Paul Ludwig Landsberg. These meetings, which were essential for Marc — he saw them as opportunities to establish dialogue between young people who no longer had cause to oppose one another in the name of inevitable rivalry between nation-states — were started very early on, but did not produce any concrete results. In Frankfurt, in February 1932, an attempt was made to reconcile these various non conformist currents, which, despite all sharing a rejection of liberal society, tended to embrace different ideological orientations, but its outcome was disappointing. Marc, remarking that an atmosphere of oppression had descended on German intellectuals (the *Gegner* group was banned in 1933), appealed for the creation of a Young Europe that embraced only the Western part of the continent.

The outbreak of war took Marc, at the time in a sort of retreat in the South of France, by surprise (the last issue of *Ordre Nouveau* was published in September 1938). He enlisted in the 141st division of the Alpine infantry in Orange, perhaps motivated by a desire to demonstrate his attachment to this France that persisted in refusing him naturalisation; there, he experienced what he described as a "strange war," during which



he was transferred to the 5th office of the General Staff of the XV Region. Discharged in the summer of 1940, he spent some time in Aix-en-Provence without any clear idea of how to direct his action. After trying in vain to reach London, and later Spain, at the start of 1943, Marc, with his family, finally crossed over into Switzerland, and there he was forced to remain until the Liberation.<sup>16</sup>

### **A Man of Action Wanting to Act (1941-1948)**

#### *The Definition of "Integral Federalism."*

As was true of other federalists, such as Altiero Spinelli, the Second World War played an important role in directing Marc's thought towards European action. In Marc's case, the discovery of European federalism was made initially on an intellectual level, through his reading of Proudhon, with whose work he was little and poorly acquainted. Alexandre Marc himself admitted that Proudhon was not highly regarded by the editors of *Ordre Nouveau*:<sup>17</sup> Proudhon's theories were, in fact, derided as abstract and archaic, and there were many non conformists who were not drawn to anarchic solutions. Marc, attracted by what he read, managed to get a selection of Proudhon's texts published<sup>18</sup> — a veritable feat in wartime.

Through Proudhon, Marc came to believe that federalism could constitute the political completion of personalism, and that this completion could be achieved through the contribution of a true doctrine and a militant structure, which a strictly intellectual movement would not have. He thus developed a project that, uniting federalism with the anarchic traditions of the workers' movement, was markedly left-wing in character and set it out in *Avènement de la France ouvrière* (written in 1944 and published in 1945), whose final chapter was entitled "*Le Fédéralisme intégral*."<sup>19</sup> The final words of the book explain the choice of the word federalism: "There is one word, and only one, that seems to escape most of the drawbacks that beset its rivals: socialism, collectivism, anarchy, etc. There is one word, and only one, that can comfortably be used to express, as far as this is possible, the essential characteristics of the revolution of order, according to the aspirations of the French working class: federalism."<sup>20</sup> The *Ordre Nouveau* federalism was essentially a spiritual state:<sup>21</sup> Europe was still little considered. Above all it was the work of a section of the Resistance that altered the political and social objectives of personalism.

In this way, Marc's project was inserted into a European framework, the idea being to "federate the federalist forces" (November 1943) within the Resistance. However, his ideas, although affirmed with renewed vigour, seemed for the time being to be applicable only to France, a moribund France that needed to overcome a series of weaknesses that Marc outlined in a rather brutal fashion.<sup>22</sup> The struggle that Alexandre Marc intended to engage in was meant, therefore, to preserve the integrity of France (especially against what Marc referred to as "Anglo-Saxon interference") and to ensure its moral salvation. The struggle for Europe would come later, being realisable only at the hands of a regenerated France: "In the work that is needed to build Europe, a particularly important role, that is to say, a decisive role, will be played by France. This affirmation has nothing to do with 'chauvinism' of any kind, or with ill-considered exaltations of national pride: examining the probable situation of tomorrow's Europe, one cannot fail to see that France, with all its faults and weaknesses, emerges as the only country equipped to take on such a task."<sup>23</sup>

Like Spinelli in Italy, Marc saw federalism as a project likely to succeed only on the back of commitment and not of sentiment, a conviction that led him to reject the European ideal that had grown in strength in the inter-war years, and which at the time he had largely ignored. Marc and Spinelli, however, differed on a number of points, including the way in which a federal society might be attained; their approaches derived from histories and cultures that made each particular, linked to deeply differing cultural references and ideas; furthermore, each clearly bore the hallmark of his "creators", absolutely convinced that, when the Liberation came, it would simply be a matter of meeting up with the other people who, necessarily, shared his conception of federalism. That said, their two visions did have points in common, the first of these being the approach to the phenomenon of militancy. Both commented on the setbacks suffered by the federalist ideas of the pre-war period and attributed them to the same factors: excessive optimism, amateurishness, and elitism of the idea.<sup>24</sup> On this last point, their agreement was total: both men put across their views in heated manifestos and reports; both were aware that federalism, without the support of public opinion, would be a vain cause. And the conclusion to be drawn from this was self-evident: federalism (it was still referred to in the singular) needed a true platform for its struggle, one that would allow it to exploit and coordinate dispersed and ill-disciplined energies. At the time of the Liberation, the spirit of the Resistance seemed, in the eyes of all those

wanting European unity, to make united action look like a real possibility.

*Marc and the Union of European Federalists.*

Upon the creation of the UEF, in December 1946, Marc's project seemed to come true. He played a very active role in the birth of the organisation, and indeed became its first secretary-general, but he found himself at the head of an organisation that was spread across Europe, and whose conception of federalism itself was not homogeneous. In Alexandre Marc's view, the UEF had to remain, for this very reason, a body for "connecting, coordinating, and linking up autonomous forces" (March 1947).<sup>25</sup> The strategic position he occupied in this organisation is illustrated by the many contacts he re-established or established with federalist organisations of all tendencies, such as *La Fédération* (André Voisin), which was close to the world of employers, or *Cercles fédéralistes et socialistes* (Claude-Marcel Hytte), which was more inclined towards trade union action. Initially, Marc was concerned to protect the UEF from the influence of certain politicians, who seemed to want to "hijack" the European idea for profit, a very clear effort of this kind being seen on the occasion of the first large federalist meeting in Hertenstein (15-22 September, 1946), an event whose message was completely overshadowed by Churchill's famous "United States of Europe" speech in Zurich. Marc, in this regard, experienced a sense of resentment that he found hard to swallow: "Contrary to what is usually written, this speech did not 'trigger' European action, since that existed already: but it did help greatly to alert public opinion and governments to the importance of this action."<sup>26</sup>

The first Congress, held in Montreux (27-31 August, 1947) was without doubt the most prominent federalist summit and the one that attracted the most media coverage: the aim of the meeting was to put together a doctrine suitable for the federalist struggle and to make as many people as possible aware of the action that had been carried out following the Liberation. To this end, the Congress, running the risk of annoying a number of the original militants, favoured the presence of higher-profile speakers (Maurice Allais, Léon Jouhaux, Edouard Herriot): the UEF thus courted publicity, preferring to bring in a de Rougemont, invited by Marc<sup>27</sup> himself, rather than let less "high media impact" federalists take the stage. The charge of idealism, too often levelled against federalist thought, prompted certain members of the UEF to seek intellectual cover and a measure of influence at government level. A few

months after the Montreux meeting, Alexandre Marc defended this line in an issue of *L'Action Fédéraliste Européenne*.<sup>28</sup> Alongside this quest to find prestigious supporters, a considerable effort was being made to make the general public aware of federalist action: thus, prior to the Congress, Alexandre Marc held a series of meetings that sometimes, as at Nancy and Rheims,<sup>29</sup> gathered as many as 800 people, and increased his contacts with the press,<sup>30</sup> at the same time speaking out against the "plot of silence" against federalists.<sup>31</sup>

In the main speeches at Montreux, much space was given to the ideas of personalism and integral federalism that, sustained by Marc, concern relations between the individual, intermediate communities (municipalities, regional administrations, etc.) and the state, and the circulation and distribution of wealth, as well as worker "participation" in enterprises. The idea of a European constituent assembly, made up of representatives of the populations of different countries, received far less consensus. The anti-parliamentarianism of some federalists is expressed in their opposition to the centralised form that, in their view, a European state would automatically assume, the latter being considered a simple transposition of the nation-state onto a larger scale, or rather a sort of Jacobinic Europe. The debates at Montreux focussed above all on the action needed at root level, which is to say at the level of society's living forces, rather than at the level of its institutions.

One of the priorities that the Congress set itself was to identify an economic model capable of managing each country's different problems. The federalists did not like partial agreements, which at the time were just developing: equally, the cartelisation of the European economy and the formation of customs unions were condemned (as, for example, when France tried, on March 20, 1945, to draw the Benelux countries into a three-party council of economic cooperation, an arrangement that discriminated against Germany). This federalist dislike of partial agreements is summed up in the economic policy motion, drawn up by Marc and Allais and adopted by the Congress. According to this motion, "it would be entirely utopian to think that efforts to establish reciprocal economic agreements between sovereign states might, by themselves, lead to a true European federal union."<sup>32</sup> In the quest to find new solutions, more in harmony with the European spirit, the federalists proposed, to the good of all, the pooling of resources that was so much desired by Saar (which Marc hoped it might be possible to transform into a "European district") and by Ruhr.

The ideas of integral federalism prevailed at Montreux, which is

logical if one considers that these ideas had been established ever since the federalist movement first attempted to unite. Yet the speech delivered by Spinelli, who was present in Montreux, constituted a break with the supporters of integral federalism. The speech contained traces of an “opportunistic” federalism, which is less attracted by theory (Spinelli’s rejection of abstractions is well known) and instead pays more attention to the political setting. One might say that, through Spinelli, the Cold War became a significant part of a debate that, until that point, had ignored it.<sup>33</sup> it had become necessary to use the recently proposed Marshall Plan as a means of launching European unity. The idea of Europe as a third force, which Marc held dear, was imperceptibly slipping away.

### The Disappointments of the Cold War

*A project overtaken by political events.*

Strangely, it was just as Marc was managing to instil his philosophy into an increasingly substantial Movement (militants numbered around 100,000 in 1947) that his influence began, in fact, to decline. The reason for this was the Cold War, which was changing the political scenario he had envisaged and was forcing the Movement to adopt radical viewpoints and to favour order over revolution. In reality, Marc had been active long enough to establish an extremely heterogeneous militant structure. His many conferences had helped to popularise the foundations of integral federalism, and the circulars he had sent to various UEF member groups had helped to strengthen what was a considerably complex structure.<sup>34</sup> Alexandre Marc called to order all those who, running the risk of forgetting that money is the backbone of war, were apparently willing to settle for a purely ideological struggle.<sup>35</sup>

This last point brings to mind the competition for funding between the various pro-European movements and helps to explain the concerns over the presence on the stage of a movement (the *United Europe Movement*) led by Churchill, a great personage who wielded enormous influence both in the European debate and in the financial sphere. This competition is also recalled by Dutchman Henri Brugmans, first UEF president, who talked of the need to exclude Alexandre Marc from efforts to gather funds, as his arguments were too revolutionary and his character too impetuous for interlocutors who were nearly always businessmen more interested in the traditional questions of customs tariffs and resistance to communism. The federalists paid the price for their greenness in this sphere: Brugmans

cites, for example, an important meeting (probably in February 1947) between Marc, Raymond Silva (vice-secretary-general) and himself and representatives of leading Swiss financial groups, a meeting whose aim was to obtain funds for the federalist organisation. It was a rude awakening for the three to have their arguments taken apart by one of those present, banker Edward Beddington Behrens, a relative of Churchill, who pointed out that the UEF had no “great name” to represent it, and that it was driven by dubious social ideas.<sup>36</sup>

These early months of rapprochement between pro-Europeans provided opportunities to note that the ideological differences between the groups were very great and that the militant conception of federalism clashed with a system characterised by the prevalence of strong individuals, engaged in the debate in the hope of orienting it. Cooperation between these disparate European movements became, however, inevitable with the establishment, in Paris on November 11, 1947, of the *Comité international de coordination des Mouvements pour l’unité européenne*. The November 11 agreement was ratified by the Central Committee of the UEF on November 15, in spite of numerous reservations<sup>37</sup> over the right being better represented at the heart of the pro-European movement. The influence of the “unionists,” who in fact were not even envisaging an integrated Europe, therefore made itself very clearly felt and laid bare the naivety, easily exploited by the political heavyweights, of certain federalists. Thus, Alexandre Marc, who had proposed and supported the historic meeting in The Hague, felt that he had been dispossessed of this idea by a man more cunning than himself, Duncan Sandys, who was soon to control the destiny of the European Movement: “Like a political new boy, and showing a naivety that still makes me blush, I had handed over, to a certain Duncan Sandys, whom I had met at the Montreux Congress, the task of supervising contact between ourselves and The Hague, in order to make preparations for the meeting there of the States General of Europe.”<sup>38</sup> This gave rise to a “dispute over the paternity”<sup>39</sup> of this meeting, which only underlined, in the eyes of militant federalists, the ambiguity of the same.

*The Congress in The Hague and its Consequences.*

Notwithstanding this, the UEF continued preparing for this event, which was presented as meeting of capital importance for the building of Europe. It appeared to be the goal federalists had been dreaming of, federalists who, in a December 1947 brochure produced by Alexandre

Marc, referred to “true States General of Europe.”<sup>40</sup> Marc believed that it was necessary, above all, bring together the “living forces” of Europe, rather than a few prominent politicians, whose commitment to Europe he did not trust.<sup>41</sup> In his view, this meeting had to have popular legitimisation, that is, it had to express the will of Europeans to unite and to confer political authority on the Congress in The Hague. This appeal bore the hallmark of the integral federalists, who until that point had, as at the Montreux Congress, constituted the majority and appealed to all those with a role in society, calling upon them to participate in the definition of their own political destiny.<sup>42</sup> But not all within the UEF, the Italians in particular, shared this view of how the event should be defined. In a letter dated February 18, 1948, Alexandre Marc, fearful that Spinelli and Rossi (authors of the famous *Ventotene Manifesto* and founders of the *Movimento federalista europeo*) might attempt to take over the UEF, wrote of the need to create, in view of the Congress in The Hague, an “anti Spinorossi” front.<sup>43</sup> In a letter to Bernard Voyenne, dated January 28, 1948, he indeed wrote: “It must be recognised, objectively, that until now the UEF’s political line has been determined predominantly by ‘my’ views. If — as some wish — I were to distance myself from it, it would soon go off course. I would see this as a betrayal of the very enterprise that I, more than anyone else, have helped to start and develop.”<sup>44</sup>

But this political line was increasingly disputed within the UEF: Altiero Spinelli, in a memorandum presented in Rome on January 22, 1948,<sup>45</sup> criticised harshly the expression “States General.” He, on the contrary, believed that federalist action needed to have political objectives oriented towards the transfer of sovereignty, objectives such as the convening of a European constituent assembly, and examined the nature of the federal links between each member state and the powers that would be transferred to the “European authority,” the stance of federalists on major international issues, etc. As they began, increasingly, to be applied to current political realities, the arguments in favour of “constitutional” federalism gained strength within the UEF: on March 19, 1948, the French Assembly passed by majority (169 members) a motion “on the convening of a constituent European assembly” presented by a few members of the French *Federalist Parliamentary Group*, Edouard Bonnefous (UDSR), Paul Rivet (SFIO), François de Menthon and André Noël (MRP). Taking advantage of this favourable political moment — even the British (March 18, 1948) and Dutch parliaments took the same initiative at this time — the UEF entrusted several of its members to examine in depth the concept of the transfer of sovereignty, with a view

to raising it at the congress in The Hague.<sup>46</sup>

This tactical change was imposed on all the members of the federalist movement, Alexandre Marc in particular, at a preparatory meeting, held on January 30, 1948. On this occasion, discipline was urged<sup>47</sup>, which, for him, meant abandoning once and for all the term “States General.” No declaration referring to the meeting in The Hague was to be made without consulting the secretary-general (Raymond Silva), while all were required to use the term “Congress of Europe.” The federalists tried to attract certain “progressive” personages to The Hague, and one who stands out in particular was Léon Blum. Having sent him a memo expressing the interest of federalists in his work,<sup>48</sup> Marc sought to awaken Blum to the ideas that he was intending to defend in The Hague. However, the much awaited meeting with this illustrious man left Marc with a bitter taste in his mouth. This is what Alexandre Marc wrote about Léon Blum, whom he finally met in December 1947: “I met Léon Blum. He looked extremely tired and I was struck by his total lack of revolutionary fire. He began by comparing the federalist movement to a ‘basket of crabs’ [...] I have to admit that a chill ran down my spine [...]. In short, Blum has agreed to provide me with the resource I need [his presence in The Hague], but I found him to be very tired and conditioned by ‘fashionable’ considerations (‘big names’).”<sup>49</sup>

The resource Marc dreamed of obtaining was a guarantor of federalist ideas at the highest political level, to counter the unionists, who, gathered around their central figure, Churchill, were well represented. The presence of Churchill goes some way towards explaining the decision (in January 1948) of Britain’s Labour Party not to attend the congress in The Hague. Federalists, Marc in particular, had long been striving to convince Labour to go back its decision,<sup>50</sup> but their efforts were in vain, which only drew attention to the political isolation of the UEF within the Congress. All this says a great deal about the opposition between unionists, who were content to settle for a traditional solution of cooperation among states, and federalists, who came out of this Congress with the clear impression that “their” Europe had not been afforded the consideration they felt it deserved, since the debate had not viewed European unity as the “preliminary issue.” (Marc had spoken on the defence of rights and the institution of a supreme court). At the end of the Congress, some of the members of the UEF, gathered around Marc, issued a press release highlighting the failings of the meeting: the UEF complained that “in political terms, the Congress has not defined the practical instruments that will make it possible to convene, rapidly, a European assembly,

representing all the living forces of society.”<sup>51</sup> Alexandre Marc, swimming against the moderate political tide that prevailed in The Hague, lashed out against those he defined as “conservative pro-Europeans.”<sup>52</sup> To counter this conservatism, Marc proposed the establishment of a “progressive coalition,”<sup>53</sup> embracing men such as de Rougemont.<sup>54</sup> This confrontational line worried more moderate federalists, like Brugmans, who felt criticised, without due explanation, for their “opportunism.”<sup>55</sup> In June 1948, Marc resigned from the *International Coordination Committee*, discouraged and disappointed by the “whispers in the corridors, [by] the ‘diplomatic’ practices and in general [by the] manoeuvres that, for me, have rendered suffocating this atmosphere in which we were called upon to cooperate.”<sup>56</sup>

The setback in The Hague stirred up Marc’s first doubts. However, the overriding impression is that he failed to see the wider picture: his doctrine and the revolutionary-type action he proposed had, in fact, become impossible in a setting characterised by constant improvisation and apparent good will on the part of the states. Marc, too deeply conditioned by his rejection of any system, communist or capitalist, appeared to have been overtaken by events. It is important to stress that officially the UEF still supported the idea of Europe as a third force, different from and independent of both American capitalism and Soviet collectivism. But even Marc could not deny the importance of political declarations that heightened awareness of the need for European unity and for a political Europe: “The sensational offer made by the American Secretary of State, General Marshall; Bevin’s significant speech; the meeting between Bevin and Bidault; the advances made by Clayton; these are just some indications of how the federalist question has been moved to the forefront of today’s political stage.”<sup>57</sup> But the man who benefited from this “rise” in prominence was the one who favoured the “American way.” Spinelli became the most influential actor within the UEF, which he turned into the kind of “pressure group” that Marc disapproved of on the grounds that it targeted only politicians. Following the second federalist congress (this time in Rome in November 1948), Marc remarked that “federalism as a whole is turning its back on spiritual, cultural and social questions and devoting itself to a form of action that can be defined political”<sup>58</sup> and underlined the contradiction that is inherent in the “lobbying” of states on federalist issues.<sup>59</sup>

This “opportunism,” so despised by Marc, instead found justification in the fight for “supranationality” in which the federalists were, by this time, engaging openly with those states that were seemingly willing to

cooperate. Thus Marc played little part in the debates on the Schuman Plan, which he saw as premature, and was indeed among those openly denouncing the naivety of federalists, whom he viewed as victims of an “acceleration of history,” in which they had everything to lose.<sup>60</sup> For the same reasons, Marc distanced himself from the work of the *ad hoc* committee, unlike Spinelli, who was more at ease conducting politics from the inside. Moreover, the inclusion, in the EDC Treaty, of the famous Article 38 justified the “constitutional direction” taken by the UEF. Alexandre Marc, suspicious of this “decisive step,” which caused “the idea of European federalism to shift to government level,”<sup>61</sup> decided to devote himself to education, promoting the creation of a department of federalist studies.<sup>62</sup> From this point on, he poured all his energies into this “rearguard” campaign, taking part in camps for the young people of Lorelei (July–September 1951), and setting up European education centres, such as the Centre européen de documentation in Saarbruecken, the Centre international di formation européenne in Nice (1954) and the Collège universitaire d’études fédéralistes in Aosta (1961), all intended as instruments for the formation of militant European federalists. The setback over the EDC, in August 1954, led Marc to an unexpected rapprochement with Spinelli, both men rejecting the project to “relaunch” Europe and, through the *European People’s Congress* (1955–1961), adopting an extreme stance that led to a split in the UEF (November 1956).

The fate of Alexandre Marc’s project brings us back to the particular context of the post-war period when, in an inopportune simplification of the situation, only the action of Europe’s founding fathers was taken into consideration. Because while it is true that the building of Europe started to become a concrete reality with the Treaties of Rome in 1957, it is also true that it had been envisaged and prepared for throughout the chaotic early Cold War years. To study Marc is to observe the laborious and difficult conception of a project cultivated against a background of pain, doubt and the realisation that a profound gap can exist between political reality and the utopia dreamed of. This was a time of intense European debate, and Marc emerges as both an example and a victim of this: it was certainly a prolific era, but what it ultimately generated was a defensive and political formula for Europe, that took little account of the subtleties of personalism. There is certainly room for criticism of Marc’s vision, particularly of the corporatist aspects of integral federalism, which, in the wake of the Vichy period, gave cause for concern and prompted Alexandre Marc to accept alliances that, in the eyes of many observers (federalists

included) discredited his project, even though he personally never felt any affinity with the ideas of the national revolution. Furthermore, Marc's project was extremely mechanistic: his conception of federalism finds no basis in history and it is possible to note too many contradictions in this philosophy that mixes order with freedom, plurality of membership and corporativism, etc. The project of Alexandre Marc, which bore the hallmark of its author's philosophical approach, too often favoured idea over action,<sup>63</sup> the long term over the short term, and this made it difficult for it to attract a broad consensus, above all among politicians and at the level of public opinion.

Therefore, should Marc merely be considered merely as one of the "dreamers" with which the history of the European idea is strewn? The answer is no, as some of his ideas are still relevant to today's context, i.e., his idea that our political, economic, social and cultural organisations are obsolete and no longer respond to the needs of the modern world, his view of a society dominated by large-scale organisations, in which men are reduced to little more than objects, and his concern over the increasing intrusion of technocracy into our daily lives. In general, we might say that Marc's positions are little influenced by disillusionment with strategies founded on the idea of a welfare-type nation-state. There is room in the current debate on the building of Europe for discussion of certain solutions based on personalism: subsidiarity as opposed to the hypertrophy of any form of power seems generate wide consensus, while the principle of cooperation, the only one equipped to face up to the real needs of society, is championed by all the trade union forces.

Nevertheless, Marc's project does not appear to advance the building of Europe, as the latter is now understood: according to his view, there should be a deepening before there is a widening and reflection is preferable to urgent action. Necessary and constructive reflection, although frequently invoked in the present debate, seems instead to be making way for accelerations of history, which are moulding the European project to circumstances that no one seems able to control. Profound reflection and tranquil debate are thus out of the question, and this continues to distance us from the "spiritual question" that, for Marc, had to precede any European project and any better future, a future that we are still a long way from attaining.

## NOTES

*\*\* Our thanks go to Professor Gérard Bossuat for authorising the publication of this piece, which is introduced in these few words by the author, who explains the background to the meeting for which it was first written*

This article is based on my contribution to a meeting that was held at the University of Cergy-Pontoise from 8th-10th November, 2001. Organised by Professor Gérard Bossuat, this meeting considered *the settings, relationships and leading personalities that have carried forward projects for European unity*. The aim of the historians taking part was to present new research into the history of European unity, research that looks beyond the traditional, that is to say official, story of its great milestones, from Briand through to Schuman, men who were by no means the only heroes, or founders, of Europe. The meeting was born of the view that these various projects for European unity were not ideas that developed casually in the minds of brilliant thinkers, but were instead born of a number of factors: the education and culture of those who have really given thought to the project, their ideological orientation, the interests of groups and even particular circumstances. Thus, the spotlight was turned on the personalities who have presented, to those with the political power to decide, realistic projects for the building of European unity, and the settings in which they did this. The aim was also to evaluate the willingness of contemporary society to accept unity, a frustratingly slow and disappointing process in the eyes of its most enthusiastic supporters, but one that has nevertheless borne fruits, given that, today, we do indeed have a European Union. One important question, in particular, is difficult to answer clearly: did these important settings and actors in the process of the building of European unity, actors such as Alexandre Marc, but also Joseph Retinger, Altiero Spinelli and François Mitterrand, really influence decisively the course of history? Or were all these developments in some way destined to come about? Either way, the drive and passionate commitment of these men bears witness to their belief that it is possible to determine the direction of European history.

<sup>1</sup> One might even wonder whether Alexandre Marc did not suffer, to some degree, from a paranoia that exacerbated his sense of being misunderstood: this would explain why his project (in reality a project of many forms) was discarded by traditional pro-European circles: "In the European movement, there is certainly a prevalence of politicians who rail against the non conformist in me, free thinkers and intolerant protestants who do not like the Catholic in me, reactionaries who are afraid of my social ideas" ("Letter from Alexandre Marc to Father Antoine Verleye," quoted in Isabelle Le Moulec-Deschamps, *Alexandre Marc, un combat pour l'Europe*, University of Nice-Sophia Antipolis, 1992, p. 400.

<sup>2</sup> Marc met Coudenhove-Kalergi very early on, and exchanged several letters with him in the thirties, rebuking him for his overly conservative and "fashionable" view of Europe. We will return to this topic later.

<sup>3</sup> Christian Roy, *Alexandre Marc et la Jeune Europe (1904-1934)*, Nice, Presses d'Europe, 1998, p. 54.

<sup>4</sup> *Ibidem*, p. 58.

<sup>5</sup> From the work of Robert Aron and Arnaud Dandieu, published in May 1931 by Riéder.

<sup>6</sup> Bernard Voyenne, *Histoire de l'idée fédéraliste*, Paris-Nice, Presses d'Europe, t. III, 1981, p. 164.

<sup>7</sup> *Ibidem*, p. 202.

<sup>8</sup> Denis De Rougemont, *Politique de la Personne*, Paris, Je Sers, 1934, p. 240.

<sup>9</sup> Title of an article edited by Jean Jardin, Thierry Maulnier, Robert Loustau, Denis De Rougemont and Robert Aron in issue no. 4 of the review, *L'Ordre Nouveau*, October 1933, pp. 1-6, also used in a work by Zeev Sternhell (Brussels, Complexe, 2000), who sees this refusal to choose as the root of French fascism. The federalists' response to this attack came in Pascal Sigoda's "Qu'est-ce qui fait courir Z. Sternhell?", followed by a "Note complémentaire" by Alexandre Marc in *L'Europe en formation*, Summer 1987, no. 268, pp. 39-46 e pp. 47-50.

<sup>10</sup> The underlying principles of this, dealt with in Germany in the second decade of the nineteenth century by William Stern and Max Scheler, were still not known in France.

<sup>11</sup> Alexandre Marc, Claude Chevalley, "Patrie, Nation, Révolution", in *Avant-Poste*, January-February 1934.

<sup>12</sup> Alexandre Marc, René Dupuis, *Manifeste du Front unique de la jeunesse européenne*, 1933.

<sup>13</sup> Alexandre Marc, René Dupuis, *Jeune Europe*, Paris, Librairie Plon, 1933.

<sup>14</sup> *Ibidem*, p. XII.

<sup>15</sup> Christian Roy, *op.cit.*, p. 288.

<sup>16</sup> "We are living in a true desert: no news of my parents; no news of my wife's family; no news of our friends in Lyons; no news of the *Temps Présent* group, no news of anyone," in *Letter from Alexandre Marc to Bernard Vuyenne*, Estavayer, 24 November 1944, p. 1, Nice, Centre International de Formation européenne (CIFE).

<sup>17</sup> *Ordre Nouveau*, n. 41, p. 62.

<sup>18</sup> Alexandre Marc, *Proudhon*, Librairie de l'Université de Fribourg, 1945.

<sup>19</sup> He presents this doctrine in "Le Fédéralisme intégral", in *L'Action fédéraliste européenne*, n. 2, 1946.

<sup>20</sup> Alexandre Marc, *Avènement de la France ouvrière. Traditions et aspirations des travailleurs français*, Porrentruy, Portes de France, 1945, p. 226.

<sup>21</sup> "Premiers principes: Du Fédéralisme", in *Ordre Nouveau*, n. 2, May 1933.

<sup>22</sup> *Note du 4 octobre 1943*, pp. 1-2, Personal writings of Alexandre Marc, Vence.

<sup>23</sup> *Quelques réflexions sur l'avenir de l'Europe*, 20 March 1944, pp. 2-3, Personal writings of Alexandre Marc, Vence. In a slightly modified version of this text, drawn up by Marc on 16 May, 1944, he adds that "one would perhaps do well to observe that the idea [of the French initiative] does not damage England's role in Europe: but the weight of the British empire is such that England will be able to fulfil its European functions only after the unity of our continent has been affirmed", pp. 2-3, Personal writings of Alexandre Marc, Vence.

<sup>24</sup> Alexandre Marc, "Histoire des idées et des mouvements fédéralistes depuis la Première Guerre Mondiale", in Gaston Berger (editor), *Le Fédéralisme*, Paris, PUF, 1956, pp. 129-148.

<sup>25</sup> Alexandre Marc, "Pour l'action fédéraliste", in *Cahiers du Monde Nouveau*, March 1947, n. 3, pp. 104-10; Alexandre Marc, Henri Koch, *Lettre circulaire n. 8*, p. 3, 25 April 1947, WL-177, Florence, *Archivi storici delle Comunità europee* (ASCE).

<sup>26</sup> Alexandre Marc, "Histoire des idées et des mouvements fédéralistes depuis la Première Guerre Mondiale", in Gaston Berger, *op. cit.*, p. 143.

<sup>27</sup> Denis De Rougemont, "The Campaign of the European Congresses", in Ghita Ionescu (editor), *The New Politics of European Integration*, London, MacMillan, Saint Martin's Press, 1972, p. 12.

<sup>28</sup> Alexandre Marc, *Lettre circulaire n. 9*, 29 April 1947, WL-124, Florence, ASCE.

<sup>29</sup> Isabelle Le Moulec-Deschamps, "Alexandre Marc et l'action européenne d'après-guerre", in *L'Europe en Formation*, Summer 1998, n. 309, p. 56.

<sup>30</sup> The federalists had help from several quarters in raising awareness of the Montreux Congress, for example from Bernard Vuyenne, journalist for *Combat* and member of the UEF, to whom Marc regularly sent communiqués that were previewed in the journal (cfr. *Letter from Alexandre Marc to Bernard Vuyenne*, Geneva, 14 August 1947, Nice, CIFE).

<sup>31</sup> *Letter to Claude Bourdet*, Vaucresson, 18 September 1947, Personal writings of Alexandre Marc, Vence.

<sup>32</sup> *Rapport du Congrès de Montreux*, 27-31 August 1947, Geneva, p. 130.

<sup>33</sup> *Discours d'Altiero Spinelli au Congrès de Montreux*, 27 August 1947, AS-10, Florence, ASCE.

<sup>34</sup> For example, Alexandre Marc, *Lettre circulaire n. 5*, 20 February 1947, WL-124, Florence, ASCE, in which he asks that 200 copies of any document printed by a UEF member be sent to the secretariat for distribution to the other members.

<sup>35</sup> Alexandre Marc, *Lettre circulaire n. 15*, 10 June 1947, WL-177, Florence, ASCE.

<sup>36</sup> Henri Brugmans, *A travers le siècle*, Brussels, Presses interuniversitaires européennes, 1993, p. 240.

<sup>37</sup> *Lettre de Henri Brugmans, Alexandre Marc et Raymond Silva aux membres de l'UEF*, 21 November 1947, UEF-210, Florence, ASCE.

<sup>38</sup> Quoted in Isabelle Le Moulec-Deschamps, *op.cit.*, p. 316.

<sup>39</sup> Title of an article published in *L'Europe en Formation*, Spring 1944, n. 292, pp. 46-47.

<sup>40</sup> Alexandre Marc, *Brochure de l'UEF*, 20 pages, December 1948, UEF-128, Florence, ASCE.

<sup>41</sup> Alexandre Marc, "L'Europe assume son destin", in *Cahiers du monde nouveau*, n. 5, May 1948, p. 4.

<sup>42</sup> Alexandre Marc, *Projet concernant la délégation française pour les Etats-Généraux de l'Europe de La Haye*, 17 November 1947, AS-10, Florence, ASCE.

<sup>43</sup> *Letter to André Voisin*, Geneva, 18 February 1948, p. 1, Personal writings of Alexandre Marc, Vence.

<sup>44</sup> *Letter from Alexandre Marc to Bernard Vuyenne*, Geneva, 28 January 1948, p.1, Nice, CIFE. This impression emerges even more clearly in a letter written to the same person a month later: "Political test: I am disturbed by the orientation of the UEF, I feel that I am losing control of this political 'machine' I have built and that I have been reduced to the playing the part of a sorcerer's apprentice." *Letter from Alexandre Marc to Bernard Vuyenne*, 6 February 1948, p. 2, Nice, CIFE.

<sup>45</sup> Altiero Spinelli, *Memorandum sulla preparazione del Congresso dell'Aia*, 22 January 1948, AS-11, Florence, ASCE.

<sup>46</sup> Michel Mouskhely, Gaston Stefani, *Avant-projet de Constitution fédérale européenne*, 5 March 1948, ME-404, Florence, ASCE.

<sup>47</sup> This call to order led to the first clash between Alexandre Marc and Brugmans, to whom he alludes in two *Letters to Bernard Vuyenne*, Geneva, 23 January 1948, pp. 1 and 3, and 24 January 1948, p. 1, Nice, CIFE.

<sup>48</sup> *Aide-mémoire pour le président Léon Blum*, 3 November 1947, WL-99, Florence, ASCE.

<sup>49</sup> Alexandre Marc, *Lettre aux membres du Comité Central*, 21 December 1947, p. 1, WL-84, Florence, ASCE.

<sup>50</sup> *Letter from Alexandre Marc to Harry Hynd*, Geneva, 26 January 1948, UEF-3, Florence, ASCE; *Letter from Alexandre Marc to M. Mitrinovitch*, *New Europe Group*, Geneva, 7 February 1948, UEF-3, Florence, ASCE. *Letter from Alexandre Marc to Richard Acland*, *Chambre des Communes*, 24 February 1948, UEF-2, Florence, ASCE.

<sup>51</sup> *Communiqué de presse de l'UEF*, The Hague, 11 May 1948, UEF-210, Florence.

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<sup>52</sup> Alexandre Marc, "De l'unionisme au Fédéralisme", in *Fédération*, n. 40, May 1948, pp. 9-11.

<sup>53</sup> *Letter to Henri Frenay*, Geneva, 16 November 1948, Nice, CIFE; *Letter to Claude-Marcel Hytte*, Geneva, 17 November 1948; *Letter to Raymond Rifflet*, Geneva, 19 November 1948, Personal writing of Alexandre Marc, Vence.

<sup>54</sup> *Letter to Alexandre Marc*, 1 Novembre 1948, Personal writings of Alexandre Marc, Vence.

<sup>55</sup> *Letter from Alexandre Marc to J. Schroeder*, Geneva, 18 July 1948, Personal writings of Alexandre Marc, Vence.

<sup>56</sup> *Letter from Alexandre Marc to Raymond Silva*, Geneva, 25 May 1944, UEF-4, Florence, ASCE; *Letter to Suzanne Marc*, 11 May 1948, *Letter to V.*, 11 May 1948, *Letter to Anne-Marie Trinquier*, 22 May 1948, Personal writings of Alexandre Marc, Vence.

<sup>57</sup> Alexandre Marc, *Lettre circulaire n. 11*, 18 June 1947, WL-177, Florence, ASCE.

<sup>58</sup> Quoted in Isabelle Le Moulec-Deschamps, *op. cit.*, p. 435.

<sup>59</sup> *Ibidem*, p. 440.

<sup>60</sup> *Letter from Alexandre Marc to Guglielmo Usellini*, Versailles, 27 July 1950, UEF-12, Florence, ASCE.

<sup>61</sup> Title of the editorial of *Bulletin de l'UEF*, n. 3 bis, 25 August 1948, UEF-245, Florence, ASCE.

<sup>62</sup> Alexandre Marc, *Rapport sur la création d'un Département Institutionnel*, 19 December 1948, UEF-128, Florence, ASCE.

<sup>63</sup> Cfr. the text by Lucio Levi, in Lucio Levi, Guido Montani, Francesco Rossolillo, *Three Introductions to Federalism*, The Ventotene Papers, Ventotene (Italy), The Altiero Spinelli Institute for Federalist Studies, 1989, p. 59.

## Federalism in the History of Thought

### ALEXANDER HAMILTON

What should be the ultimate aim of a constituent convention? In 1780, well before the convening of the Philadelphia Convention, Hamilton, writing to James Duane, then member of Congress for New York State, provided a clear answer to this question, setting out what he considered to be the defects of the confederation. Here, we reproduce most significant passages of this letter.<sup>1</sup> The purpose of the Convention, which Hamilton hoped would be convened in the autumn of that same year, was to attribute the continental Congress with the power to decide in the last resort on all questions of vital importance to the Union, that is to say, with the power to transfer sovereignty from the former colonies to the United States. From that moment on, the creation of a continental sovereign power became the guiding star of Hamilton's political action. Several years later, worried at the prospect of a reform that would leave the federation with a weak executive power at continental level, he was quick to propose an elective monarchy at its head, seeing this as a means of guaranteeing the exclusiveness and effectiveness of the government. His loyalty to the Union, which surpassed his loyalty to his own state, New York, explains why Hamilton was not, and is still not, regarded, within the USA, as the true voice of the American population's federalist aspirations, and why this role is more usually attributed to Jefferson or Madison. It was, however, this loyalty that led Hamilton to play a fundamental part in founding a sovereign federal state covering an area (that of the thirteen former colonies) occupied by a number of different subjects, all claiming to be sovereign.

The War of Independence from the British Crown had taught Hamilton that in the absence of a continental state, sooner or later "some of the States will be powerful empires, and we are so remote from other nations that we shall have all the leisure and opportunity we can wish to



cut each others throats.”<sup>2</sup> This is why he approved and defended the new Constitution, once he realised that it represented the means through which it would be possible to impose, on the former colonies, a new principle of government, based on “enlargement of the orbit within which such systems (of government) are to revolve either in respect to the dimensions of a single State, or to the consolidation of several smaller States into one great confederacy. The proposed constitution, so far implying an abolition of the State Governments, makes them constituent parts of the national sovereignty by allowing them a direct representation in the Senate, and leaves in their possession certain exclusive and very important portions of sovereign power. This fully corresponds, in every rational import of the terms, with the idea of a Federal Government.”<sup>3</sup> In theory, there was nothing to prevent other states, and Europe first and foremost, from following the American example. This is, indeed, what Benjamin Franklin called for in a letter to several European friends, written just after the close of the Philadelphia Convention: “I send you the proposed new federal Constitution for these States. I was engaged four months of the last summer in the Convention that formed it. If it succeeds, I do not see why you might not in Europe carry the project of good Henry the Fourth into execution, by forming a Federal Union and one grand republic of all its different States and Kingdoms, by means of a like Convention; for we had many interests to reconcile.”<sup>4</sup> But the happy outcome of this federalist battle in America was not destined to be repeated elsewhere.

As we know, not only did the Europeans fail to follow the American example, but also it took over a century and a half and two world wars before some countries, to which American intervention had brought peace, were ready to start a process of unification of the European continent. But it has been such a slowly evolving and uncertain process that, over half a century on, we have still not arrived at a European federation.

The defects of the American federation pointed out by Hamilton are the very defects presented by today’s European Union. The weak power exercised by the American Congress is comparable to the equally weak power of the European institutions. Without the transfer of sovereignty from the states to the Union, no effective and powerful form of government could ever have been founded in America. Without a transfer of sovereignty from the states to the Union, it will not be possible to remove the main obstacle to the formation of a European federation. Considered from this perspective, Hamilton’s letter emerges not only as further proof

of the political farsightedness of the main author of the articles of *The Federalist*, but also as a warning to all those Europeans, be they heads of state and government or mere citizens, who continue to bemoan Europe’s weakness, while still resisting the idea of renouncing their national sovereignty.

The letter to James Duane contains a number of foretastes of the arguments that Hamilton was later to use to support ratifying the Philadelphia Constitution and strengthening the federal government. It provides a reminder of Hamilton’s main concern: that an analysis of the facts should always be followed by an exploration of the possible remedies. Indeed, his letter opens with a peremptory reference to “The fundamental defect,” while the second part of it is given over to “remedies.”

Hamilton was well aware of the influence and prestige enjoyed by Duane, one of the first supporters of the war for independence from the British Crown. He was often to call upon him for assistance in subsequent years. Duane, like most of his fellow-countrymen and colleagues in Congress, were aware of the limitations and defects of the Union, but did not know how to overcome them. Hamilton lost no time in bringing him face to face with the fundamental question, in a manner that was respectful, but also decisive, urging his well-placed friend “to remedy public disorders” and suggesting a procedure by which the States could be made to face the question of the relinquishment of their sovereignty. It was a procedure destined to bear fruit only after a further eight years of political struggle. It hardly needs to be added that Hamilton’s use of the word confederation, to describe both the institutional system that needed changing and the new one, leaves room for no doubt as to the nature of the state — entirely federal and sovereign — that he had in mind when he listed the sovereign powers that should be attributed to Congress. Powers that, thanks to Hamilton’s struggle, are still fully exercised today by the United States of America’s federal government system.

## NOTES

<sup>1</sup> Alexander Hamilton to James Duane, 3 Sept. 1780, in *Hamilton Writings*, New York, The Library of America, 2001, p. 70.

<sup>2</sup> *Ibidem*, p. 72-73.

<sup>3</sup> Alexander Hamilton, *The Federalist* N. 9.

<sup>4</sup> Catherine Drinker Bowen, *Miracle at Philadelphia*, Boston, Back Bay Books, 1986, p. 281.

## THE DEFECTS OF OUR PRESENT SYSTEM

Dear Sir,

Agreeably to your request and my promise I sit down to give you my ideas of the defects of our present system, and the changes necessary to save us from ruin. They may perhaps be the reveries of a projector rather than the sober views of a politician. You will judge of them, and make what use you please of them.

The fundamental defect is a want of power in Congress. It is hardly worth while to show in what this consists, as it seems to be universally acknowledged, or to point out how it has happened, as the only question is how to remedy it. It may however be said that it has originated from three causes—an excess of the spirit of liberty which has made the particular states show a jealousy of all power not in their own hands; and this jealousy has led them to exercise a right of judging in the last resort of the measures recommended by Congress, and of acting according to their own opinions of their propriety or necessity, a diffidence in Congress of their own powers, by which they have been timid and indecisive in their resolutions, constantly making concessions to the states, till they have scarcely left themselves the shadow of power; a want of sufficient means at their disposal to answer the public exigencies and of vigor to draw forth those means; which have occasioned them to depend on the states individually to fulfil their engagements with the army, and the consequence of which has been to ruin their influence and credit with the army, to establish its dependence on each state separately rather than on them, that is rather than on the whole collectively.

It may be pleaded, that Congress had never any definitive powers granted them and of course could exercise none—could do nothing more than recommend. The manner in which Congress was appointed would warrant, and the public good required, that they should have considered themselves as vested with full power to preserve the republic from harm. They have done many of the highest acts of sovereignty, which were always cheerfully submitted to—the declaration of independence, the declaration of war, the levying an army, creating a navy, emitting money, making alliances with foreign powers, appointing a dictator &c. &c.—all these implications of a complete sovereignty were never disputed, and ought to have been a standard for the whole conduct of Administration. Undefined powers are discretionary powers, limited only by the object for which they were given—in the present case, the independence and

freedom of America. The confederation made no difference; for as it has not been generally adopted, it had no operation. But from what I recollect of it, Congress have even descended from the authority which the spirit of that act gives them, while the particular states have no further attended to it than as it suited their pretensions and convenience. It would take too much time to enter into particular instances, each of which separately might appear inconsiderable; but united are of serious import. I only mean to remark, not to censure.

But the confederation itself is defective and requires to be altered; it is neither fit for war, nor peace. The idea of an uncontrollable sovereignty in each state, over its internal police, will defeat the other powers given to Congress, and make our union feeble and precarious. There are instances without number, where acts necessary for the general good, and which rise out of the powers given to Congress must interfere with the internal police of the states, and there are as many instances in which the particular states by arrangements of internal police can effectually though indirectly counteract the arrangements of Congress. You have already had examples of this for which I refer you to your own memory.

The confederation gives the states individually too much influence in the affairs of the army; they should have nothing to do with it. The entire formation and disposal of our military forces ought to belong to Congress. It is an essential cement of the union; and it ought to be the policy of Congress to destroy all ideas of state attachments in the army and make it look up wholly to them. For this purpose all appointments promotions and provisions whatsoever ought to be made by them. It may be apprehended that this may be dangerous to liberty. But nothing appears more evident to me, than that we run much greater risk of having a weak and disunited federal government, than one which will be able to usurp upon the rights of the people. Already some of the lines of the army would obey their states in opposition to Congress notwithstanding the pains we have taken to preserve the unity of the army—if any thing would hinder this it would be the personal influence of the General, a melancholy and mortifying consideration.

The forms of our state constitutions must always give them great weight in our affairs and will make it too difficult to bend them to the pursuit of a common interest, too easy to oppose whatever they do not like and to form partial combinations subversive of the general one. There is a wide difference between our situation and that of an empire under one simple form of government, distributed into counties provinces or districts, which have no legislatures but merely magistratical bodies to

execute the laws of a common sovereign. Here the danger is that the sovereign will have too much power to oppress the parts of which it is composed. In our case, that of an empire composed of confederated states each with a government completely organised within itself, having all the means to draw its subjects to a close dependence on itself—the danger is directly the reverse. It is that the common sovereign will not have power sufficient to unite the different members together, and direct the common forces to the interest and happiness of the whole.

[. . . .]

Our own experience should satisfy us. We have felt the difficulty of drawing out the resources of the country and inducing the states to combine in equal exertions for the common cause. The ill success of our last attempt is striking. Some have done a great deal, others little or scarcely any thing. The disputes about boundaries &c. testify how flattering a prospect we have of future tranquillity, if we do not frame in time a confederacy capable of deciding the differences and compelling the obedience of the respective members.

The confederation too gives the power of the purse too intirely to the state legislatures. It should provide perpetual funds in the disposal of Congress—by a land tax, poll tax, or the like. All imposts upon commerce ought to be laid by Congress and appropriated to their use, for without certain revenues, a government can have no power; that power, which holds the purse strings absolutely, must rule. This seems to be a medium, which without making Congress altogether independent will tend to give reality to its authority.

[. . . .]

These are the principal defects in the present system that now occur to me. There are many inferior ones in the organization of particular departments and many errors of administration which might be pointed out; but the task would be troublesome and tedious, and if we had once remedied those I have mentioned the others would not be attended with much difficulty.

I shall now propose the remedies, which appear to me applicable to our circumstances, and necessary to extricate our affairs from their present deplorable situation.

The first step must be to give Congress powers competent to the

public exigencies. This may happen in two ways, one by resuming and exercising the discretionary powers I suppose to have been originally vested in them for the safety of the states and resting their conduct on the candor of their country men and the necessity of the conjuncture: the other by calling immediately a convention of all the states with full authority to conclude finally upon a general confederation, stating to them beforehand explicitly the evils arising from a want of power in Congress, and the impossibility of supporting the contest on its present footing, that the delegates may come possessed of proper sentiments as well as proper authority to give to the meeting. Their commission should include a right of vesting Congress with the whole or a proportion of the unoccupied lands, to be employed for the purpose of raising a revenue, reserving the jurisdiction to the states by whom they are granted.

The first plan, I expect will be thought too bold an expedient by the generality of Congress; and indeed their practice hitherto has so rivetted the opinion of their want of power, that the success of this experiment may very well be doubted.

I see no objection to the other mode, that has any weight in competition with the reasons for it. The Convention should assemble the 1st of November next, the sooner, the better; our disorders are too violent to admit of a common or lingering remedy. The reasons for which I require them to be vested with plenipotentiary authority are that the business may suffer no delay in the execution, and may in reality come to effect. A convention may agree upon a confederation; the states individually hardly ever will. We must have one at all events, and a vigorous one if we mean to succeed in the contest and be happy hereafter. As I said before, to engage the states to comply with this mode, Congress ought to confess to them plainly and unanimously the impracticability of supporting our affairs on the present footing and without a solid coercive union. I ask that the Convention should have a power of vesting the whole or a part of the unoccupied land in Congress, because it is necessary that body should have some property as a fund for the arrangements of finance; and I know of no other kind that can be given them.

The confederation in my opinion should give Congress complete sovereignty; except as to that part of internal police, which relates to the rights of property and life among individuals and to raising money by internal taxes. It is necessary, that every thing, belonging to this, should be regulated by the state legislatures. Congress should have complete sovereignty in all that relates to war, peace, trade, finance, and to the management of foreign affairs, the right of declaring war of raising

armies, officering, paying them, directing their motions in every respect, of equipping fleets and doing the same with them, of building fortifications arsenals magazines &c. &c., of making peace on such conditions as they think proper, of regulating trade, determining with what countries it shall be carried on, granting indulgencies laying prohibitions on all the articles of export or import, imposing duties granting bounties & premiums for raising exporting importing and applying to their own use the product of these duties, only giving credit to the states on whom they are raised in the general account of revenues and expences, instituting Admiralty courts &c., of coining money, establishing banks on such terms, and with such privileges as they think proper, appropriating funds and doing whatever else relates to the operations of finance. [...]

[. . . .]

You will perceive My Dear Sir this letter is hastily written and with a confidential freedom, not as to a member of Congress, whose feelings may be sore at the prevailing clamours; but as to a friend who is in a situation to remedy public disorders, who wishes for nothing so much as truth, and who is desirous of information, even from those less capable of judging than himself. I have not even time to correct and copy and only enough to add that I am very truly and affectionately Alexander Hamilton.

*(Prefaced and edited by Franco Spoltore)*

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