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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a political review

Editor: Giovanni Vigo

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

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France and the Netherlands' Rejection of this Europe

In late Spring, this year, unexpected clouds gathered over the European Union. In referenda held, respectively, on May 29th and on June 2nd, 2005, 54 per cent of French voters and 64 per cent of Dutch voters rejected the "Treaty Establishing a Constitution for Europe." Two weeks later, on June 17th, the heads of state and of government, meeting in Brussels, were forced to acknowledge the profound differences that still see them divided over the future funding of the European Union, and to put off to less turbulent times any attempt to find a solution to this problem.

The worried reactions of the Europeanists reflect the excessive hopes invested in the constitutional Treaty which, they believed, would have increased considerably the Union's capacity to act and given it broader democratic legitimacy. In truth, given the way the Union operates, rejection of the constitutional Treaty will not have the dramatic repercussions many predict. The entry into force of the "Constitution" — which, in any case, would not have taken place until 2009 or even until as late as 2012 — would not have affected the European institutions' decision-making mechanisms in anything more than a marginal way and, in particular, would have left the national governments' powers in the key sectors of security, foreign policy, economic policy and taxation entirely intact, thereby perpetuating the Union's current weakness.

When all is said and done, clashes over the funding of Community policies have always been a feature of the process of European unification. If, at the present time, these clashes have been made all the more bitter by the fact that even the richest nations, faced with insufficient growth, are having greater difficulty meeting the costs of enlargement, this merely means that efforts to find a compromise will have to be stepped up, not that the Union's machinery will grind to a permanent halt.

Nevertheless, there is a widespread feeling that Europe is now facing one of the most severe crises of the past fifty years, and unless it is able

to find an effective solution, it risks moving towards its own disintegration. If this is true, it means that the process of European unification has reached a crucial crossroads and that we must carefully analyse the causes of the present situation in order, if possible, to remedy them.

* * *

The French and Dutch citizens who rejected the constitutional Treaty did not reject Europe per se: they rejected *this* Europe: this fragile and inefficient construction, beset by differences, that is proving increasingly unable to fulfil the citizens' expectations. In recent years, the European Union has faced some tough tests, and it has failed all of them. The vast majority of Europeans did not support the war in Iraq, yet the European Union proved unable to prevent not only the dispatching of troops by some European governments, but also the serious split that opened up between "old" and "new" Europe. The economy is recording weak growth, or no growth at all, particularly in the "big" European nations, but the European institutions are proving incapable of mobilising the financial, technological and human resources (which Europe actually possesses in abundance) that are needed to counter the current decline, to reduce unemployment and to rise successfully to the challenges of globalisation. The European Union has extended its borders and offered a safe haven to the countries of Eastern Europe, but at the same time it has failed to create efficient political structures able to ensure cohesion among countries with different levels of economic and social development.

In the face of the great transformations that today's world is going through, the people of Europe are feeling increasingly vulnerable: on the one hand, the national governments have shown themselves to be powerless to manage processes that have long since taken on global proportions, and on the other, the European Union, with no real capacity to act, has suffered the negative consequences of globalisation and global disorder, sliding inexorably to the fringes of international politics. China and India are now the United States' preferred interlocutors, while the European Union, humiliatingly, is little more than a go-between between Iran and the United States on the nuclear issue, and the fact that the final decisions will be taken in Washington and not in Brussels can escape no one.

For their part, the national politicians have always been quick to heap the responsibility for their own failures on the European Union, and this has encouraged the citizens to believe that Europe, with its oppressive

bureaucracy and rigid directives, is the real obstacle to growth. And there is more. Some Europeans believe that the European Union has also failed to prevent the invasion of so-called Polish plumbers, the indiscriminate axing of jobs, and the relocation of more and more production activities — a belief that has further weakened their faith in the future.

The outcome of the French referendum can certainly be attributed, in part, to internal causes. Part of the electorate saw it as the perfect opportunity to pass judgement on Chirac and his policies, whereas the socialists, already with an eye to the next elections, were involved in some fierce clashes. However, it would be a serious mistake to interpret the results of the French referendum purely in national terms, just as it would be wrong to claim that the only thing the French rejected was the "Constitution," a text so long, complex and contradictory that few can have read it and fewer still understood it. For the citizens of France and the Netherlands, these referenda constituted the first chance, since Maastricht, to express their approval or disapproval of this Europe in which they live, and they were not going to waste this opportunity to register their dissatisfaction.

But this does not mean that Europe's citizens have suddenly become Eurosceptics. On the contrary, surveys show that most of those interviewed still believe in the European project. The problem, then, is not so much Europe itself as *what* Europe. Should Europe be an unregulated free trade area of the kind the UK continues to strive for, or a Europe based on cohesion and solidarity? Should it be a divided Europe that political and economic globalisation is pushing to the fringes of history, or a strong Europe, able to help solve the dramatic and pressing problems facing our planet? Should it be a Europe based on the intergovernmental method — this is what, to a large extent, it has been so far — or a Union destined to evolve into a federal state, in accordance with the wishes of its founding fathers? These are questions of fundamental importance, because whereas it is possible to create a free trade area while leaving national sovereignties intact, it is no longer possible to guarantee cohesion, solidarity and strength in the absence of an indissoluble federal bond between the Union's member states, in other words, without the creation of a European federal state.

* * *

One might have thought that this double rejection of the "Constitution" would have prompted the governments, parliaments, politicians

and pro-European movements to speak out quickly, to reassure public opinion that the European project has not died a death, but merely needs some new lifeblood injecting into it (in particular, it needs a solution to the institutional problems that brought it to a standstill after the ratification of the Maastricht Treaty). The perfect opportunity to speak out came with the European Council of June 16th-17th which, meeting to discuss the EU budget for 2007-2013, obviously could not fail to comment also on the results of the two referenda. After two days of intensive negotiations, the summit ended with a decision to "freeze" the constitutional Treaty, postponing by one year — to 2007 — the deadline for its ratification in the various countries, and with such marked disagreement over EU funding that the general impression created was one of a Europe skidding completely off course.

Those who expected a lucid analysis of the reasons for this impasse, and a determination to overcome it by speeding up the process of unification, like those who expected concrete suggestions as regards the next steps that should be taken, were disappointed. But, in truth, the outcome of the summit was a foregone conclusion. The results of these referenda and of the debate on the EU budget finally gave the United Kingdom its long-awaited opportunity to attempt to sideline the "old" Europe and to rebuild, on new foundations, this European Union that is incapable of rising to the challenges of globalisation. Tony Blair, without too much ado, said as much at the close of the summit, and he reiterated his message shortly afterwards during his unveiling, before the European Parliament, of Britain's programme for its six-month presidency of the European Union. In the space of just a few days, the British prime minister had harvested the fruits of the poisonous seeds that the United Kingdom has been planting ever since it joined the European Community, and now he is bent on extinguishing the last glimmers of Community spirit that still survive within some of Europe's Six founder member states.

The British design is clear to see and, should it prevail, Europe's fate will be sealed, especially as, in such a situation, the forces for re-nationalisation — pressure for re-nationalisation is growing and has even culminated in the absurd call for a return of the national currencies in place of the euro — would find ever weaker obstacles in their path. On the other hand, the re-nationalisation of European policies is more than just a perverse whim: if the Union indeed proves unable to contain the current crisis and to get the economy back on its feet, then it is inevitable that the citizens will look to their own governments to meet their expectations, and the governments will have no choice but to respond by

introducing measures of some kind or another, however ineffective. The citizens of Europe thus find themselves forced to face this particularly turbulent phase in world history — the creation of a new international equilibrium and the globalisation of the economy — caught between the impotence of the nation-states and the inefficiency of the European Union.

The fact that Europe has thus far managed to preserve its fragile unity can be attributed to the fact that domestic and international pressures have not yet grown great enough to shatter it. But they soon may do, and the one way to avert this danger is to carry through to completion the process of unification started over half a century ago. The governments and the national parliaments, the European Parliament and the European Commission tried to get round this problem by promising the citizens a "Constitution" that would serve to guarantee political unity. In actual fact, the constitutional Treaty would only have streamlined certain decision-making processes, tinkered with the powers of the European Parliament, and authorised new forms of cooperation between countries wishing to move forward more quickly (thereby implicitly acknowledging the existence of a variable-speed Europe). As its authors themselves have reiterated a number of times, the "Constitution" was born of a compromise that did not affect the nation-states' competences in the key sectors that lie at the heart of any state power: foreign policy, security, economic policy and taxation.

* * *

History shows us that problems can be put off, but never avoided altogether: sooner or later, the day of reckoning will come. The outcome of the two constitutional referenda are not the cause of Europe's current difficulties, only an indicator of the citizens' dissatisfaction with a Europe that, after Maastricht, has come to a standstill because there remain no significant intermediate steps that can be taken prior to the founding of a European federal state. This is the reality on which the governments have run aground, and it is the reason why they have recorded one miserable failure after another.

To overcome this obstacle there has to be a clear awareness of the alternatives that the people of Europe now have before them: either they can re-start the process of European unification through the implementation of a courageous and far-sighted design, or they can resign themselves, perhaps unconsciously, to their continent's inexorable decline.

The first of these options is not easy because the European Union, through its progressive enlargement, has lost its initial compactness and forgotten that its founding fathers envisaged Europe as a federation, not as a general community. Today, it is inconceivable that the federal design which the European Union so desperately needs can emerge within the ambit of the current twenty-five member states. Furthermore, to the old British hostility, we can now add that of the Union's new member states, countries that are unwilling to sacrifice their newly regained sovereignty — albeit illusory sovereignty — on the altar of Europe. On the other hand, it is possible that there still stirs within the ambit of the Six, and in France and Germany in particular, a faint sense of their historical responsibility and that this might ignite a spark similar to the one that, in the 1950s, with the birth of the Communities, finally brought "European civil wars" to an end. Then, France and Germany proved courageous enough to lay the past to rest, paving the way for the process of European unification. Today, the countries that first set out on that European journey over half a century ago are very same ones that can set the process moving towards its completion, by promoting the formation of a federal core that will be open to all the states that will remain open to all the states that will wish to be part of it.

Perfectly compatible with the objectives pursued by the other members of the European Union, which would preserve the *acquis communautaire*, this initiative is not an attempt — as some fear — to dismantle that which has been built so far. On the contrary, its aim is to create the conditions that will allow the process of unification to be re-started on a more solid basis. The power of attraction of the federal core would be such that even those countries initially hostile to the idea would eventually;join, which is exactly what happened in the process of European unification.

The federal core is not an idea that has come from nowhere. Many political leaders have expressed their conviction that the formation of a vanguard is crucial if the process of European unification is to be put back on track. However, these leaders, not having matured a full awareness of the need to found a federal state, are still conditioned by the intergovernmental cooperation approach, and envisage the task of the vanguard from this perspective. Having said that, the question of the vanguard is coming repeatedly to the fore, and it is no coincidence that it continues to be raised in France and Germany (one might consider, for example, the article by German CDU member, Karl Lamers, which appeared in *Internationale Politik* in July 2005, and the interview given by French foreign minister,

Philippe Douste-Blazy, published in *Le Monde* on September 24th, 2005).

And so it is up to federalists — the only political group conscious of the nature of the problem to be solved and of the urgent need to find an effective solution — to go on promoting the federal core strategy, and the federal state as its only possible outcome, so that both will be to the forefront should Europe's crisis become acute and the European Union find itself on the brink of collapse.

The Federalist

Peace as a Condition of Democracy *

SERGIO PISTONE

Immanuel Kant and Alexander Hamilton's contributions to clarifying the still crucial question of the link between peace and democracy are among the high points of their political thought. Consideration of them brings out the considerable convergence and complementarity of the political theory of these two scholars, first highlighted by Albertini.[1] In this paper, I intend to reconstruct Kant and Hamilton's basic arguments about the relationship between peace and democracy, and then make some brief observations to highlight the validity of their theories in the light of historical experience.

The teachings of Kant and Hamilton on this topic can be summarised as follows.

— Their advocation of the republican regime can be equated, in modern terms, with an essentially liberal democratic orientation. They do not view the republic as opposed to the monarchy, but as a constitutional system characterised by representation and the separation of powers, which are, of course, the very pillars of the liberal democratic system. The fact that they do not explicitly link the principle of representation to an immediate demand for universal suffrage indicates a gradualistic stance on their part (universal suffrage was introduced in the United States in

* This paper was delivered at the international congress entitled "Immanuel Kant and Alexander Hamilton, founders of federalism. The topicality of a political theory". The meeting, which took place in Turin on November 26th-27th, 2004, was organised by the Centro Studi sul Federalismo to mark the 200th anniversary of their deaths. The aim was to compare the political theories of these two scholars who both contributed to founding a new vision of history, politics, the state, law and international relations, and who both gave the world a new definition of peace. Through their thought, which emerges as complementary, they were the genuine founders of the modern doctrines of federalism.

1828), certainly not a refusal. So, when we talk about democracy and republic in reference to Kant and Hamilton, we mean liberal democracy.

— This democratic orientation goes hand in hand with a view of international relations, and of the causes of war in particular, that converges with realist political thought. At the time of our two scholars, the principal exponents of this line of thought were Machiavelli, the *raison d'état* theorists, Hobbes, and Hume. Later, it would develop primarily in the German doctrine of power politics (in particular Hegel, Ranke, Hintze and Meinecke), and in the realist current that developed in the contemporary theory of international relations (from Niebuhr to Waltz).[2] The basic conceptual model that our authors share with political realism is the sovereign state/international anarchy dichotomy. In short, they believe that state sovereignty, or rather the placing of a monopoly on force in the hands of a supreme political authority, has been responsible for removing violence from the domestic life of states: the state, granted the capacity to make the members of society respect laws, has been able to eliminate their recourse to force in order to resolve their disputes.

However, while sovereignty may guarantee peaceful or legal relations within the state, it is the cause of war in relations between states. Indeed, in the international context, state sovereignty means that the state is not subject to laws imposed by a higher authority with a monopoly on force, and this results in a situation of international anarchy. Since disputes that arise in international relations cannot be resolved by the decisions of a sovereign power able to impose an effective legal system, states ultimately resort to acts of force and, ever aware of this possibility, are compelled to arm themselves. Aside from any contingent motivations, herein lies the structural cause of wars.

This idea is the opposite of the theory of the primacy of domestic politics, which, in 1800, was set to become the conceptual basis of liberal democratic internationalism and was already present when Kant and Hamilton were writing. In general terms, the primacy of domestic politics means the conviction that the aggressive and warlike tendencies of states depend mainly on their domestic structures and would consequently be eliminated if these structures were changed. At the time of our authors, many of those with liberal democratic leanings were convinced that wars had their structural root in despotic regimes, and that they would therefore be eradicated once the states became liberal and democratic.[3] Our authors counter the primacy of domestic politics with the thesis that war is inevitable in an anarchic system of states, founded on absolute state sovereignty.

— While Kant and Hamilton converge with political realism in their view of international anarchy as the structural cause of wars, they clearly part company with it when they claim that federalism can overcome anarchy. As we shall see, the two authors differ in their conception of federalism and whether it would become a system that embraces the entire world. However, they both seem to see federalism as the instrument for overcoming absolute state sovereignty, which guarantees peaceful relations within the state but, at the same time, is also the cause of wars between states. Therefore, they go beyond a belief largely characteristic of the theory of political realism, i.e., the belief that international anarchy is a natural situation rather than an historically determined and thus surmountable one. One point should be stressed in this regard. The refusal, on principle, to acknowledge that it is possible to overcome international anarchy — which differs from stressing the enormous difficulty of such a design, which must be considered a gradual and long-term one — reflects a nationalist ideological choice and is contrary to the universalism that so profoundly inspired the Enlightenment.[4]

— As these brief observations show, our two authors express the conviction that the liberal democratic system can be fully achieved and endure only in a context of structural international peace. This is because in a situation of structural war, in which war is always possible and must constantly be prepared for, even when it is not actually taking place, security needs take precedence over the needs of freedom and democracy, thus favouring authoritarian tendencies. Once again, the contrast with the theory of the primacy of domestic politics is obvious. In order to achieve structurally peaceful relations between states, it is not merely a question of turning the states into liberal democracies. It is one of overcoming absolute sovereignty so as to eradicate war and create the context in which freedom and democracy may prosper.

* * *

Now let us examine the specific contributions made by our two authors. Although they are part of an essentially convergent point of view, there are certain differences that should be pointed out. For the purposes of this analysis, it is best to start with Hamilton.

The basic texts to look at are essays n. 6, n. 7, n. 8 and n. 9 from *The Federalist* (although the subject is taken up again in other writings that are not cited here).

The line of reasoning that is developed in the first two essays regards

the inevitability of anarchy (conflicts conducted through acts of force, i.e., wars) should the American states refuse to move from a confederation, which does not undermine absolute state sovereignty, to a federation, which involves overcoming it. The reasons for the hostilities that generally emerge in relations between nearby states are identified, and the specific motives for the conflicts that are bound to surface in relations between the American states and fuel a situation of permanent war are consequently underscored within this theoretical context. These considerations are summed up in a famous passage: "To look for a continuation of harmony between a number of independent, unconnected sovereignties situated in the same neighborhood would be to disregard the uniform course of human events, and to set at defiance the accumulated experience of ages."[5]

This reasoning incorporates a criticism of the basic argument used by the opponents of the federal constitution "to advocate the paradox of perpetual peace between the States, though dismembered and alienated from each other."[6] This is precisely the theory of the primacy of domestic politics, which Hamilton presents in this way: "The genius of republics (say they) is pacific; the spirit of commerce has a tendency to soften the manners of men, and to extinguish those inflammable humors which have so often kindled into wars. Commercial republics, like ours, will never be disposed to waste themselves in ruinous contentions with each other. They will be governed by mutual interest, and will cultivate a spirit of mutual amity and concord."[7] Hamilton's challenge to this argument is based mainly on the consideration that history has plainly shown that democratic governments are as prone to war as monarchies, and that commerce has been the cause of innumerable wars.

The theory that the federation will guarantee perpetual peace among the American states is further strengthened by the claim that peace is a condition of democracy. This claim is specifically articulated in essay n. 8, whose central idea can be summarised as follows: the federation is necessary to ensure that a system of sovereign states like the one in Europe does not arise in North America. Not only would such a system mean perpetual war, but in terms of relations within the states it would also create a situation like that of the European Continental powers. In essence, American liberties "would be a prey to the means of defending ourselves against the ambition and jealousy of each other."[8]

In this essay, the analysis of the European system of states contains a lucid view of the extent to which international relations affect the internal evolution of states. Hamilton understood that the European

system was always poised on a knife-edge between the next wave of hegemony and a stability preserved only through constant vigilance, and that this led to the creation of a centralised and authoritarian bureaucratic-military apparatus within the Continental states, which was a response to the need for a rapid and flexible means of defence and offence. Constant international tensions on the Continent and the need to defend extensive terrestrial borders had made it necessary to give priority to security and defence needs. On the other hand, the influence of the means for defence and offence, above all the impact of large permanent armies, had shifted the axis that determines the domestic evolution of the state away from those factors in society that develop freely and spontaneously, and towards political factors that lead to centralisation and absolutism.

Hamilton understood that America could avoid this fate if the formation of sovereign states were impeded. "If we are wise enough to preserve the Union we may for ages enjoy an advantage similar to that of an insular situation."[9] Moreover, to illustrate the advantages of this insularity, he described certain characteristics of the English state with these words, a distinguished example of genuine political thought: "An insular situation, and a powerful marine, guarding it in a great measure against the possibility of foreign invasion, supersede the necessity of a numerous army within the kingdom... No motive of national policy has demanded, nor would public opinion have tolerated, a larger number of troops... This peculiar felicity of situation has, in a great degree, contributed to preserve the liberty which that country to this day enjoys, in spite of the prevalent venality and corruption. If, on the contrary, Britain had been situated on the continent, and had been compelled, as she would have been, by that situation, to make her military establishments at home coextensive with those of the other great powers of Europe, she, like them, would in all probability be, at this day, a victim to the absolute power of a single man."[10]

Thus Hamilton, with great authoritativeness, becomes part of the tradition of realist political thought. Not only does he see that international anarchy is the structural cause of war, he also lucidly perceives how international relations affect the internal evolution of states, anticipating the teachings of Ranke[11], Seeley[12], Hintze[13] and Dehio[14] on the differences between the insular and the Continental states in the European system. On these grounds, he overturns the primacy of domestic politics argument. It is not the affirmation of democracy in the states that automatically gives rise to perpetual peace. On the contrary, it is perpetual peace that is the irreplaceable condition for the success of democracy, and it can be guaranteed only by overcoming absolute state sovereignty through federalism.

Clearly, Hamilton does not explore the question of how federalism, and hence perpetual peace, might be extended on a global scale. Federalism is conceived of as the instrument for achieving perpetual peace between the American states, and for obtaining a condition of insularity that would protect American democracy from the negative influence of international tensions. By explaining in the most precise and thorough terms, and among the founding fathers of the American Constitution, the nature of the federal state, Hamilton nevertheless made a crucial contribution to efforts to tackle effectively the question of universal peace. Particularly relevant in this regard is essay n. 9, which looks at how the federal system makes it possible to broaden the sphere of democratic government. Here, Hamilton points out that while direct democracy has made it possible to achieve freedom in the city-state, and representative democracy and the separation of powers have made it possible to achieve it in the modern state, the federal structure makes it possible to unify groups of states, thereby avoiding a centralism that is incompatible with effective democratic participation. The federal arrangement allows the organisation of democratic participation on a continental scale. From this argument stems the global potential of the federal state. If the federal system of powers, of representation, and of checks and balances makes it possible to achieve democratic statehood on a continental scale, then surely the development and perfecting of this system, through coordination of the continental, national, regional and local communities in accordance with the principle of subsidiarity, can allow its application on a global scale. Therefore, the invention of the federal state is also the invention of a constitutional system that can achieve perpetual peace on the basis of a global democratic system.[15]

* * *

Let us now examine the theories of Kant, starting with the aspects that essentially converge with Hamilton's thought, and then shed some light on the contributions through which the German philosopher substantially enriched the arguments proposed by the American theorist of the federal state.

Kant's view of interstate relations, like Hamilton's, is in line with the theory of political realism. He alleges that the interstate society founded on the absolute sovereignty of the state, existing in a condition of "wild

freedom," is inevitably dominated by relations of pure force, since the states, by virtue of their freedom, are foes. In his view, the society of states is in essentially the same condition of uncontrolled freedom that human society was in before, once organised into states, it submitted itself to co-action, that is to a civil constitution, in an attempt to put an end to the situation of war of all against all. In this situation, in which the ultimate way to solve conflicts is through a trial of strength between sides, war is a routine occurrence and always possible. Therefore, even when it is not actually being fought, war is an ever-present reality, because in the periods between one war and the next — these are periods of truce and not of peace — men must always bear in mind the possibility of war and adapt both their feelings and attitudes and the structures of their states accordingly.

According to Kant, peace cannot depend on good will, by which he means the unilateral intention not to subject others to violence, because there is an objective correlation between the organisation of relations among sovereign states and the tendency of states to exercise power politics. Peace must instead be the definitive elimination of any real or potential threat of war, so that men may be free to act without being influenced by the possibility of war. Peace must therefore coincide with a system that has the power to prevent men, whether alone or in groups, from using violence to resolve their disputes and that compels them to solve their differences through law instead. "There is no possible way of counteracting this except a state of international right, based upon enforceable public laws (Universal Federation), which each state must submit to (by analogy with a state of civil or political right between individual men). For a permanent universal peace by means of a so-called European balance of powers is simply an illusion, like that house of Swift's that was built so perfectly according to all the laws of equilibrium that it collapsed as soon as a sparrow alighted upon it."[16]

Leaving aside the idea of universal peace (beyond Hamilton's horizon and something I shall examine specifically further on), Kant clearly converges with the Hamiltonian idea of federalism as the indispensable tool for ensuring permanent peace among states. He also agrees with Hamilton's ideas about the negative effect of perpetual war on the domestic situation of states, and on the need for structural peace if democracy is fully to develop and to endure.

The title of the seventh thesis in *Idea for a Universal History with a Cosmopolitan Purpose* is of key importance in this regard: "The problem of establishing a perfect civil constitution is subordinate to the problem

of a law-governed external relationship with other states, and cannot be solved unless the latter is solved."[17] Kant, setting out three considerations, develops this affirmation.

First, he explains in general terms how the state of permanent war decisively impedes the moral progress of mankind[18] : "So long as states waste their forces in vain and violent self-expansion, and thereby constantly thwart the slow efforts to improve the minds of their citizens by even withdrawing all support from them, nothing in the way of a moral order is to be expected. For such an end, a long internal working of each political body toward the education of its citizens is required. Everything good that is not based on a morally good disposition, however, is nothing but pretense and glittering misery. In such a condition the human species will no doubt remain until, in the way I have described, it works its way out of the chaotic conditions of its international relations."[19]

Second, he sets out the authoritarian implications of international anarchy: "Nowhere does human nature appear less admirable than in the relationships which exist between peoples. No state is for a moment secure from the others in its independence and its possessions. The will to subjugate the others or to grow at their expense is always present, and the armaments for defence, which often make peace more oppressive and more destructive of internal welfare than war itself, can never be abandoned."[20]

In his third consideration, Kant does not refer explicitly to the distinction between continental and insular states, but recognises — in terms that recall Seeley — that security is all the more pressing a concern the greater the threats to a state become: "But as for the external relationship between states, no state can be required to relinquish its constitution, even if despotic (and hence stronger in relation to external enemies), so long as this state is in danger of being engulfed by other states."[21] Therefore, "politics and morality can only be in agreement within a federal union... And the rightful basis of all political prudence is the founding of such a union in the most comprehensive form possible."[22]

Having made the convergence with Hamilton clear, we can now examine two aspects of Kant's political thought which considerably extend Hamilton's theoretical horizon.

The first is the notion of a universal federation. This means seeing the pacification of relations between states as a plan not limited to one area of the world, but as one that can and must, ultimately, embrace the entire world. It is important to point out here that the Kantian project of perpetual peace cannot be regarded merely as an expression of utopian

thought. It is based on the clear awareness that its realisation will require a very long process of maturation on the part of mankind, and that this maturation has concrete bases of development. On the one hand, historically, anarchic relations between individuals have been overcome through the creation of a state authority capable of enforcing the law in domestic relations. Given this historical advance, we should not exclude *a priori* — as the realists generally do — the possibility that further advances will be made and lead, eventually, to the end of international anarchy too. On the other hand, such advances will be fostered by the combined thrust of two powerful historical forces: the first is the development of trade, which will make humanity more and more interdependent, and increase the occasions for conflict, but at the same time also the need to find ways to resolve disputes peacefully, i.e., to extend statehood, in order not to lose the benefits of trade. The second, due to technical and scientific progress, is the growing deadliness of warfare, which makes it all the more imperative to find ways of overcoming war, and thus of avoiding our collective self-destruction.

A particularly apt example of this reasoning is provided by the following passage: "The friction among men, the inevitable antagonism, which is a mark of even the largest societies and political bodies, is used by Nature as a means to establish a condition of quiet and security. Through war, through the never-ending accumulation of armament, through the want which any state, even in peacetime, must suffer internally, Nature forces them to make at first inadequate and tentative attempts; finally, after devastations, revolutions, and even complete exhaustion, she brings them to that which reason could have told them at the beginning and with far less sad experience, to wit, to step from the lawless condition of savages into a federation of peoples. In a federation of peoples, even the smallest state could expect security and justice, not from its own power and by its own decrees, but only from this great federation... from a united power acting according to decisions reached under the laws of their united will. However fantastical this idea may seem — and it was laughed at as such by the Abbé de St. Pierre and by Rousseau, perhaps because they believed it was too near to realisation — it is certain that this is the inevitable way out from the ills that men mutually provide."[23]

Clearly, then, Kant, writing at the dawn of the Industrial Revolution, had an exceptional capacity to anticipate the growing interdependence that was destined to occur on a Continental and a global scale. He also immediately understood the existential challenges arising from this and

their bearing on supranational integration.[24] This great vision obviously renders relative the notion of a separate perpetual peace that can be guaranteed indefinitely by insularity, and also represents a significant leap forwards in Kant's political thought compared to that of Hamilton. Against this, it should be stressed that the Kantian plan for perpetual peace fails to define the institutional structure — federalism — crucial to the future pacification of mankind. These imprecisions and ambiguities have led many scholars to view Kant as a confederalist.[25] I believe, instead, that he does desire the global republican state, and that his uncertain definition of the universal federation depends on a failure to appreciate the ability of the federal state to extend statehood on an increasingly grand scale without compromising democracy and thereby benefitting despotism. Hamilton's extraordinary remarks about extending the sphere of democratic government could later be seen to complement, crucially, Kant's call for perpetual peace. At the time they were expressed, however, these ideas were not only little known, they were also still to be borne out by experience. In other words, the world had yet to witness the permanent and sound workings of the federal state model.[26]

The second aspect of Kant's political thought that, compared to Hamilton's, adds something to our analysis, is his view of democracy as a structural stimulus for interstate pacification, and thus for the federalisation of international relations. This is implicit in Hamilton, if you look closely enough. He strongly emphasises that an internal democratic order alone is not an adequate foundation on which to build permanent peace, and at the same time very convincingly points out that the federation of states fulfils a vital need of democracies: democracies need peace like living things need air to breathe. Kant, however, in the *First Definitive Article for Perpetual Peace*, spells this out when he indicates the republican regime as the basic premise for building structural peace. Here, he specifies that bellicose tendencies are objectively hindered in political systems founded on democratic governments as it is the citizens, not the sovereigns, who decide. Furthermore, it is the citizens who directly pay the price of war.

This argument has been the subject of misinterpretations that have led many scholars — the very same ones who interpret Kant in a confederalist sense — also to consider him an adherent of the theory of the primacy of domestic politics. In other words, they view him as an *ante litteram* liberal democratic internationalist.[27] In truth, this interpretation is plainly challenged by the fact that Kant sees absolute state sovereignty rather than despotism as the structural cause of war. He also maintains that there is

a need to overcome absolute sovereignty through federalism in order to achieve perpetual peace. I therefore feel that it is far more in keeping with the overall framework of Kant's political thought to interpret his considerations in the *First Definitive Article for Perpetual Peace* in the following terms:

— the republic, unlike the despotic regime, is characterised by a power that is limited through the combined mechanisms of representation and the separation of powers. As a result, it objectively hinders bellicose tendencies;[28]

— precisely because it is a power system limited by liberal democratic mechanisms, the republic relies crucially on the structural pacification of interstate relations, whereas despotism works better in war;

— only political systems founded on the limitation of power are prepared to accept the limitations of sovereignty on which the supranational federal system is founded; despotic regimes, on the other hand, are suited only to unifications of an imperial type.[29]

What ultimately emerges from Kant's discussion is that the historical force that nourishes democracy also contains the stimulus to pacify relations between states on a global level.

* * *

Now that I have reconstructed Kant and Hamilton's convergent and complementary contributions to the question of peace as a condition of democracy, I wish to make some observations about the validity of these contributions in the light of historical experience.

The first observation concerns the history of the United States of America. The teachings of Hamilton and Kant are an essential guide to fully understand the domestic evolution and international politics of this country. Three points should be emphasised in this regard.

— The Federal Constitution of 1787 really did prove capable of pacifying relations between the American states that were united under it. There was, it is true, the terrible experience of the War of Secession, caused by the need to preserve the federal union. Yet this exception apart, the United States' history has been one of more than two hundred years of structural peace between the states, and it is this that has allowed the USA to become the foremost nation in the world. On the other hand, the European system of states has been characterised by continuous wars and the constant preparation for wars and, it is this circumstance that ultimately led to the collapse of European centrality in the world system.

— American insularity failed much sooner than Hamilton expected, and we can say that Kant had the better grasp of the powerful dynamics of the growing interdependence produced by the Industrial Revolution. America's total involvement, from the two World Wars onwards, in the world's power struggles, and the fact that the USA gradually became the greatest power in the world system of states, have favoured this country's internal evolution, which bears out our two authors' teachings on the effect that international relations have on the domestic evolution of states. We are all familiar with the abnormal strengthening, in the United States, both of the central government at the expense of the power of the member states (which leads one to question the federal nature of the USA) and of the executive branch at the expense of the legislative and judicial branches (which reminds one an imperial republic). And it is difficult to deny that the growing involvement of the USA on the international scene and the consequent creation of an enormous military-industrial apparatus is a decisive factor in this involution.[30]

— The process of globalisation is linked to the emergence of existential challenges for mankind, which has now become a community of destiny. There is no need to explain here the importance of issues such as non-governed economic interdependence (with all its implications in terms of catastrophic financial-economic crises, the gap between the rich and the poor, emigrations of biblical proportions), the proliferation of weapons of mass destruction, terrorism and transnational organised crime, and the crisis of the ecological equilibrium. The point is that these challenges can find a valid response only in the gradual but effective creation of Kantian perpetual peace. The historical topicality of this project allows us to understand (beyond what the news tells us) the basic trends that are emerging in the political life of the world's greatest power: clear leanings towards a move from power politics to a policy for a more just and more peaceful world (also to help reverse the above-mentioned involutional tendencies) that therefore accept the prospect of restrictions on American sovereignty.[31] However, since it is clearly difficult for a country whose power is not adequately counterbalanced at international level to accept the price to be paid for giving up its enormous economic privileges and limiting its sovereignty, the problem of how to govern the world continues, for the time being, to be dominated by imperial, hegemonic tendencies.[32]

The second observation concerns the European experience after 1945. In this regard too, our two authors' teachings are extraordinarily illuminating. I draw your attention to four points.

— The material and spiritual destruction of war, which peaked at the time of the two World Wars, paved the way for the crucial historical change that followed in their wake. In other words, it set the stage for the process of peaceful integration that gradually drew in the whole of Europe. That this process got under way at all can, to a great extent, be attributed to the driving force of America and the fear of Soviet domination. But, the fact that it continued to advance even when these two factors were no longer relevant is an indication that the process of peaceful integration of the European states is really rooted, deeply and enduringly, in the Europeans' understanding of the the "unite or perish" alternative before them.[33]

— The process of integration has not yet reached the federative goal recommended by the Schuman Declaration of May 9th, 1950, and consciously and resolutely desired by European federalist organisations in particular. Nevertheless, the European institutions go far beyond the confederal ties typical of international organisations that are purely intergovernmental. The process has a federal vocation in the sense that if it does not make progress in this direction, it is destined to fail and jeopardise the great advantages that have been acquired because of it. Integrated Europe has thus become the world's leading region in terms of interstate pacification, social and economic progress and, as a result, democratic development, which is no longer impeded by power struggles between European states. The European Community (later the European Union) has therefore become a pole of attraction, and been decisive in the peaceful overcoming of the right- and left-wing authoritarian regimes in Europe. The dissolution of Yugoslavia is an exception to this rule, and is clearly linked to the EU's inability — this may be attributed to to its failure, to date, to achieve federation — to work as a single entity at international level.

— On the basis of its experience of pacification through the limiting of state sovereignty, the European Union has tended to encourage global pacification. This orientation is manifested, in particular, by: its strong stance in favour of the International Criminal Court and the Tokyo Protocol; its support for a stronger UN and the globalisation of human rights; its policy aimed at encouraging regional integrations; the fact that the European Union and its member states provide most of the resources for aid and development; and the fact that Europe is home to the world's largest peace and solidarity movements.[34] That said, it is also clear that the EU, because its federalisation is incomplete, has failed to transform its calling into an effective and systematic strategy for world unification.

— Full federalisation of the European Union means having a single foreign (including development aid) and security and defence policy. This does not mean increasing overall military spending, but rather concentrating the currently inefficient military spending of individual nations into much more efficient military spending at European level. Full federalisation also means having a supranational power of taxation and of constitutional revision that cannot be vetoed by individual nations. These are necessary choices to ensure that European integration endures and that the European Union can act autonomously at international level and, as a result, counterbalance the excessive power of the USA and become its equal partner. Such a partnership could thus become the driving force of a policy of worldwide unification and democratisation which, in a world threatened by existential challenges, responds to the vital interests of people everywhere, but needs the priority commitment of the democracies.[35]

My final observation regards the theory of democratic peace. This theory is the most modern interpretation of liberal democratic internationalism based on the theory of the primacy of domestic politics. In essence, it argues that history shows us that wars with, or between, non-democratic states are far more common than wars between democratic states. This tendency has, since 1945, become so marked that there is even talk of a separate perpetual peace among democracies, founded precisely on the structurally peaceful orientation of these forms of government.[36] This point of view is definitely not in tune with the teachings of Kant and Hamilton in that, essentially, it denies the basic link between peace, democracy and the limiting of state sovereignty. In my opinion, the relationships between the democracies after 1945 can be convincingly explained bearing in mind several factors, whose crucial relevance is not made sufficiently clear in the standard conceptual frameworks of the theory of democratic peace.

First, America's hegemony over the rest of the democratic world that was established during the Cold War (and to a lesser degree still exists in the post-bipolar system) has clearly performed a peacekeeping function, although one that is by and large imperialistic. Second, having undermined the structural foundations of power politics by limiting state sovereignty, European integration, with its federal vocation, constitutes a decisive factor in the pacification of the European nations and in their general democratisation. There would have been fewer democracies and greater tensions, even among the democracies themselves, in a non-integrated and thus structurally underdeveloped and unstable Europe.

Third, since 1945, the presence of weapons of mass destruction, combined with increasing economic interdependence, has meant that war between advanced countries is tantamount to collective suicide. This situation has affected all of the technologically advanced states but has had a particular impact on the democratic ones, which are more highly developed and more deeply entrenched in the system of economic interdependence. Moreover, conflicts have primarily involved underdeveloped countries and have chiefly taken the form of civil war.

The theory that organically links democracy, peace, and the limitation, through federalism, of state sovereignty is therefore the more convincing. We can say, in conclusion, that a number of factors have created the right conditions for democratic nations to launch a great plan of global pacification and democratisation: the existence of numerous democracies; the depth of their economic interdependence; the vital interest they have in peace; and the threats to the very survival of mankind. The best way to accomplish this plan is through the creation of federal ties, given that the federation is the only instrument that can manage interdependence democratically, and is thus the alternative to imperial relations. Europe, through its full federalisation, is called upon to play a leading role in this process.

NOTES

[1] Mario Albertini was the first scholar to emphasise this complementarity. See M. Albertini, *Il federalismo e lo stato federale. Antologia e definizione*, Giuffrè, Milan, 1963 (reprinted and expanded under the title *Il federalismo*, Il Mulino, Bologna, 1993). For Albertini's place in the history of federalist thought, see Lucio Levi, *Il pensiero federalista*, Laterza, Bari, 2002 and Corrado Malandrino, *Federalismo. Storia, idee, modelli*, Carocci, Rome, 1998.

[2] For Kant and Hamilton's relationship to realistic political theory see L. Levi, *La federazione: costituzionalismo e democrazia oltre i confini nazionali*, introductory essay to the reprinting of Alexander Hamilton, James Madison, John Jay, *Il Federalista*, Il Mulino, Bologna, 1997; Sergio Pistone, *Friedrich Meinecke e la crisi dello Stato nazionale tedesco*, Giappichelli, Turin, 1969; ID., in "Il federalismo, la ragion di Stato e la strategia federalista" in M. Albertini, S. Pistone, *Il federalismo, la ragion di Stato e la pace*, Altiero Spinelli Institute for Federalist Studies, Pi.Me Editrice, Pavia, 2001; ID. "Imperialismo, Ragion di stato, Relazioni internazionali, Storicismo", in Norberto Bobbio, Nicola Matteucci, Gianfranco Pasquino, *Il Dizionario di Politica*, UTET, Turin, 2004.

[3] On internationalism and the theory of the primacy of domestic politics, see S. Pistone (ed.), *Imperialismo e politica di potenza. L'analisi dell'imperialismo alla luce della dottrina della ragion di stato*, F. Angeli, Milan, 1973, and L. Levi, "Internazionalismo", in *Enciclopedia delle Scienze Sociali*, Istituto dell'Enciclopedia Italiana, Rome, 1966. In the book by Kenneth N. Waltz, *Theory of International Politics*, Newberry Award Records, New York, 1979, the theory of the primacy of domestic politics is considered as one of the reductionist theories of international politics, focusing on the individual and national level, while the systemic theories focus on the causes operating at international level.

[4] See. M. Albertini, *Lo stato nazionale*, Giuffrè, Milan, 1960 and reprinted by Il Mulino, Bologna, 1997; and ID., *Nazionalismo e federalismo*, edited by Nicoletta Mosconi, Il Mulino, Bologna, 1999.

[5] See A. Hamilton, J. Madison, and J. Jay, *The Federalist Papers* (1788), Penguin, London, 1987, § 6, p. 104.

[6] *Ibid.*, p. 106.

[7] *Ibid.*, p.106. The most authoritative advocates of this theory include Benjamin Constant, *De l'esprit de la conquête et de l'usurpation*, 1814, *Oeuvres*, Paris, 1957 and Joseph A. Schumpeter, "Zur Soziologie der Imperialismen", in *Aufsätze zur Soziologie*, J.C.B. Mohr, Tübingen, 1953.

[8] See *The Federalist Papers,* cit., p. 117.

[9] *Ibid.*, p. 117.

[10] *Ibid.*, p. 117.

[11] Among Leopold von Ranke's work, two exceptional papers must, in particular, be recalled, *Le grandi potenze* (1833) and *Dialogo politico* (1836), collected in S. Pistone (ed.), *Politica di potenza e imperialismo, cit.* It should be pointed out that Ranke's heuristically valid explanation of the differences between insular states and continental states was accompanied by an ideological concept that justified the authoritarian regime of Prussia and later of united Germany.

[12] John Robert Seeley, whose most important work is *The Expansion of England*, wrote the famous phrase: "The domestic freedom of a state is inversely proportional to the pressure exerted on its borders" (*Introduction to Political Science,* Macmillan, London, 1902, Lecture VI*).* We need to emphasise that in Seeley the realist theoretical orientation goes hand in hand with an ideological orientation in favour of interstate pacification through federalism. See his paper "The United States of Europe", published in 1871 in *Macmillan's Magazine*, London, vol. XXIII (republished in *The Federalist*, 1989, n. 2 with an introductory essay by Luigi Vittorio Majocchi). Also see S. Pistone "Le critiche di Luigi Einaudi, Giovanni Agnelli e Attilio Cabiati alla Società delle Nazioni nel 1918", in ID. (ed.), *L'idea dell'unificazione europea dalla prima alla seconda guerra mondiale*, Fondazione Luigi Einaudi, Turin, 1975, and ID. "Il pensiero federalistico in Piemonte e il federalismo internazionale", in C. Malandrino (ed.), *Alle origini dell'europeismo in Piemonte. La crisi del primo dopoguerra, la cultura politica piemontese e il problema dell'unità europea*, Fondazione Luigi Einaudi, Turin, 1993. These papers explain how Seeley's work influenced the stances in favour of European unity taken by L. Einaudi (see *La guerra e l'unità europea*, edited by Giovanni Vigo, Il Mulino, Bologna, 1986) and by G. Agnelli and A. Cabiati (*Federazione europea o Lega delle Nazioni?* Bocca, Turin, 1918, reprint ed. by S. Pistone, Edizione E.T.L., Turin, 1979).

[13] See Otto Hintze, *Staat und Verfassung. Gesammelte Abhandlungen zur allgemeinen Verfassungsgeschichte*, Vandenhoeck/Ruprecht, Göttingen, 1970; and also, Pierangelo Schiera, *Otto Hintze*, Guida, Naples, 1974.

[14] See Ludwig Dehio, *The Precarious Balance. Four Centuries of European Power Struggle*, New York, Knopf, 1962; and also S. Pistone, *Ludwig Dehio*, Guida, Naples, 1977.

[15] See M. Albertini, *Unire l'Europa per unire il mondo*, in ID., *Nazionalismo e federalismo, cit.*

[16] See I. Kant, "On the common saying: This may be true in theory, but it does not apply in practice", in Kant (Hans Reiss ed.), *Political Writings*, Cambridge University Press,

Cambridge, 1991, p.92. All quotations from Kant's works are taken from this edition.

[17] I. Kant, "Idea for a universal history with a cosmopolitan purpose", in Kant (Hans Reiss ed.), *Political Writings,* cit., p. 47.

[18] It should be remembered that Kant viewed the republic as a crucial moment in the moral progress of mankind inasmuch as it is founded on autonomy, i.e., the possibility for men to obey law made by themselves.

[19] I. Kant, "Idea for a universal history with a cosmopolitan purpose", in Kant (Hans Reiss ed.), *Political Writings, cit.*, p. 49.

[20] I. Kant, "On the common saying: This may be true in theory, but it does not apply in practice", in Kant (Hans Reiss ed), *Political Writings,* cit., p. 91.

[21] *Ibid.*, p. 319.

[22] *Ibid.*, p. 334.

[23] *Ibid.*, pp. 132-133 With reference to this argument, treated in *Idea for a Universal History from a Cosmopolitan Point of View,* and taken up again in *Perpetual Peace* and other writings, Antonello Gerbi (*La politica del romanticismo*, Laterza, Bari, 1932, pp. 191-236) has clearly shown that Kant introduces a dialectic conception of historical development, albeit rudimentary. He sees a driving force of history in the struggles between men, and therefore also in wars, and even goes so far as to say that wars have fostered freedom because the sovereigns had to make concessions to the people to get them to accept the burdens of power politics. This notion goes beyond the idea of progress understood as a linear improvement of humanity, which was very widespread during the Enlightenment. But it is in keeping with the conviction of progress towards a full deployment of reason and morality, albeit through dynamic and radical upheaval. It therefore differs markedly from the Rankian and Hegelian conception of perpetual war, which fails to grasp the implications of its increasing destructiveness and thus considers impossible the elimination of violence in interstate relations.

[24] See M. Albertini, Introduzione a I. Kant, *La pace, la ragione e la storia*, Il Mulino, Bologna, 1985; L. Levi, "World Unification as a Project and as a Process", in *The Federalist*" 1999, n. 3; F. Rossolillo, "Popular Sovereignty and the World Federal People as its Subject" in *The Federalist*, 1995, n. 3; G. Montani, *Il governo della globalizzazione economica e politica dell'integrazione sovranazionale*, Lacaita, Manduria, 1999; ID., *Ecologia e federazione. La politica, la natura e il futuro della specie umana*, Altiero Spinelli Institute for Federalist Studies, Pi.Me Editrice, Pavia, 2004; S. Pistone, "L'unificazione europea e la pace nel mondo", in Umberto Morelli (ed.), *L'Unione Europea e le sfide del XXI secolo*, Celid, Turin, 2000.

[25] For the confederalist interpretation of Kant see, among others: Paul Riley, *Kant's Political Philosophy*, Rowman and Littlefield, Totowa, 1983; Massimo Mori, "Pace perpetua e pluralità degli stati in Kant", in *Studi Kantiani*, 1995, VIII; Daniele Archibugi, "Immanuel Kant e il diritto cosmopolitico", in *Teoria Politica*, 1993, n. 2; Arthur Leslie Mulholland, *Kant's System of Rights*, Columbia University Press, New York, 1990; Pier Paolo Portinaro, "Foedus pacificum e sovranità degli stati", in *Iride*, 1996, IX.

[26] For the federalist interpretation of Kant see, in particular: M. Albertini, Introduzione a I. Kant, *La pace, la ragione e la storia, cit.*; Y. Yovel, *Kant and the Philosophy of History*, Princeton University Press, New Jersey and Oxford, 1980; L. Levi, *Federalismo e integrazione europea*, Palumbo, Palermo, 1978; Anna Loretoni, *Pace e progresso in Kant*, ESI, Naples, 1996; Giuliano Marini, *Tre studi sul cosmopolitismo Kantiano*, Istituti Editoriali e Poligrafici Internazionali, Pisa, 1998.

[27] See note 25.

[28] In this regard, Bruce Russet's observations are helpful (*Grasping the Democratic Peace*, Princeton University Press, Princeton, 1993) when he explains that the international behaviour of the old democracies differs a great deal from that of liberal democracies because representation and a separation of powers were lacking. Less convincing are his conclusions about the relationship between peace and liberal democracies, whose basic point of reference is the theory of the primacy of domestic politics.

[29] This does not mean there is no structural resistance to limiting sovereignty in democratic regimes as well. The law of the self-preservation of power, explained by Machiavelli, is also true for these regimes, the difference being that tendencies towards interstate pacification are more likely. As Altiero Spinelli explained in *Una strategia per gli Stati Uniti d'Europa* (edited by S. Pistone, Il Mulino, Bologna, 1989), democratic governments are instruments and impediments vis-à-vis federal unification.

[30] See M. Albertini and F. Rossolillo, "La decadenza del federalismo negli Stati Uniti d'America", in M. Albertini, *La politica e altri saggi*, Giuffrè, Milan, 1963; S. Pistone, "Fattori internazionali e fattori interni della politica estera americana", in *Il Politico*, 1972, n. 1; F. Rossolillo, "How Europe can help the United States", in *The Federalist*, 1999, n. 3; Franco Spoltore, "The War on Terror and the Future of the United States", in *The Federalist*, 2004, n. 3.

[31] See Michael Walzer, *Arguing about war*, Yale University Press, New Haven/ London, 2004.

[32] See Luisa Trumellini, "The New American Policy for Defence and Security", in *The Federalist,* 2002, n. 1 and S. Pistone, "La doctrine Bush et l'alternative européenne", in *Fédéchoses*, 2003, n. 110.

[33] The rallying cry of Aristide Briand when he presented his plan for a European union to the United Nations Assembly in 1929. See M. Albertini, *Una rivoluzione pacifica. Dalle nazioni all'Europa*, edited by N. Mosconi, Il Mulino, Bologna, 1999 and S. Pistone, *L'integrazione europea. Uno schizzo storico*, UTET, Turin, 1999.

[34] See *Secure Europe in a Better World. European Strategy in the Field of Security,* the document prepared by the High Representative for the CFSP, Javier Solana, and approved by the European Council in Brussels on 12 December 2003.

[35] See Tommaso Padoa-Schioppa, *Europa forza gentile. Cosa ci ha insegnato l'avventura europea*, Il Mulino, Bologna, 2001; Tzvetan Todorov, *Il nuovo disordine mondiale. Le riflessioni di un cittadino europeo*, Garzanti, Milano, 2003; S. Pistone, "The Aims of European Foreign Policy and the Features of Europe's Defence System", in *The Federalist*, 2004, n. 2.

[36] A clear, in-depth presentation of the theory of democratic peace is contained in Angelo Panebianco, Guerrieri democratici, Il Mulino, Bologna, 1997.

Notes

THE CRISIS OF THE UNITED NATIONS

In recent times, we have witnessed the emergence of a truly peculiar paradox. Some states, and some opinion movements, faced with the increasing complexity of the global scenario and the objective difficulty of finding adequate solutions to the various crises that are rocking the world, invoke, with growing insistence, the United Nations. They see this organization as a sort of world government with sole responsibility for making decisions and for acting in response to these crises. In their view, the United Nations is a sort of superstate body endowed with a will of its own and with a capacity to act that, separate from that of the single states, effectively relieves the latter of the burdensome obligation to adopt a stance in relation to these crises (by which I mean any position that does not represent a pure and simple toeing of what should be, according to this view, a line decided at UN level). Contrary to first impressions, this attitude does not always mask neurotic anti-Americanism; sometimes it is born of pure ignorance. After all, never before has the United Nations known a crisis of legitimacy and credibility like the one into which it now seems to be sinking. To anyone examining this organization objectively and without bias, the current crisis clearly reveals the UN's intrinsic — we might say structural — incapacity to fulfil the role of global government — a role that some states and opinion movements would accord it, and behind which for various reasons — in some cases, unfortunately, to shirk their responsibilities — they take refuge.

The crisis of the United Nations has legal/institutional aspects that are the only ones I feel qualified to discuss. On the other hand, there are other contributory factors that, lacking the necessary knowledge, I cannot comment on with any authority. I will not, therefore, go into the wastefulness and elephantine bureaucracy that some denounce, nor the press scandals regarding the activities of the United Nations and its Secretary General. Nor will I dwell on the bewildering situations in which certain states, despite systematically violating human rights, continue to enjoy

leading roles in the very UN organs that are supposed to defend these rights. Neither, finally, do I feel in a position to examine the instances in which, in acute international crisis situations that have clearly jeopardized peace or the safeguarding of the fundamental rights of individuals — and here I might cite the case of the Sudan — , UN intervention has been either absent, or unsuccessful. To be fair, appraisals of this kind should also take into account instances in which the United Nations has played a useful role. Most importantly, it must be recalled that the United Nations does not only have a fundamental peacekeeping role — this is governed by what are the most important regulations in the UN Charter, those contained in Chapters VI and VII — but also that it fulfils, directly or through its various specialized agencies (ILO, FAO, WHO, UNESCO, etc.), a whole series of more technical functions, crucial to the coexistence of the various members of the international community. In particular, returning to an area of direct interest to international law scholars, that of the development of international law, there can never be praise enough for the commendable efforts of the UN International Law Commission. What I wish to underline, instead, leaving aside the question of the United Nations' successes and failures in relation to specific crises, is the fact that this organization has now become structurally incapable of fulfilling the main responsibility assigned it by the writers of its Charter, i.e., the maintenance of peace and security internationally. Consequently, those who, in order to conceal their own incapacity or unwillingness to make decisions in the sphere of foreign policy, promote the United Nations' "role" as a global government are operating under a dangerous illusion. At this point, it must also be added that none of the current proposals for modification of the UN Charter are capable of resolving the crisis gripping the organization.

This is because none of these proposals, in fact, touches the real issue at the root of the United Nations' problems, i.e., the power of veto exercised by the five permanent members of the United Nations Security Council (the five nations that emerged victorious from the Second World War). To underline the true nature of this power, I would point out that it places the countries that wield it "above the law", that is, it exempts them from the obligation to respect the most important provisions of the UN Charter, such as the prohibition of the use of force and the obligation to cooperate in the maintenance of peace and security internationally. Indeed, should the Security Council, in a situation in which peace is violated or threatened by the behaviour of a state that holds the power of veto, be called upon to debate the adoption of a measure contemplated by

Chapter VII of the Charter, the said state — in contempt of the basic legal principle "no man is a judge in his own cause"— is not required to abstain; on the contrary, it can use its veto to block the action of the Security Council. Naturally, this power of veto can be used by these five states not only to block UN actions against themselves, but also to block such actions against other states that fall within their sphere of influence. This happened regularly in the bipolar era, prior to the fall of the Berlin Wall, and it continues to happen today, even though the differences be-tween the states that exercise the power of veto are now no longer based on the East-West divide.

To affirm that some UN member states are above the regulations established by the Charter is also to affirm that the structure of the United Nations does not conform with the principles of the rule of law, which, requiring that all the institutions of a given community be the first ones to be subject to it, may be considered one of the Western world's most important conquests since the French Revolution. In practical terms, the result of this situation is that each time the Security Council examines the adoption of a measure (which may or may not involve the use of armed force) contemplated by Chapter VII, and this measure is directed at one or more of the countries holding the power of veto (or at a state that is supposed to be its friend or ally), then the "taking of UN action" becomes nothing more than the conducting of a round of negotiations among the five permanent members of the Security Council, in an effort to reach an agreement through the mechanisms of intergovernmental diplomacy. In this setting, for example and in reference to the crisis in Iraq, it is difficult to understand why the action of a state, deemed legitimate by general international law, should become illegitimate if just one of the members with the power of veto instead considers it an act of aggression and refuses to approve it, and equally why the action of a state, deemed illegitimate by general international law, should be classed as an act of legitimate defence simply because the five members holding the power of veto determine that that is what it is.

The truth is that if one thinks of the United Nations as an organization that should be managing the most important international crises, one should be aware that "managing", in fact, means looking for compromises (always a difficult and sometimes an impossible undertaking) between five states — the ones, that is, that hold the power of veto.

The fact that five UN members can place themselves above the most important rules established by the UN Charter and — even when they create situations that threaten or that violate peace — remain immune to

the action of the organs of the organization can scandalize only those who do not understand fully the nature of the international community, of international law, and of the international organizations. The international community is essentially non-organic: by this, I mean that the sovereignty of its members is held in such high regard that there are no community entities to which the states can be forced to submit against their will (unlike the situation within the nation-states, where citizens are subject to the organs of the state). International law is the direct expression of the international community itself, and its — only general — regulations are inevitably consuetudinary, given the absence of a legislator at world level. The international organizations, of which the United Nations Organization is the most important, are the only entities that the international community has managed to create. But they are entities that the states themselves have created through the establishment of international treaties, and that the states may, at will, decide to join or not to join. Thus, their very nature prevents them from achieving the status of world legislators, or of world governments, and from replacing the processes traditionally associated with the international community (those provided for by the respective institutional treaties) with their own decision-making processes. This is, in part, because the decision-making processes of an internal organization are codified, whereas those of the international community evolve as the community itself inexorably evolves.

Ever since it was founded (by those such as Grozio), it has been clear that international law is the expression of the dominant forces within the international community, just as domestic law is the expression of the dominant forces within a given State community. Thus, when the United Nations Organization was formed, the attribution of a power of veto — and with it a position of relative privilege — to the five nations that won the Second World War, would have seemed quite natural, given the undoubted supremacy that those powers enjoyed within the international community at that time. The problem is that now, more than fifty years on, these nations are no longer the dominant powers and the attribution of the power of veto — should this, indeed, be allowed to remain at all — ought to reflect the current balance of power. More important still, the Charter needs to incorporate mechanisms by which the attribution of the power of veto can be adapted to the international community's ever changing physiognomy. Instead, the United Nations Charter is a rigid constitution that cannot be modified without the agreement of the five members that exercise the power of veto.

The Charter of the United Nations makes provision, in Articles 108 and 109 respectively, for its own amendment and revision (amendments are thought to be capable of introducing the more substantial modifications). However, in both cases, the procedures involved are complex and, furthermore, neither amendments nor revisions can come into force without the agreement of all five permanent members of the UN Security Council. Hence the rigidity of the Charter that I mentioned earlier. To date there has, in fact, never been a single revision of the Charter and the only amendment successfully introduced was the one that increased the number of Security Council members from 11 to 15. And yet, leaving aside the question of the composition of the Security Council, the Charter, as scholars unanimously agree, is in desperate need of revision. One need only consider its utterly obsolete provisions on decolonization, or the fact that whereas the "domestic jurisdiction" of the member states, contemplated by Art. 2, par. 7, of the Charter, is now routinely and generally recognized as overrideable in the presence of gross violations of human rights, the actual text of Art. 2, par. 7, of the Charter makes no specific mention of this exception.

As mentioned earlier, the various proposals for modification of the composition of the Security Council currently on the table do not affect the power of veto, either in the sense of taking it away from the states that currently exercise it, or in that of possibly extending it to new states. It is entirely predictable that modifications of this kind would be opposed by the states that enjoy the power of veto and consequently have absolutely no chance of being passed. Therefore, all the current proposals relating to the composition of the Security Council, being quite irrelevant to the purposes of this discussion, can simply be discounted. There is just one observation that, by way of an aside, I would make at this point: the attribution of a permanent seat to another European state would effectively bury all hopes of the European Union ever equipping itself with a single foreign policy; on the other hand, the attribution of a permanent seat to the EU (a move officially requested by the European Parliament on January 29th, 2004) would run into the problem of the current absence of a single European foreign policy that the Union, through its permanent seat, might promote. It is, in short, a vicious circle.

It is the rigid nature of the Charter of the United Nations, together with its incapacity, over the past fifty years or more, to adapt to the changing physiognomy of the international scenario, that is responsible for the crisis now gripping this organization. It is thus, as I said before, a structural crisis that does not depend on the positive or negative outcomes of

the UN's various actions. Both its successes and its failures are noth-ing more than the result, respectively, of the five permanent members' agreement or disagreement over the action to be taken in specific circumstances. The United Nations Organization can be likened to a cathedral with only the façade left standing: behind the UN façade there are, basically, five states into whose hands the international community is asked to place its destiny. This unacceptable situation is the reason why we are now witnessing a gradual loss of the United Nations' credibility and legitimacy in a decline that looks likely to mirror that of the organization which the United Nations itself replaced — the League of Nations.

Some states, too, have rigid constitutions, not readily modifiable in response to changes in the fabric of society. But, crucially, the states, behind every "written" constitution, also have a "living" one that reflects the real pattern of relations that exists between the members of the community governed by the constitution. This "living" constitution comes into play in situations in which the written constitution proves too inflexible, and it allows the community to take direct control of the constituent moment. This is also true of the United Nations. Shadowing, or indeed preceding, the Charter of the United Nations there is the will of the international community of states, which is expressed through the formation of essentially consuetudinary regulations. These regulations reflect the will of the prevailing forces within the international community — as well as the concurrence of all the others — in accordance with the time-honoured process by which general international law comes into existence. It is, moreover, a process that refuses to be bound or paralyzed by any international treaty, even an important one like the Charter of the United Nations. Consequently the growing irrelevance of the United Nations, which, as we have seen, appears to be unavoidable, will not leave a legislative vacuum; on the contrary, new regulations will evolve spontaneously through the activity of the international community and the relations between its members, just as they always have done since the dawn of international law. With regard to their substance, these regulations may, for example, recognize, or not, in broad terms, the concept of legitimate preventive defence; they may extend the definition of aggression to cover acts of terrorism; or they may legitimize humanitarian interventions (it may be recalled that, in the case of Kosovo, Russia's opposition prevented the reaching of consensus among the five permanent members, but the intervention went ahead all the same). What is certain is that the five current holders of the power of veto (even though

they would probably not be opposed to a perpetuation of the status quo) will not be the ones that determine these rules, precisely because these states are no longer the dominant forces within the international community.

But while I am convinced of this conclusion, no one can predict the direction in which the international community will evolve in the wake of the United Nations' ultimate demonstration of its incapacity to guarantee the maintenance of peace. One thing, however, is certain: this evolution, despite the affording of due consideration — never historically lacking — to the opinions of less important states, will clearly be shaped by the attitudes of the states that have a dominant role within it. Granted, the United Nations will probably go on dealing with the more specifically technical questions that are currently its province, but it is possible that the international community will begin managing directly, and on a case-by-case basis, the various crises that, in the future, will arise and constitute a threat to peace. It may do this through what have been termed "coalitions of the willing," which would also be formed on a case-by-case basis. Alternatively, the international community might be tempted to create a new international organization, open only to states that have a democratic political regime. In the context of the unstoppable evolution of international law, these are the proposals currently on the table.

Ugo Draetta

FOUR SHORT REFLECTIONS ON THE RISK OF NUCLEAR PROLIFERATION

Globalisation is producing such an intricate network of economic, social and cultural interdependency, as to give rise to statements such as "there are powerful reasons why wars among great powers should vanish: they are costly, economically ruinous and inimical to the interests of the majority of the population... Democracies can, consequently, create international institutions and procedures, to manage conflict."[1] In this light, the prospect, on the one hand, of suffering very serious losses or destruction, if not outright annihilation, in the case of nuclear conflict, and on the other the advantages arising from the expansion of trade along

with the assertion and diffusion of democracy should be reason enough in themselves to persuade States not to go to war.

But as even recent historical experience shows, the advent of the atomic age did indeed introduce an important deterrent against recourse to war, at least directly between nuclear powers, but it did not make wars impossible, not even the so-called wars by proxy, nor did it eliminate preparations for war and their corollary, the arms race, promoted amongst other things precisely by the manifold channels of trade and information exchange opened up by globalisation.

With this in mind we can make four brief observations.

1. *The arms race and the risk of nuclear proliferation depend on the evolution of the balance of world power and of globalisation.* In the second half of the Nineteen Eighties, the end of the Cold War had brought about great expectations about the possibility of starting a new phase of international détente based on security increasingly guaranteed by reciprocal trust between States and international collaboration, and increasingly less reliant on power relations. The material basis for these expectations was represented by the Reagan-Gorbachev agreements for the start of the reduction in US and USSR nuclear arsenals and by the cooperation between the two superpowers in strengthening international bodies and the UN in particular.

In the Nineties the First Gulf War, the disintegration of the USSR and Yugoslavia and the conflicts in Africa, demonstrated the fragility of the premises on which those expectations were based. But increasing globalisation in trade, communications, and production, with the inevitable results in terms of the increased economic, social and cultural interdependence of all peoples, still kept the hope alive, if not for the advent of a new era in relations between States, at least for an age of "cold peace.[2]

The first five years of this new Century also served to smash these hopes: international terrorism, two wars — first in Afghanistan then in Iraq —, the decisive assertion of Pakistan as a nuclear power, the likely accomplishment of North-Korea's nuclear military programme and the recovery of the Iranian one, showed, as if proof was still needed, that the world has indeed changed, but not to the point where States can preclude preparation for war and having to call on their own citizens to fight one.

2. *The possession of nuclear weapons and the threat of their use remains linked to the possibility of war between States.* The return to the

nuclear arms race was a danger greatly feared by the very strategists of American deterrence in the last Century. Bernard Brodie, one of the theoreticians of US nuclear strategy, had been denouncing the risk of nuclear proliferation since the Forties. Brodie acknowledged that the final solution to the problem consisted in creating a world government, but he was convinced that during the inevitably long and uneven transition phase towards that goal, an increasing number of States would have acquired nuclear weapons in order to guarantee its own security by itself and if necessary in order to threaten that of others. Therefore, according to Brodie, following the dropping of the first atomic bombs there was a pressing need to answer three questions: could nuclear weapons become a deterrent to war? Would it have been possible to prevent their use? Would it have been possible to make the results of their use acceptable? "The problem of atomic bomb," wrote Brodie in 1945, "is inseparable from the problem of war, and instruments for the control of the bomb are useful mostly in so far as they reduce the likelihood of war. The strengthening of international machinery for the preservation of peace can be greatly accelerated by the sense of greater urgency which the atomic bomb produces, and the United States must spare no endeavour to assist such a movement. But so long as nations remain to a large degree sovereign and independent, no machinery can be a substitute for a wisely oriented and skilfully directed diplomacy."[3] International control of nuclear weapons according to Brodie should have developed on three levels: free circulation of information, to make data relating to the search for and production of nuclear material available to all; a limitation in the number of nuclear weapons; the progressive abolition of nuclear weapons production. But no sooner had the Baruch plan to create a World Authority for the control of nuclear energy failed, that it became immediately clear that, of the three levels indicated by Brodie, only the first would have had any likelihood of being partially undertaken at the international level. This is in fact what happened over the subsequent decades, which saw the creation of various audit and control bodies and the drawing up of innumerable international treaties, which were neither able to limit production nor begin the process of abolishing nuclear weapons. These last two levels of control, relating respectively to the containment and to the final abolition of nuclear weapons, were not and are still not even conceivable without an effective transfer of sovereignty at the world level.[4] Having acknowledged this *impasse*, one could only accept coexisting with the risk of nuclear conflict, trying to prevent it by making it unacceptable from the point of view of its destructive consequences.

In such a situation, deterrence, the *deterrere reges proelio* of the Romans, that is to say the threat of the use of a terrible weapon or retaliation in order to prevent war, was for Brodie the only means with which to dissuade States from undertaking a military conflict that could not have produced any winners.[5] But what was the minimum level of nuclear weapons that a State had to own in order to exercise deterrence? The reply of the USA and the USSR to this question was an unrestrained race to strengthen their respective nuclear arsenals, already in the Fifties and Sixties. This first age of nuclear proliferation, as another American strategist, McGeorge Bundy, explained had a very specific cause: the enormous imbalance of forces, especially conventional, that had been established on the European continent between the Soviet superpower and the weak Western European States.[6] The result was that, at least on the European continent, the definition of the boundary between conventional and nuclear war became progressively more uncertain and ambiguous: The balance of terror prevented war between the USA and the USSR in Europe, but at the cost of making recourse to nuclear weapons conceivable even in local conflicts and to justify the possession of vast nuclear arsenals in order to make deterrence effective.[7]

3. *Imbalances in power relations between States feed both deterrence and nuclear proliferation.* Nuclear proliferation did not involve an increasing number of States, as it was feared in the Sixties, fundamentally for three different reasons, the first political, the second technological and the third military.

As long as the world order depended ultimately on the power relations between the USA and the USSR in a well defined region of the world, Europe, the phenomenon of nuclear proliferation outside of the two superpowers, although already underway, served to strengthen one or the other zone of influence, but it had no independent strategic value, either at the regional level, or at the global level. Furthermore, since most countries did not have the possibility of developing independent nuclear programs, due to the difficulty of finding or producing the components required for the assembly of nuclear devices, the carriers needed to transport them, and the high costs that such a policy would have entailed, *de facto* proliferation remained limited to Russian or American zones of influence. But as soon as the end of the bipolar balance of power brought together worlds that until then had been separate both in terms of trade and of the transfer of ever cheaper and more easily accessible technologies,

the danger of nuclear proliferation and the proliferation of weapons of mass destruction became concrete and began to redefine the power relations between States that have since then come out of the rigid framework of the bipolar equilibrium. Against this background, the UN, the agreements made in the Nuclear Non-Proliferation Treaty, and the International Atomic Energy Agency in Vienna could not have played a very different role from that foreseen by Brodie in his day.[8] But, on the basis of historical experience, it could not have been conceivable that the world would accept for very long that the USA would be the only power to decide where, when and how to carry out justice and guarantee order. So over the last decade a process of reaction to excessive American power has come about that has had some implications even for deterrence and nuclear proliferation. In substance, just as the USA did not hesitate to contemplate the use of nuclear weapons in Europe to counteract the conventional superiority of the USSR throughout the Cold War, so many countries began to develop military programs aimed at counteracting American conventional superiority. As they did so they laid the foundations of a second age of proliferation of weapons of mass destruction linked to missile rearmament and terrorism.[9] This is clearly a turning point in relations between States, which introduces a further element of danger compared to past competition between the USA and the USSR, since it raises the stakes and increases the possible errors of evaluation of a situation of danger that any one government could make.

The consequence has been that the USA, themselves feeling threatened, disproportionately increased their military expenditure — which now exceed those of China, the European countries and Russia put together.[10] But this has induced those countries who in turn felt threatened by overwhelming American power or that simply did not want to depend on US policy, to accelerate their rearmament programs, even nuclear, in the attempt to discourage, i.e. *deter*, the Americans from acting against them.

4. *The absence of a European pole increases the perception of worldwide imbalances of power and, the more this void becomes a constant in international relations, the more difficult it becomes to defuse the* time-table *of the rearmament race, conventional or otherwise.* We have already hinted at the fact that the non-Europe of the Fifties encouraged nuclear proliferation under the Soviet–American umbrella. More recently the non-Europe of the end of the Cold War, appointing the USA as super armed international policeman, encouraged the birth of a climate

of unbalanced competition between the USA and the rest of the world. If a European Federal State had existed in the Fifties, it is reasonable to think that it would have been in its interest to make relations between the USA and the USSR less conflictual and to promote cooperation between the two blocs. It is also reasonable to think that if the European Federal State had existed in the Nineties, it would have had been in its interest to share with the USA, China and Russia the responsibility of contributing to prevent the drive towards fragmentation in various regions of the world (especially in the Balkans) and to reduce the hotbeds of tension in the Middle East and in Africa. If today we find ourselves in a sort of more or less nuclear Far West, this is largely due to the absence of a European pole.

Therefore one can affirm, as regards nuclear proliferation and the proliferation of weapons of mass destruction, that the greatest risk for the world and for Europe is not about *whether* and *how* any one State will obtain those weapons in the near future, but *in which world system of States* this phenomenon will unfold. There are clear signals that with the bipolar equilibrium even the different factors that had characterised it are set to crumble. One only needs to consider that, in the current situation, even in countries that were defeated in the Second World War and which up to now had been denied the possibility of rearming, like Japan, a debate is opening up again about the opportunity to reassert their own national military autonomy. Similarly, whilst the USA are trying to prevent and counteract nuclear proliferation, we are witnessing the signing of US-Indian bilateral agreements for the transfer of nuclear technologies that, besides their regional strategic value, are destined to open a new front, not easily controllable, for proliferation itself.[11]

The question which Europeans must therefore try and answer is the following: how can Europe contribute to making the present world system of States come out of the greatly unbalanced regime of multipolarism in which it is found and to promote a more balanced one, in which no pole can or has to carry out, alone, the task of ultimate guarantor of its own and others' security on a regional and global scale ?[12]

In order to begin to rise to this challenge, Europeans should start to draw on the consequences of two facts that are by now hanging over their future and that can be summarised as follows: the end of American protection of Europe and the crisis of the European integration model. The first fact is the result of the inevitable process of wearing down facing American power: in so far as the USA are going to be increasingly less able to guarantee security and to prevent the arms race in most of the

world, they will be no longer even be able to guarantee stability and order in Europe, nor will they be interested in tying their own security to that of the Europeans. The second fact on the other hand is the consequence of the wearing down of a model of regional integration, that of the European Community, which was not able to consolidate itself into a political union, and which against a background of unbalanced multi-polarism like the present one, risks being first shattered and then overwhelmed by economic and military crises that will occur precisely due to the contradictions and the precariousness that this world order generates.

If they truly wish to start contributing to making the world change course, helping themselves and America to lay the foundations of a world system of States capable of attenuating the risks of new conflicts and to relaunch cooperation between the different regions of the planet, Europeans must replace the pseudo-diplomacy of the European Union and that based on the initiatives of a few small groups of States, with the foreign and defence policy of a European Federal State, which includes the nuclear component and the redefinition of relations with the USA.

Only once at least just a first group of countries shows itself capable of taking such a step, will Europe begin to exist.

Franco Spoltore

NOTES

[1] Thus said Martin Wolf, in "China's rise need not conflict", *Financial Times*, 14 September 2005.

[2] *Ibid.*

[3] Bernard Brodie, "The Atomic Bomb and American Security" (1945), in *US Nuclear Strategy*, by Philip Bobbit, Lawrence Freedman and Gregory F. Treverton, London 1989.

[4] Bernard Baruch, *The Public Years*, Odham Press limited, London 1961.

[5] "A policy which offers a good promise of deterring war is therefore by orders of magnitude better in every way than one which depreciates the objective of deterrence in order to improve somewhat the chances of winning", Bernard Brodie, in *Strategy in the Missile Age* (1959), quoted by McGeorge Bundy in "Strategic Deterrence Thirty Years Later: What has changed?" (1980), in *US Nuclear Strategy*, *op. cit.*

[6] McGeorge Bundy, *op. cit.*

[7] *The Commission on Integrated Long-Term Strategy*, January 1988, in *US Nuclear Strategy, cit.* On the logic that still justifies the retention of thousands of warheads by the USA, there is an interesting testimony given a few years ago by a member of the US Congress William M. Thornberry: "The lower we make the threshold for becoming a world power, the more tempting it becomes. There may not be an appreciable difference whether the U.S. has 7,000 or 4,000 weapons. Even 2,500 weapons may seem unreachable for an emerging nuclear power with a few dozen weapons on hand. But matching a U.S. stockpile of 500 or 1000 weapons may seem much closer and much more achievable, both practically and psychologically. We do not want to lower the bar so much that others are encouraged to try to jump up and reach it particularly those who see nuclear weapons as a shortcut to global influence." Congressman William M. "Mac" Thornberry (R, Texas), *The Washington Times*, 15 June 2001. Note that the *Strategic Offensive Reductions Treaty* (SORT, or "Moscow Treaty" of 2002) aims to reduce the arsenals of the USA and Russia to about 2000 warheads. SORT also guarantees the USA and Russia maintain possession of unspecified non-operating arsenals, but ones redeployable in just a matter of hours.

[8] I. C. Oelrich, *Institute for Defense Analyses, Sizing Post-Cold War Nuclear Forces*, October 2001, 1801 N. Beauregard Street, Alexandria, Virginia. See also the article by Stephen Fidler which appeared on the *Financial Times* on 22 May 2005 commenting of the periodical meeting of the countries adhering to the Non-proliferation Treaty, "Why nuclear containment is breaking down."

[9] "The Chinese military, for example, might be viewed as at the technological level of the U.S. military in the 1960s when tactical nuclear capabilities were at their peak. Indeed, the Chinese might have difficulty sinking an American aircraft carrier in the Taiwan Strait except with nuclear", says Ivan Oerlich in "Nuclear Weapons after the Cold War", *Occasional Paper* no. 3, January 2005, Federation of American Scientists.

[10] The doctrine of preventive war is a response to this logic as revealed by a study carried out by the Pentagon and disseminated by *The Washington Post*, in the article by Walter Pincus, "Pentagon Revises Nuclear Strike Plan, Strategy Includes Preemptive Use Against Banned Weapons", 11 September, 2005.

[11] Zia Mian and M. V. Ramana, "Feeding the Nuclear Fire", in *Foreign Policy in Focus*, September 20, 2005.

[12] About the fact that cooperation between regional organisations of States represents a way out of this impasse, there is also agreement from diplomatic advisors of the calibre of Richard N. Haass. Their limitation is that they consider NATO, the present European Union, and ASEAN, for example, to be interlocutors capable of affirming and defending an alternative policy to that of the USA, but this clearly cannot happen. See Richard N. Haass, "The Opportunity: America's Moment to Alter History's Course," *Public Affairs*, June 2005.

Viewpoints *

POLITICAL DEMOCRACY AS A CHECK ON ECONOMIC CAPITALISM

RONALD J. GLOSSOP

1. *The Problem: How to Humanize Capitalism.*

A critical problem for contemporary social philosophy is how to hold in check the deleterious effects of capitalism not only within countries but also in the global community. One of the most disastrous effects of capitalism within nation-states and in the world as a whole is the increasing disparity between the rich and the poor. The challenge is to indicate what needs to be done, both nationally and internationally, to reign in the harmful effects of an unrestrained capitalist economic system.

In response to this phenomenon, some economists such as J. W. Smith are calling for "economic democracy." Smith argues that "cooperative capitalism" with fair trade would do more to advance social welfare than the existing subtle-monopoly capitalism built on the notion of free trade.[1] But what is "economic democracy"? Doesn't "democracy" refer to a particular kind of political system? What is "cooperative capitalism"? Doesn't "capitalism" refer to a particular kind of economic system which emphasizes competition? We also need to consider how these concepts are related to both our national and our global institutions.

2. *Understanding Leftists and Rightists.*

In order to deal with this issue of the meaning and significance of

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

concepts such as "capitalism" and "democracy," I think we need to get clear about some very basic distinctions in the area of social philosophy. The first and most basic is the distinction between a *leftist* or *egalitarian* view and a *rightist* or *hierarchical* view about how a community should be organized. The second is the distinction between an *economic ideology* and a *political ideology*. Having made these distinctions, one is ready to consider the issues of how an economic system and a political system interact with each other.

So let us begin with this distinction between leftists and rightists.[2] What constitutes a just or fair society? Leftists are those who emphasize the principle of *equality*. For them justice requires that everyone in the society should have about the same amount of goods. Rightists, on the other hand, emphasize the principle of *merit*. For them justice reflects the fact that some people deserve to have more than others and that those who already have more should be allowed to keep it. Most people would say, I think, that both of these principles have some intuitive appeal and should be balanced in some way. Nevertheless, some put more emphasis on equality while others put more emphasis on merit.

There are some derivative values implicit in the two basic viewpoints. The leftists with their focus on equality also emphasize cooperation and sharing among all the members of the society in order to advance the collective welfare of the whole community. Those who happen to have more of something (whether it is ability or knowledge or good health or physical goods) should unselfishly share with those who have less. On the other hand, the rightists with their focus on merit emphasize competition and making good use of whatever one has to advance one's own situation. The goal is the good of the individual rather than the whole community (though in the long run such an "individualistic" system may in fact turn out to be better for the group as a whole).

Leftists with their emphasis on equality actually have two kinds of issues to address. First, there is the ethical issue of whether someone who has more than average is obliged to share some of that excess with others who have less, and if so, how much should be given, to whom, and in what way? Second, there is the political question of whether individuals who have more should be forced by the society to share, and if so, how much?

To help my students to get a better appreciation of all that is involved in the difference between the leftist and rightist viewpoints, I ask them to think about the matter of giving grades. A leftist system based on equality and the collective good would be a pass-fail system for individuals with some kind of collective grade for the group as a whole. There might be

some kind of minimum requirement for individuals to pass the course, but the focus would be on what the whole group accomplishes.

What would be the likely outcome of this leftist system? Undoubtedly there would be many students, maybe even a majority, who would do as little as necessary to pass the course. Why exert yourself if the grade will be the same? These students might even turn to playing games or listening to music during class time. At the same time there probably would be some conscientious students who try to organize the class project and encourage others to do their share. Those involved would contribute what they could to improve the project. *An esprit de corps* might develop as the project progresses and the group works together on "our" project. Some who had not previously been interested might even be pulled into the effort, but others likely would remain indifferent. At the same time feelings of resentment might develop in those who were doing most of the work. They would complain that it just isn't fair that those who are doing nothing will get the same credit as those who have done all the work.

Now for contrast, consider an extreme rightist grading system that rewards individual achievement in a very competitive setting. Instead of the A-B-C-D-F grading system so familiar to U.S. students, the students would be rank-ordered not just when they graduate but on every assignment and test in every course. Furthermore, in order to accentuate the competition, the grades would be posted in the classroom for all to see.

What would be the likely outcome of this rightist system? Intense competition would probably develop among the top few students in each class. The one who had the top score would undoubtedly study hard to maintain that position, while those who ranked second and third would be studying hard to try to take over that number one position. Those who were not doing so well would probably soon drop out of the class if possible or would cease to try hard if they couldn't drop out. Some might complain that the system isn't fair. They would complain that they were trying as hard or harder than those who were getting higher scores but lacked the capability or the previous experiences which the winners had. Personal animosities might arise as a result of the intense competition. Some, even those close to the top, might resort to cheating in some way since it is so disgraceful not to succeed, and all that seems to matter is the final score.

It is worth noting how these two systems of grading bring out the very kinds of arguments typically used for or against a leftist system or a rightist system, including complaints about the unfairness of the system. In the leftist system, it is those who are more talented and hard working,

the "haves," who are likely to complain about the unfairness of bestowing unearned equal rewards on those who are not so talented and hardworking. But in the rightist system, it is the less talented and those who are more disadvantaged, the "have-nots," who complain about the unfairness of a competitive system where background conditions are ignored and only the final score in the competition matters.

Something worth noting is the way in which the rightist's emphasis on competition and merit is similar to the "struggle for survival" in nature. Some individuals happen to be lucky in their inheritance and environment. They survive and produce offspring while the less fortunate perish. This "survival of the fittest" is nature's way of operating. In the long run it produces those who "have what it takes" to succeed while the less fit perish. The rightist says, "Let society follow the hard way of nature." That policy of relying on stiff competition to weed out the less favored may seem inhumane in the short run but it produces the best results for everyone in the long run.

On the other hand, the leftist focus on equality and cooperation is "humanistic" or "moralisitic." Humans should be compassionate and help the less fortunate. A key point is that people do not choose what qualities they have, what ethnic group they belong to, what gender they are, whether they will have special talents or crippling disabilities, where or when they will be born, and what circumstances they will face, especially when young. All these things are just foist upon us. Once the importance of these crucial things which are outside of our control is acknowledged, one can hardly maintain that those who are fortunate should just ignore the fate of those who are not so lucky.

It should be noted that there are degrees of commitment to these two opposing outlooks.[3] In both cases we can have extremists and moderates. The extremists, whether rightists or leftists, are certain about the correctness of their own particular viewpoint. Their dogmatism leads them to be intolerant of the opposing view. The moderates, on the other hand, are open to the presentation of alternative points of view. They tend to be supporters of open parliamentary democracies where policies are determined by votes after the various views have been heard. Extremists of the left are usually called "radicals" while extremists of the right are usually called "reactionaries." Moderate leftists are often called "liberals," but I prefer the term "progressives" since the word "liberal" has other meanings. Moderate rightists are rightly called "conservatives." People who are doing well, the "haves," generally believe that the present policies and rules should be continued as they are. Why change what is working so well for them?

3. *Economic Ideologies and Political Ideologies.*

Let me now turn to another distinction which is particularly relevant to my views on how to deal with the disturbing effects of unbridled capitalism, that between *economic ideologies* and *political ideologies* and how the rightist-leftist distinction applies to them. An economic ideology addresses the issue of how the goods (and bads such as taxes) should be distributed in a society while a political ideology addresses the issue of how the decision-making power in a society should be distributed.

The farthest left economic ideology would be Marxist Communism ("From each according to his ability; to each according to his need") while the farthest right would be monopolism (let the wealth of the community be concentrated in the hands of one person or a small group of persons). The more moderate leftist view would be socialism (wealth should be based on labor alone; those who work more should have more) while the moderate rightist view would be capitalism (wealth should belong to those who know how to invest wisely and who invent new and useful things as well as those who do useful high-quality work).

Turning to political ideology, the farthest left view would be pure or direct democracy (each person in the society gets one vote in determining what policies should be adopted) while the farthest right view would be absolute monarchy or dictatorship (one person decides what the policies of the whole society will be). The more moderate leftist view would be representative democracy (periodically elected representatives determine what the policies of the society will be) while the more moderate rightist view would be that a small elite group (such as an aristocracy or members of a special Party) should make the laws.

4. *Democratic Capitalism Within the Nation-State.*

One way to have a society that is balanced between the leftist and rightist viewpoints would be to have a rightist economic ideology checked by a leftist political ideology. This is in fact exactly the combination we find in one of the more successful countries in history, namely the United States of America. Undoubtedly the United States has benefitted from some very good luck, such as being separated from other big powers by two oceans and having an abundance of natural resources. But a big asset has been its combination of a rightist capitalist economic system which has encouraged new inventions and entrepreneurship and

economic growth with a leftist political system of representative democracy which has exercised at least some restraint on the power of the "haves," partly by gradually extending voting rights to more and more of the "have-nots."

There is an ebb and flow in the relative influence of the two parts of the total system. Sometimes the "haves" seem to be totally in control getting everything they want, but then an election occurs where the restraining power of the "have-nots" is reasserted.[4] A good example of this is the election of Franklin Roosevelt in 1932, when the policies of the "haves" had resulted in the Great Depression. At the present time, the U.S. leftist political system has been taken over by the rightist economic system. The power of money in the U.S. political system has undermined the capacity of that system to restrain the rightist economic system. It remains to be seen whether the election of 2004 can return some power to the leftist political system. This combination of a capitalistic economic system checked by a democratic political system has proved its success not only in the United States but in most of the counties of the developed world.

5. *Democratic Capitalism at the Global Level?*

When we look at the global level, we see a different situation. A rightist capitalist economic system exists on the international level (even though not all countries are capitalistic within their national boundaries), but there is no leftist global democratic political system to put restraints on it. All the economic forces of an unregulated capitalist economic system are leading to the greater disparity in wealth between the rich counties and the poor countries, but there is no worldwide democratic political structure to adopt the global laws that would correct the situation. We need a democratic world government which could use political means, that is, laws enforceable against individual violators, to check the disastrous consequences of the activities of global businesses. Various proposals about what should be done at the global level are not likely to lead to action unless there is a democratic world parliament to discuss them and make laws to implement them.

Some Marxists would claim that this proposal ignores the facts of history, that political systems are always the necessary consequences of the economic realities. A central principle of Marx's dialectical materialism is that any group that controls the prevailing mode of production will also control the political institutions of that society. But it is

interesting that when Marx turns to the practical question of how to bring about a revolution to replace the capitalist class with the proletariat, he seems to forget his principle. If political power is always based on economic power, then it would seem that what is required to get political control by the proletariat is to put more money into the hands of the workers. But Marx ignores his economic determinism and urges the working men of the world to unite to take political power through the force of arms. Then they will be able to control the economic system through their political power.

My question is, If the political system can control the economic system in one situation, why not in another? What seems to be required is a democratic political system where economic power cannot be converted to votes. There must be some kind of limit on the amount of funds which can be contributed to the campaigns of candidates. There should be some kind of government financial support to assist all candidates running for government office. There needs to be public debates and forums where all candidates are heard. Undoubtedly there are details to be worked out, such as how much financial support the government should provide and how to determine which candidates will be eligible for that assistance, but such questions are answerable.

For a democratic system to work it is also necessary to educate the citizenry about social philosophy and history and political institutions, something that seems greatly lacking in many educational systems today. Voters must be able not only to hear the candidates but also must have the background to evaluate what is being said. I believe that failure to provide such education is a significant weakness not only in this country but also in many of the world's democracies.

When we consider establishing a representative democracy at the global level, a big problem would be deciding on what system of voting to use. Would the representatives represent countries or continents or metropolitan/geographical areas having roughly equal populations? If voting were done on a national basis, wouldn't the quantity of votes for a country need to be weighted to take account of population, economic power, geographical area, degree of protection of human rights, and so on? If the more powerful countries were not given more votes (at least at first) reflecting their greater power, why would they agree to subordinating their power to that of a global government? In fact, if the United States and other more powerful countries such as China or a united Europe were not given a veto power or something very similar, why would they agree to the establishment of a democratic world federation?

6. *Is Socialism the Solution?*

I may be expressing a minority viewpoint among those concerned with these issues, but nevertheless I want to say that I think that when it comes to economic systems, socialism does not work very well. Being a leftist system, socialism could be expected do better than capitalism at distributing more equally what is available within the society. Cuba is a good example here. But the difficulty with socialism is the tendency toward stagnation and absence of any progress brought about by new inventions. People generally do not welcome change, so there must be some incentive to bring it about. Stagnation would be especially likely if there were no capitalist systems anywhere to stimulate progress.

The tendency toward stagnation in socialism has many sources. One factor is the focus on rewarding people for time used in working but not doing much to reward people for inventing or implementing procedures and devices that save time and money. Consider two similar hypothetical cases, one in a socialist system and one in a capitalist system. Suppose that a worker notes that an operation being conducted in a factory could be done in a different manner which would require only four people to do it rather than six. He tells his supervisor about this possibility. If this occurs in a socialist system, the supervisor is not likely to be very interested. She is likely to respond, "Even if your proposed new method would work just as well, what would I do then with the two workers who would no longer be needed? I don't want to fire them just because they are no longer needed in this operation, and furthermore I don't have anything else for them to do. I think it will be best to just continue doing it as we always have." Contrast this reaction to what happens in a capitalist system. The supervisor is likely to say, "Your proposal to do the operation with only four workers instead of six is wonderful. You will be given a bonus because you are saving us money and we want to encourage others to help us make similar savings in the future." What about the two workers who will lose their jobs? In the capitalist system, that is their problem, not the employer's.

This kind of incident is likely to occur again and again in the different systems. The result would be virtual stagnation in the socialist system while the capitalist system would become more and more efficient. There is little doubt that the socialist system is more humane, especially in the short term, while the capitalist system is indifferent to the plight of individuals. But the remedy for this situation is not the abandonment of capitalism in favor of socialism. Rather one needs to have a democratic

political system which creates laws to assist those individuals who lose their jobs as more efficient procedures and machines are used. We need unemployment compensation and job training programs and special public welfare programs to take care of health needs, food needs, education needs, and so on. The businesses which are making more money should be required to help pay for these programs. But what is not a good idea is to eliminate the incentives for progress in a capitalist system. Let's not forget that outside the military the socialist Soviet Union was doing virtually nothing to develop computers.

Another problem for a socialist system is that policy-making tends to be focused on short-term good while ignoring the long-term situation. Consider the situation with regard to providing medicines to fight AIDS or other diseases. The humane approach is to insist that medicines already available be provided at low cost to poorer people. But the pharmeceutical industry insists that it needs to make money from the medications already available so that it can afford to do the research to develop new medicines and even totally new approaches to dealing with the problem. There is room for dispute on how much the corporations should be making, but there is little doubt that in a socialist system the main effort would be on using what is already available rather then on developing new medicines to deal with the problems in the long run.

We cannot overlook the positive effects of a capitalist system driven by the desire to gain more profit from one's investment. Society needs this continuing drive toward ever greater efficiency to encourage new inventions and then to make use of them quickly. Another benefit of capitalism is the continuing effort to produce goods that are wanted by consumers, which means that businesses must produce a variety of good quality products to appeal to a variety of buyers

7. *The Need for Democratic Constraints.*

At the same time we need a democratic political system to deal with the difficulties of an unregulated capitalist system. The government must control the effort of capitalists to externalize their costs, that is, to get others to pay for things they want such as controlling the areas where raw materials like oil are available or taking care of damage they have done to the environment. Second, the capitalist system depends on competition, but in unregulated market situations those with more money get a better deal than those with less money. Regulations are needed to try to keep the bargaining somewhat fair. Capitalists bargaining with workers

are usually in a better financial situation than the workers looking for jobs since the capitalists can wait for their profits, but the workers need money for food and shelter now. Therefore regulations are needed to protect the bargaining rights of the workers. In the absence of regulation there is a natural tendency for the richer, bigger businesses to get better deals than their poorer, smaller competitors. The result is that without regulation monopolies develop and the competition which is crucial to the capitalist system is lost. A third problem, one which can become very troublesome in the absence of regulation, is the production of very profitable items which are unsafe or harmful (like cigarettes).

From a moral point of view, however, the biggest problem resulting from an unregulated capitalist system is the widening gap which develops between the rich and the poor. Certainly, that happens in part because of the way that the rich tend to gain control of the political system and make rules that increase their advantage, but as already noted the proper response to that difficulty is to design a democratic political system where economic power cannot be converted into political power. But one also needs to recognize that it is a built-in characteristic of the capitalist system that the rich get richer. That is precisely why unrestricted capitalism is inherently immoral. Being rich means that you can afford a good education rather than having to work to take care of current needs, that you have the financial resources to invest so that the money you have makes more money, that you have time to explore new ideas, that as a consumer with money to spend you can influence what gets produced, and so on.

Another way of looking at this rich-get-richer tendency of capitalism is to consider who gets discriminated against in a capitalist system.[5] Some opponents of capitalism have claimed that capitalism is racist and imperialistic. It may well be that some capitalists have been racists, but that is not an inherent characteristic of the capitalist system. In fact, racism is totally foreign to it since the only things which matter in a capitalistic system are competence as a worker or manager or inventor plus the possession of money in order to be able to buy as a consumer or to invest as a saver. The race, religion, gender, and age of the individual employees or consumers are irrelevant. It may also be the case that some capitalists have been imperialistic, but nationalistic imperialism is directly contrary to the theoretical basis of capitalism. Capitalists want to be able to make the biggest profit possible on their investments regardless of where that might be. Thus theoretically (as Adam Smith tried to show) they should favor a worldwide "free-trade" market economy rather than

a mercantilist system of national tariffs and regulations. For capitalists national boundaries are obstacles.

But there is one type of discrimination which is an inherent part of the capitalist system, and that is discrimination against the poor. The poor are discriminated against because they do not have enough money to serve as potential buyers or to be able to invest and earn profits. Capitalism works on the basis of market forces of supply and demand, and demand is not the same as need. Demand is want plus the money to buy what is wanted. The poor may be in need but their needs will not constitute part of the demand because they lack money to buy. The other side of this situation (one that little by little is getting more attention both domestically and globally) is that capitalism won't work well if wealth is too concentrated in the hands of too few persons because then there won't be enough demand to keep buying the products being produced.

What is the proper remedy for this systematic discrimination against the poor? It seems that at least part of the answer is the establishment of a democratic political system which will establish a system of taxation and redistribution of wealth where some of the wealth accumulating in the hands of those who are already wealthy is systematically syphoned off and put into programs for the poor and made available to poor individuals (as is done by Grameen banks).

8. *Yunker's Plan for Equalizing theWealth Globally.*

On the international level, just such a systematic program for channeling wealth from the rich countries to the poor countries has been proposed by James Yunker. He described it in his 1993 book *World Union on the Horizon: The Case for Supernational Federation.*[6] His "World Economic Equalization Program" (WEEP) assumes that there will be savings from large cuts in military spending as the result of his proposed world government while at the same time recognizing that the huge economic gap between the rich and the poor must be addressed to dampen hostility of the poor against the rich, a situation which might undermine the world government if not addressed. The program calls for rich countries to transfer money annually to a transfer fund, a fund from which poor countries draw money (but which could be used only for production goods and education/training, never for any commodities intended for final consumption).[7] The amounts of money going into the fund from the rich countries and the amounts going out to be used for investment by the poor countries are based on a formula spelled out in great detail by Yunker. He

admits that "The rules embodied in the WEEP model for determining contributions [paid in by the richer countries] and shares [paid out to the poorer countries] are very much of an ad hoc nature."[8] Nevertheless they are "commonsensically appealing." He relies on computer modeling to show how the program he outlines of annual stipulated transfers from the rich countries to the poor countries should result in a situation where "after 35 years of WEEP ... per consumption in the poorest region [of the world] would be close to 90 per cent of that in the richest region."[9] Without WEEP that figure would be 10 per cent.[10]

I don't intend to defend the specifics of Yunker's "World Economic Equalization Program" or to go into further detail about it. I only want to point to it as one example of how political decision-making at the global level, isolated from the influence of present economic power, can provide a viable program to deal with the widening economic gap in standards of living for the rich and the poor. It is not necessary to eliminate capitalism or institute socialism. What is required is the institution of a democratic political system which is not undermined by economic power.[11] This is true at both the global level and the national level.

NOTES

[1] J. W. Smith, *Economic Democracy*: *The Political Struggle of the Twenty-First Century,* The Institute on Economic Democracy, 3rd ed. expanded, 2003, p. 14.

[2] A similar discussion of this point can be found in Ronald Glossop, *Confronting War: An Examination of Humanity's Most Pressing Problem*, Jefferson NC: McFarland, 4th ed., 2001, pp. 106-12.

[3] A chart showing the names used here to describe leftist-rightist views in general as well as the various economic and political ideologies described below can be found on page 111 of Glossop, *Confronting War*, 4th ed.

[4] For an article which succinctly describes this ongoing struggle in the United States between the power of corporations and the effort of government to check it, see Laurent Belsie, "Rise of the Corporate Nation-state," in *The Christian Science Monitor*, April 10, 2000, pp. 1, 4-5. I responded to this article with a letter arguing that democratic government at the global level is needed to restrain corporations at the global level. It was published under the heading "Global companies need global regulation" on page 8 of *The Christian Science Monitor* for April 18, 2000.

[5] This paragraph and the succeeding one are basically excerpted from Glossop, *Confronting War, cit.*, pp. 114-15.

[6] Lanham MD: University Press of America. In his later book (*Common Progress: The Case for a World Economic Equalization Program,* Westport CT and London: Praeger, 2000) Yunker reached essentially the same conclusions as he applied his proposed program to 140 individual nations to show how his proposal would produce greater economic equality among the countries of the world without greatly harming any of them.

[7] James A. Yunker, *World Union on the Horizon*, pp. 182 and 193.
[8] *Ibid.*, p. 198.
[9] *Ibid.*, p. 183.
[10] *Ibid.*, p. 186.
[11] For a statement of this view which focuses on the issue of centralization-vs.-decentralization of the global economy see David Ray Griffin, "Global Government: Objections Considered" in Errol E. Harris and James A. Yunker (eds.), *Toward Genuine Global Governance: Critical Reactions to "Our Global Neighborhood"*, pp. 59-60.

Federalism in the History of Thought

ALTIERO SPINELLI

Never before now has there been a more timely moment to re-visit and re-analyse the limpid essay written by Altiero Spinelli for the meeting (in Rome, July 1956) organised by Luciano Bolis on the birth of the United States of America in order to answer the question (posed by Bolis in his introduction to the proceedings of the meeting): "To what extent can the story of the birth of the present Constitution of the United States of America serve as a historical example for the current process of European unification?"

The usefulness of re-reading this text derives, above all, from the fact that European unification has reached a point at which only completion of the process, through the creation of a European federal state, can bring further progress. In this climate there are emerging various ideas, discussions and theories on what, for Europe, federation should mean, and many of them are having the effect of distorting the objective completely.

In particular, the American federal model — clearly reflected in the expression that has been on the lips of all federalists and Europeanists for much of the European journey: United States of Europe — is becoming, above all in the eyes of politicians and intellectuals, a less and less crucial point of reference.

Thus, in the debate over its future, Europe is increasingly referred to as an "entity", care being taken to avoid prefiguring it as a state: "The notions of sovereignty and state — writes Thierry Chopin in *Le fédéralisme américain: un modèle pour l'Europe actuelle e future?*, an essay for the Robert Schuman Foundation (2002) — are no longer adequate criteria to understand the nature of the new entity that is taking shape in the Old Continent... Overcoming the logic of international cooperation (the confederal model) does not imply adoption of the logic of a state organisation (federal state model)." In the same way, for some years now,

a new formula has emerged for referring to the European federation: it has become a federation of nation-states (with the emphasis on the "nation-states"). Or, it is stressed that the history of Europe's nation-states is so different from that of the thirteen American colonies (a historically unexceptionable affirmation, underlined by Spinelli himself) that a European federation can stem only from a radical rethinking of institutional structures typical of a federal state (a dangerous conclusion if, as is indeed the case, no clear indication is given as to the kind of rethinking that is possible without distorting the very concept of the federal state). Others maintain that today's American federation can be held up as an example and model to be rejected. Chopin, again, writes that the USA cannot serve as a model because it is hierarchical, and the entities of which it is comprised have assumed the form of local communities: in short, the USA is, basically, a strongly decentralised unitary state. But the author fails to take into account the concrete factors, of an essentially international nature, that produced the evolution and the crisis of American federalism, but did not undermine the fundamental principles that allowed its birth (thereby throwing out the baby with the bath water, as the saying goes).

Objectively, this rash of ideas on Europe's future can be attributed only to an abiding instinct to hold on to power, and it is an instinct that, on the one hand, induces the national forces to be protagonists in the progressive construction of Europe (as a last hope), but, on the other, prompts them, whenever their power really is at stake, to raise their guard and reject the logic of the construction of a new power.

Anyone who, even through nothing more than an intellectual contribution, affirms the need to "rethink the whole thing" is, in reality, supporting the preservation of the nation-state and making the mistake of failing to draw the crucial element from the American example, i.e., in the words of Spinelli, "the capacity of its founders to understand the nature of state building, in which the essential problems are always the construction of a power and the setting of its limits."

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THE AMERICAN CONSTITUTIONAL MODEL AND ATTEMPTS AT EUROPEAN UNIFICATION *

When, at the end of the Second World War, the democratic states of Western Europe found themselves faced with the problem of their supranational unification, it was inevitable that the spotlight should fall on the most important federal model existing at that time: the American federal system. But this model prompted contradictory reactions on the part of those committed to the cause of European unification. Some held up the constitutional system of the United States as an example, whereas others saw it as an essentially American experience, too far removed from the reality facing the Europeans to constitute a feasible model for Europe.

If we leave aside, here, the innumerable expressions of "pro-European" sentiment — I refer to those vague aspirations that have not been properly thought out, and that therefore have no real chance of being realised —, then it is possible to identify, behind the various attempts (finished or ongoing) at European unification, two fundamental currents of political thought, both of which are characterised, among other things, by their attitude to the American model.

Let us take a look at these two currents, which are called functionalism and European federalism.

Both functionalists and federalists firmly believe that the European system of nation-states has run its course and that the democratic peoples of Europe, to avoid their irreversible decline, must overcome their national divisions and achieve some form of supranational unification. Both currents are also convinced that this should not mean total unification in a unitary European state destined to take the place of the existing nation-states, but, rather, a partial unification that would reconcile the continued existence, and autonomy, of the national political bodies with the pooling of national powers in certain spheres.

The Constitution of the United States achieves just such a mix of partial and complete sovereignties. So can it, or can it not, serve as a reference model for European unification?

Many supporters of European unification, even though they often like to use the expression "United States of Europe" to refer to the culmination of the process of European unification that they envisage, have answered, and continue to answer, this question with a resounding "no". They are

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* In Luciano Bolis (ed.), *La nascita degli Stati Uniti d'America*, Milano, Comunità, 1957.

very mindful of the enormous differences between today's European states and the states that, in Philadelphia, ratified the American Constitution.

It is, indeed, difficult to imagine a wider gulf between the situations and problems facing these two groups of states.

The American states of the late 1700s had practically no historical past; by contrast, every one of today's European states, even those founded relatively recently, like Italy and Germany, boast and jealously guard a proud past — a past that defines them and sets them apart from the other European states. Any European will view the particularism of a citizen of Virginia, or of Massachusetts, for example, as something infinitely more superficial than that of a Frenchman, a German, or a Dutchman. After all, the Americans of the late 1700s had been in their new homeland for just one, or at the most for just a few generations, whereas the bond of any European with his or her country stretches back centuries.

The Americans had English as a common language, and this facilitated relations among them. The Europeans, on the other hand, having lost their common language, Latin, centuries ago, speak a range of profoundly diverse languages, and this makes them more inward looking.

The American states had a single legal system (the English system), whereas the European states have legal systems that, while appearing similar, in fact present differences and are implemented in different ways.

The American states originated from separate colonies, previously united under the dominion of the British Crown. Consequently, in some ways, their federal unification restored an earlier unity that the War of Independence had taken away and for which the confederal solution had proved a poor replacement. The European states, on the other hand, arose many centuries after the decline of the Roman Empire, they held firm in the face of the emerging and disjointed union of the Holy Roman Empire, they repeatedly resisted attempts by different peoples, and by various ambitious tyrants, to restore imperial unity through violence, and each vigorously affirmed, through constancy and sacrifice, its separate and absolute sovereignty. Thus, all that the European states have to unite them are those great (although not political) values known as "European civilisation", "humanism" and "Christianity."

In America, unification of foreign policy proved easy, given that the terms of the question were simple and fairly homogeneous across the various states. The states could either remain separate and subject to the machinations of the great European powers, or they could unite in order

to exercise their independence and commercial power (avoiding the European diplomatic system and drawing strength from their growing isolationism). For the European states, on the other hand, each of which has to reckon with its particular situations, undertakings, and prospects, foreign policy can mean nothing more than seeking to remain as players on the global stage.

The American states could easily achieve economic unity, because they all had profoundly free-market economies, state intervention was minimal, and unification amounted to nothing more than adopting a single currency tied to gold, and establishing a single customs system vis-à-vis third-party countries, and a boundary-free, and therefore obstacle-free, internal market. The problem of European economic unification is far more complex, because Europe's national economies are, today, all subject to constant and far-reaching interventions by the political power in a range of spheres: monetary, financial, commercial, industrial and labour. These interventions, which differ from country to country, have produced rigid economies that do not lend themselves to integration.

Whereas the newborn United States of America seemed to represent a solution too simple to be a serious consideration for Europe, contemporary USA, with its capacity to administer, efficiently and freely, half a continent, with its huge and burgeoning economy, and with its vast military and diplomatic power, was, instead, seen as an ideal that the Europeans might seek to emulate in the Old Continent. And the functionalists felt that there must be a European road to unification, a road different to that followed by the Americans.

This road was based on an approach that, having in the space of a generation become a necessity, was very familiar to the various European countries' statesmen, diplomats and experts. During both the Great War and the Second World War, the countries of Europe had had to fight in coalitions and mount major and protracted joint efforts; these had necessitated certain methods of interstate collaboration that went far beyond anything achieved through traditional treaties of alliance or trade agreements. Certain important objectives, shared by the various coalition members, had, in the course of the two World Wars, emerged as difficult to achieve without very closely coordinated joint action. Hence, specialist (military and economic) common authorities were created: single military commands, centres responsible for the purchasing and distribution of certain raw materials, foodstuffs or materials of strategic importance, monetary funds to support the currencies of the various states, and so on. The execution of specific tasks was entrusted to supranational

authorities, which enjoyed the support of the national administrative bureaucracies. This system allowed concerted actions that facilitated military operations and the winning of common victories. The system did not involve any relinquishing of sovereignty by the states, only temporary transfers of powers, for clearly specified periods and in clearly defined spheres. General political decision-making continued to be the prerogative of the national governments; if new laws were needed, these were still ratified by the individual parliaments.

In the case of the First World War, these authorities were quickly dissolved once the common objective — victory — had been achieved, as all the states were keen to regain their freedom of action. After the Second World War, however, these special authorities to an extent outlived the conflict, but since all the European states involved in the war — with the exception of Great Britain — had ignominiously collapsed in the course of it, the responsibility for providing common aid was, in practice, assumed by the United States, albeit sometimes through international bodies such as the United Nations.

It was easy to think that this method might also be adopted to achieve European unification. Instead of tackling head on the political problem of creating European governmental and legislative organs and of transferring to these organs some of the powers held by the national governments and parliaments, it was felt that the governments could be induced to create, on a case-by-case basis, special supranational authorities, made up of individuals selected by the governments and entrusted with the task of carrying out certain functions, which would be clearly set out by the governments in special treaties. Compared with the more abstract federalist constitutionalism, this functionalist approach appeared much more concrete, more varied and more flexible in its application. The idea was that each case would involve the clearly visible pooling only of certain functions. On each occasion, all the states would be required, through their customary governmental and legislative channels, to consent to, draw up and approve the relative treaty, i.e., the fundamental law by which the supranational authority would be required to abide. On each occasion, the governments would create a special authority, endowed with just enough autonomy to be able to operate, but otherwise remaining very much under the thumb of the national governments. On each occasion, the states would be careful to retain adequate powers of intervention, both in the decisions reached and in their implementation.

The functionalists have always maintained that the number of these supranational authorities would gradually increase until a point was

reached at which they could be gathered together and coordinated in such a way as to create a single system reminiscent of the American federal system.

In this way, contrary to the American experience, the federation would be the culmination and not the starting point of the process of unification.

This functional approach to Europe's problems, tailored to the mindset of those in high public office in all the European states, was a great success and has been the inspiration for the main attempts at European unification to date. Interestingly, American politicians and diplomats, perhaps conditioned by deference to the venerable, inviolable structure of the European nation-state, have tended to avoid sharing their better understanding of the problem, despite usually being keen to see applied in Europe the federal methods familiar to them. On the contrary, they have accepted the functional method as valid and offered all the support that their political, economic and military influence in Europe has allowed them to.

European federalists, on the other hand, have been, and continue to be, characterised by an entirely different attitude to the American constitutional model.

European federalists recognise the profound differences that exist between 18th century America and contemporary, democratic Europe, but they are not swayed by any superstitious sense of deference to existing structures and long traditions, nor are they willing to accept the conservative maxim, "Woe betide you, as you are but a grandchild."

There is no doubt that the American Constitution was far easier to realise than any future European federation would be. But if, in the eyes of Europeans today, the American Constitution seems like a spontaneous creation, almost a natural product of that particular point in the history of the American people, this is really only the result of a common error of perspective on the part of those who reflect on the events of history. That which was created has always been viewed by subsequent generations as the necessary (and only) solution to the situations and problems from which it arose, and this can be explained by the simple fact that, having come into existence, it fills the entire stage, and makes it difficult to see all the alternatives that were possible prior to its realisation and to appreciate the probability that it may not have been created at all, and indeed the strong opposition that it had to overcome in order to be created.

There were strong differences of opinion in 18th century America, too, and to those who were attached to the structures that were in place at

that time, these differences seemed practically insurmountable. One need only recall the views of English economist Josiah Tucker and French diplomat Louis Guillaume Otto.

Tucker, in 1786, remarked: "As to the future grandeur of America, and its being a rising empire under one head, whether republican or monarchical, it is one of the idlest and most visionary notions that ever was conceived even by writers of romance. The mutual antipathies and clashing interests of the Americans, their differences of governments, habitudes, and manners, indicate that they will have no centre of union and no common interest. They never can be united into one compact empire under any species of government whatever; a disunited people till the end of time, suspicious and distrustful of each other, they will be divided and subdivided into little commonwealths or principalities, according to natural boundaries, by great bays of the sea, and by vast rivers, lakes, and ridges of mountains." In the same year, Louis Guillaume Otto, a French official in America, wrote this to his government: "Will the states allow themselves to be stripped of part of their sovereignty?... Their policies generate mutual aversion and jealousy ... these republicans no longer have Philip on their doorstep!"

In America, too, politicians had long sought to solve the problem of unification using methods that today would be called functionalist, and had not dared to imagine that it might be possible to go further than the confederation of sovereign states model. At the start of the period that coincided with their search for a constitutional formula, the Americans had a common army which was under the command of Washington and belonged formally to the confederation, but whose contingents and funds were supplied by the individual states — a solution strongly reminiscent of the European army that was part of the EDC proposal. The end of this period brought the Annapolis Conference, whose aim was to regulate shipping in the Bays of Chesapeake and Potomac, and this was quite similar to our various projects for specialised communities operating in specific sectors.

In spite of the different problems to be tackled, and their relative simplicity in America's case, the birth of the United States of America is an event of crucial importance for Europeans, because, in something akin to an in vitro experiment, it clarifies the fundamental aspects of a problem identical to the one facing democratic Europe today.

The American states, despite being much younger, more homogeneous and less differentiated than the European ones, were nevertheless sovereign states. The confederation was, to them, not a superior power

but simply the sum of their representatives: it was a sort of *ante litteram* League of Nations or United Nations Organisation.

On reading the *Articles of Confederacy*, one might form the impression that the "United States in Congress assembled" had the power to take decisions by which all its members would be bound. In fact, the Congress could do nothing more than issue recommendations to the states, which retained their power of decision and implementation.

The American states, like today's European states, were determined not to lose their political and constitutional identity.

Finally, even though their economy and foreign policy, compared with those of contemporary Europe, were simple and presented different problems, the terms of the question faced by the Americans then, and by the Europeans now, are identical; if the Americans wanted to develop their economic might and avoid becoming mere pawns in a diplomatic game played in the world by powers considerably greater than each of them, they had, in some way, to equip themselves with political unity, and establish a power that could issue and enforce laws applicable to all (designed to protect their own wellbeing) and that would represent all Americans in their dealings with the rest of the world, protect their interests and defend them.

The Americans then, like the Europeans now, were willing to be subject only to a democratic or, to use their term, a republican power, by which they meant one that would allow the governed to exercise control over those who governed them, and guarantee the citizens their freedoms.

In the end the Americans, like the Europeans today, had to recognise that this power could not, in practice, arise in the way in which powers are normally established, that is, through the employment of force, but could only be the fruit of consensus among the parties, which would first have to be united.

The American Constitution is a model that deserves consideration, but only for the original and intelligent way in which the American states refused to be overwhelmed by the difficulties they faced and managed to find a profoundly rational solution to the set of problems before them.

If the union had to be born of consensus, this required a written pact that could be freely entered into by the single states.

Any matters of common public interest would have to be entrusted to a sovereign political power whose decision-making and executive capacity would not depend on the good will of the single states, since the latter would normally be equipped to consider and administer public affairs only from the perspective of their own particular community.

Given that the states were determined to conserve their identity, it became necessary to determine the relative competences of the joint power and of the single states, and to establish that each would exercise sovereignty within these specific boundaries, in other words, that each would be able to take and implement decisions on its own behalf and in accordance with its own constitutional rules, without the states interfering in federal life, or the federation interfering in state life. This meant that the states and the federation would not only share the citizens, who would be citizens of both state and federation, bound by the laws of both and subject to taxation in both, but also the requirement to obey a federal court that would be responsible for guaranteeing respect of the federal pact, deciding whether one power or another had overstepped its boundaries and invaded the sphere of the other.

Finally, while democratic freedoms were to be guaranteed at both federal and state level, it fell to the federal Constitution to guarantee the division of power, in its various forms, and the citizens' right (accompanied by their obligation to respect the decisions of those in power) to exercise control over those who governed them.

The distribution of competences between the federal and the federated powers, the various forms of federal executive, legislative and judicial power, and the methods of constitutional revision can differ considerably from federation to federation. The effective political action of a federation will undoubtedly differ from case to case, because the circumstances will differ. If, with reference to any of these fields, one were to take as a model the American Constitution and American political life, then one would inevitably make some big mistakes.

But when it comes to the supranational unification of certain aspects of political life one cannot fail to take into account the American model, because the logic of the American system is the very logic of political power building.

What the European federalists saw as important in the American construction was precisely this capacity of its founders to understand the nature of state building, in which the essential problems are always the construction of a power and the setting of its limits. They rebuked, and continue to rebuke, functionalists, and European statesmen generally, for the fact that, despite having a clear sense of the concrete policy that Europe — as Europe — should be following, they are blind and deaf to the question of what European power can fulfil these functions and how such a power might be created.

The American system, or its fundamental characteristics at least, has

therefore been the model held up by the European federalists in order to counter the functionalist attempts on the part of the European governments. The arguments contained in the *The Federalist* have, in Europe, reverberated through their words and writings.

Initially, the governments were totally deaf to these criticisms. When presented with a great opportunity for unification in the form of the Marshall Plan, they responded by creating the OEEC — a body with an advisory function and also responsibility for the redistribution of the American aid. The federalists argued that this solution would favour only the reconstruction of the old national economies and contribute nothing to setting up a European economic system. And they were proved right.

When the governments created the Council of Europe, the federalists highlighted the impotence of a consultative body, stressing that "influence is not government." Again, events confirmed the accuracy of their analysis.

When the governments created the first, and to date the only, specialist authority for the coal and steel sector, the federalists pointed out that the organs of the ECSC had absolutely no power of legislation (even within the limited sphere of the coal and steel markets), and also the impossibility of truly pooling, under a common supranational authority, the markets of these two raw materials, leaving the rest of the economic policy and the whole of the monetary and financial policy in the hands of the national governments. Indeed, events show that the High Authority, far from asserting itself, lacked the force to take, autonomously, the decisions that the Treaty empowered it to take, instead leaving it to the Council of national ministers, which had become the Community's true leader, to take practically all the decisions. Thanks to a favourable economic climate, recent years have undoubtedly brought considerable progress in the liberalisation of these sectors, but the question of what will happen if there is an economic downturn and if the governments fall back on restrictive economic policies remains to be answered.

At a certain point, the governments, prompted by the course of events, arrived at the idea of establishing a European army. This is the point at which federalist criticism began to be heard. Faced with the absurd prospect of an army that would no longer belong to the single states, yet would not belong to a European state either, because no such state existed, the governments of the Six had to accept the federalist point of view and set about drawing up — taking as their starting point what had been called an Ad hoc Assembly — a statute proper, destined to mark the foundation of an autonomous European executive, legislative and judicial power.

It can be recalled how those developing this project acted in a contradictory fashion, on the one hand creating a federal system of government and, on the other, not a guarantee of representation for the federated states, but an absolute brake on the federal mechanism, in the form of a Council of national ministers which would be required to approve any act of government or legislation by the future Community. Had this Community come about, either the Council of ministers would have completely paralysed the power of the Community, or the power of the Community would have overridden the brake. This crisis was avoided only because, as a result of difficulties within the political alliances promoting the European endeavour, the EDC, and with it the proposed European Political Community, collapsed without ever coming into force.

The governments did not learn from this failure. Instead of recognising that the difficult problems of building effective economic, military and diplomatic unity can be overcome only by creating a secure, strong European power, founded on the democratic consensus of the European people, they took further steps backwards in relation to their previous efforts, replacing the European army idea with a military alliance, trying to create a European Atomic Community along the lines of the ECSC, and even coming up with the idea of a Common Market that would be controlled not by a European government, but by the usual Council of national ministers answerable to the national parliaments.

Once again, the federalists are forced to hold up the American model in opposition to these inconsistent attempts, urging the creation of a European power that will be real and independent of the national powers, and have decision-making competence limited to matters of common interest.

This then, is a brief account of how the American model has influenced attempts at European unification. The Europeans' refusal to learn from it can be measured in their failures recorded to date, and in the various blind alleys up which they have allowed themselves to be led in their attempts to achieve European unification.

The biggest difference between the American experience of 170 years ago and the current European situation lies in the fact that 18th century American society and culture were young, bold and forward looking. By contrast, today's European society and political culture are old, rigid and backward looking. The question of whether, notwithstanding this, they still conserve, in latent form, the energy and intelligence to identify the elements from the past that are worth preserving and those that should be

destroyed, seeking to be a little less deferential to history and to afford logic a little more respect, is one that is impossible to answer at the present time, and indeed that will be answered only at the end of this difficult renovation work. If the latter ends in failure, we might conclude that the American constitutional model has taught the Europeans nothing. If, on the other hand, it culminates in the creation of a European federation, then there will be no denying the enormous influence that this American political invention — because that is exactly what the federal Constitution was — had in the unravelling of a knot of contradictions that the Old Continent had created and from which it would have found it impossible to break free purely through recourse to its own presumed "wisdom."

(edited by Nicoletta Mosconi)

ABOUT THE AUTHORS

UGO DRAETTA, Professor in International Law, Università Cattolica, Milan.

RONALD J. GLOSSOP, Member of the Board of Directors of Citizens for Global Solution (U.S.A.), Fellow of that organization's World Federalist Institute, and Professor Emeritus, Southern Illinois University at Edwardsville (U.S.A.).

NICOLETTA MOSCONI, Movimento Federalista Europeo.

SERGIO PISTONE, Member of the National Council of the Movimento Federalista Europeo, Member of the Executive Bureau of the European Union of Federalists, Professor in History of European Integration, University of Turin.

FRANCO SPOLTORE, Member of the National Council of the Movimento Federalista Europeo.

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