

# 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

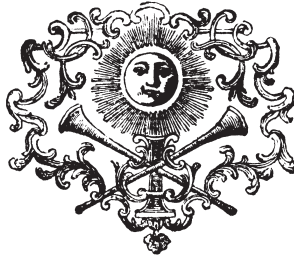


# THE FEDERALIST

a political review

*Editor:* Giulia Rossolillo

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



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# Germany's Responsibilities Towards Europe

The political climate in Europe has changed in recent months, and this fact has not escaped the heads of state and government. Tusk's remarks on inviting them to the European Council meeting of 22-23 June are striking in this regard: "It is fair to say that we will meet in a different political context from that of a few months ago, when the anti-EU forces were on the rise. The current developments on the continent seem to indicate that we are slowly turning the corner. In many of our countries, the political parties that have built their strength on anti-EU sentiments are beginning to diminish. We are witnessing the return of the EU rather as a solution, not a problem. Paradoxically, the tough challenges of recent months have made us more united than before."

It is not so long ago — we need go back no further than the end of 2016 — that the crisis of the EU seemed insurmountable, and the rise of anti-European forces unstoppable; since then, however, things have evolved: there have been improvements on the economic front, and, even more significantly, Trump's administration has made its first moves, and in so doing has given the Europeans a good idea of what it would mean having to deal, disparately, with this new America that puts itself first. The celebratory tone with which the supporters of national sovereignty in Europe hailed the victory of nationalism in the United States only highlighted their own smallness: their rejoicing in the face of the pledge by the world's leading power to use its global superiority to take advantage of everyone else, including all its old allies, only serves as a stark reminder that a return to the nation-states in Europe would amount to collective suicide.

The first signs of a turning of the tide came from public opinion: first of all at the ballot box, with pro-European candidates starting to be favoured over populists, and subsequently through forms of collective mobilisation. Germany, for example, has seen the spread of Pulse of Europe, a pro-European movement that has grown exponentially from

week to week and led dozens and dozens of thousands of people to turn out in the country's squares, driven solely by a willingness to demonstrate publicly their support for the European Union. This has had a huge psychological impact on German politics and on public opinion in Europe. Elsewhere, the political support garnered by the European Federalist Movement (Movimento Federalista Europeo, MFE) and the Union of European Federalists for their March for Europe, organised to mark the 60<sup>th</sup> anniversary of the signing of the Treaties of Rome, was equally impressive and significant. The idea for the march was originally floated amidst considerable pessimism, generated mainly by the fear that the event would be overwhelmed by the nationalist and anti-EU demonstrations due to be held at the same time; in the end, however, over 10,000 people took part in what turned out to be a colourful and hugely successful march for Europe, whereas the "anti" factions managed to muster only two or three thousand between them. During the organisation of that event, the changing political mood became increasingly and tangibly apparent, as did the growing response of the more cognizant sections of society as they became aware of the need to rise to a challenge crucial to the very future of civilisation: that of defeating, with a design based on openness, unity, inclusion and peace, the muddled project of those who, thinking they can stop the course of history, seek only to exploit a selfish desire for closure and isolation.

This is the climate that allowed Macron's crushing victory in France and in which, in Europe, there has been a resumption of efforts to make European integration move more rapidly in a political direction, in order to "strengthen the European Union with regard to the five dimensions of sovereignty", as Macron put it. Macron sought, and obtained, a precise mandate to reform France and enable it to be, on a par with Germany, a pillar of the European edifice once again, and in so doing he made no secret of his awareness that this edifice still requires political completion. Although he indicated in his manifesto the areas in which there is a need for "new European sovereignty", he has not yet gone so far as to explain how this might be achieved, in other words, he has not yet set out the steps, institutional and otherwise, in the necessary process of creating real powers, political instruments and forms of democratic control by the European citizens. He knows that, to achieve all this, he will need to build an agreement with Germany and with the other partners, and that this is the real challenge of his mandate.

A window of opportunity has opened for Europe, and much of the responsibility for ensuring that it is not allowed to close without bear-

ing real fruits falls to Germany. Failure to seize this opportunity would amount to a huge failure, because it is difficult to foresee, in the short term, another similarly propitious opportunity arising. Germany has no excuses this time: it is clear, not only from the mobilisation of its citizens but also from *Alternative für Deutschland's* remarkable slump in the opinion polls, that pro-European sentiment is riding high in the country once again. In other words, the German government can no longer use the excuse that it needs to win over public opinion at home before it can embark seriously on the business of strengthening the European Union. Chancellor Merkel, prompted by the election of Trump in the USA, has already adopted a very clear stance on the need for Europeans “to take control of their own destiny and fight for their future”. In particular, Macron’s rise to power in France (providing the new president keeps his promises on internal reforms and on France’s new European vocation) should, after 25 years, finally quell German fears over France’s role in Europe, and thus effectively remove the obstacles that have always prevented the construction of a true political union. Last June happened to bring the death of Helmut Kohl, the great protagonist of German politics of the 1980s and 1990s. Kohl was the father not only of German reunification, but also of the monetary union — a man who fought to make the process of European integration irreversible, and who believed in the need to create a true political union in support of the single currency. When, in 1988, he accepted Mitterrand’s proposal to study the feasibility and means of creating a monetary union in Europe, he initially sought to address the issue together with that of a political union: in other words, to address, also, the need to put in place mechanisms of democratic control by the European Parliament. Even though his design was still not clear, it highlighted the need for a pooling of sovereignty, not just in the sense of transferring monetary policy management, but also in that of creating a European political power. However, France rejected this route, instead requesting the creation of an economic government. At this point, it was Germany that said no, because it feared that this solution would limit the autonomy of the European Central Bank and allow French statism to worm its way into the European system. Thus, the monetary union was conceived and born in the absence of any real instrument for governing it, other than the common rules that were introduced as a means of promoting convergence of the economies and systems of the area involved. Consequently, economic policies continued to be decided at national level and were left subject only to the control of external mar-

kets, in the belief that these would automatically punish divergent behaviours on the part of less virtuous states; no provision was made for reciprocal bailout mechanisms or for the possibility of structural solidarity between member states, or even for a European policy to promote development in the eurozone.

Following the defeat of its original design, Germany allowed the question to lie dormant for more than fifteen years, until the outbreak of the Greek crisis that, with the explosion of the sovereign debt crisis, spread to the entire euro area.

Germany's last attempt to submit an alternative design to that of the present unbalanced monetary union dates back to 1994 and the paper, *Reflections on European Policy*, written by Schäuble and Lamers and presented to the Bundestag on September 1 that year. In that report, the authors broached, among other issues, the need to launch EMU with a vanguard of five countries (the founders, excluding Italy). "Monetary union" they explained "is the hard core of political union (and not an additional integrative element, as is widely believed in Germany). If monetary union is to be implemented according to the expected timetable, then it will involve only a small group of countries to begin with — in accordance with the solution envisaged by the Maastricht Treaty. Even in this case, however, it will be realised only if the hard core of five member states applies itself systematically and determinedly to achieving it. To this end these states should establish, in the (i) monetary, (ii) fiscal and budgetary, and (iii) economic and social policy fields, a greater level of coordination, with a view to establishing a common policy, and thus — leaving aside the formal decisions to be reached in 1997 and 1999 — lay the foundations, within this time frame, of a monetary union within the group." Despite the ambiguities and sometimes rather confused indications on how to reach "a common policy" in crucial areas, so as to build a monetary union that would also be economic and political, the position of the CDU under Kohl at that time was absolutely clear: the aim should be to introduce, in the shortest time possible, political union. At that historical juncture, the Germans saw political union as essential in order to prevent the effects of the country's unification and of Europe's inevitable (and desirable) enlargement eastwards, as well as the impact of the profound changes that had taken place in international relations, from weakening the drive for Europe (starting in Germany itself) and encouraging a return to nationalism across the continent. The creation of the single currency, which, to function properly, also needed to combine political union

with economic and fiscal union, was seen to offer an ideal opportunity to move in this direction — an opportunity that some countries might already be ready to seize, given the convergence of their economic systems. The idea was that this pioneering group of countries, which would have to include France (given that nothing European can be built without involving the French), could thus set the ball rolling. In this way, France would be induced to embark on a process of structural reform, while the group as a whole would serve as a force of attraction and a guide for the other states, whose journey towards convergence with the model of fiscal responsibility and economic competitiveness introduced with the adoption of the single currency was still expected to be long. In short, the implementation of a two-speed system for creating the economic and monetary union would square the circle, achieving unity among the countries whose political and economic systems were already more aligned (and thus building a union that was not only irreversible, but also very solid and stable), but at the same time putting strong positive pressure on non-EMU states to converge towards the model of economic virtue.

But this plan was never adopted, and its failure and the resulting launch of EMU with 12 countries, including Italy burdened by a huge public debt, had the effect of driving Germany — and all the other partners — towards the very renationalisation of the EU that the Schäuble-Lamers paper had warned against. Even when the urgent need to complete monetary union with political union became, once again, a key issue in European debate following the outbreak of the financial and economic crisis, it still seemed clear that Germany's reluctance to proceed towards a goal that was, in many ways, desirable was fuelled by a lack of confidence in some of the southern eurozone countries, France included. The reality is that Europe, following the crisis, has forced all the states, in turn, to pursue a model of greater financial sustainability and reform, in order to make the national systems more competitive. But this has not been enough to rapidly transform weak, and in many ways backward, countries into perfectly adequate partners. These countries, starting with Greece and Italy, need to be politically incorporated into a more robust, federal system that has the political means to guide and sustain their internal renewal process, especially at its most critical junctures, through joint development policies and support tools. Shunning the prospect of political union effectively turns the situation of the eurozone countries into a vicious cycle in which it is impossible to preserve the positive results that are, at times, achieved. The case of Italy



is perhaps the most difficult, and thus the clearest illustration of the current difficulties, partly because of the size of the country and the weight it carries. Public opinion in Italy, having initially supported the process of reform that the Italian system so desperately needs, is now once again rejecting the steps that need to be taken, and the country is getting sucked into a spiral of political instability whose outcomes are difficult to predict. For those who live in Italy, the priority now is to get the country to really think about where its true interest lies, and to boost political interest in and support for efforts to change the national system in ways that will allow Italy to become a credible partner and interlocutor at European level. Europe's task, on the other hand, is to find a way of averting the risk of a domino effect stemming from Italy, where a resounding victory and renewed support for populism, currently on the back foot, is possible. The current European regime, which seeks to intensify the system of rules and constraints in order to encourage convergence of economic policies (still entirely national), has been exposed as completely inadequate. As Draghi continues to point out, convergence is a problem whose rational management depends on a transition from a system of European rules to one of European institutions actually capable of governing, in the full awareness that the changes and reforms that each country must succeed in implementing (thereby providing evidence of a changing climate internally) will yield their fruit only in the medium to long term. In short, support for convergence must be managed and coordinated at European level, above all through the promotion of common growth.

Now that France seems willing to align itself with the model of economic virtue that is the *conditio sine qua non* for Berlin, the challenge, primarily for Germany, is to agree to form a political union even with countries in which it has very little confidence, abandoning the method based purely on intergovernmental rules and decision-making mechanisms in order to lay the foundations for transforming the current system of governance of the euro area into a system based on federal institutions, mechanisms and instruments. The fear that this will split the EU and isolate important partners, like Poland, is unfounded. The "force of attraction" effect, envisaged by Schäuble and Lamers in '94, would today be far stronger than it would have been then. With the United Kingdom out of the picture, the political weight exerted by the part of the EU that lies outside the euro area is very weak, which implies that the power of attraction of the monetary union will become increasingly irresistible.

If the eurozone succeeds in forming a strong and cohesive core, united politically on a federal basis and capable of building, around this shared sovereignty, a foreign and security policy worthy of a great and peaceful power, then the other states will soon find it easy to agree on how and when they should join it themselves. All that is needed is the courage to press ahead. It will first be necessary to identify the procedure that it would be wisest, in a political sense, to use for reforming the Treaties (knowing that it has now become indispensable to work transparently, through public debate and the involvement of the institutions, both European and national) and to have clearly in mind the concept of an EU structured to be compatible with the co-existence of, on the one hand, a politically united eurozone and group of so-called pre-ins, and on the other, a group of countries that are not yet ready for this sharing of sovereignty. This process of reform must not duplicate institutions or create new ones, but rather develop the ones that already exist, and it must also ensure that, in safeguarding the single EU framework, the single market is safeguarded as well.

Making this transition will not be easy, but it is the only possible course of action. This effort is the least Europe deserves if it is true — as indeed it is — that, to quote Macron, “Europe is the only place in the world where individual freedoms, the spirit of democracy and social justice are so closely wedded”. It is the duty of everyone to fight to ensure that a politically united Europe succeeds in realising this model on the world stage, and those with a political role, in particular, should consider it a personal responsibility.

*July, 2017*

*The Federalist*

## **For a Federal Europe: Sovereign, United and Democratic**

“The Europe of today is too weak, too slow, too inefficient, but Europe alone can enable us to take action in the world, in the face of the big contemporary challenges. Only Europe can, in a word, guarantee genuine sovereignty or our ability to exist in today’s world to defend our values and interests”. Thus, “the only route which ensures our future” is that “*of refounding a sovereign, united and democratic Europe*”.

These words, spoken with remarkable directness and clarity, mark the crux of the speech (*Initiative for Europe*) given by Emmanuel Macron at the Sorbonne on September 26, 2017. They were explosive and extraordinarily powerful words, for two reasons: first, because they came from the president of a country that is acutely aware of the value of the term “sovereignty”, and has so far always acted in a way designed to keep it firmly in the hands of the states; and second, because they reflect a will to revolutionise the political and psychological framework in which to pursue Europe’s rebirth. Indeed, Macron called for a process of EU reform that deviates entirely from the current systems and procedures, setting out a schedule and method that centre on the group of countries that are committed to rebuilding Europe: “we cannot allow ourselves to keep the same habits, the same policies, the same vocabulary, the same budgets”.

Thus, France, finally extricating itself from a 20-year-long state of impasse, has returned to the European stage — a stage on which, essentially up until the creation of the euro and the time of German reunification, it was the leading player, pursuing an intergovernmental vision of Europe in the Gaullist mould, which led it to oppose, actively, any progress towards a supranational political union. But, in the wake the fall of the Berlin Wall and the end of the Cold War — these events began a period that saw the creation of an initial federal power (in the monetary field, thanks to the birth of the European Central Bank), and

also saw Germany regaining full national sovereignty and emerging as a new leader in Europe, strengthened by the enlargement of the EU to the East —, France found its position increasingly weakened as a result of the leadership role progressively assumed by Germany. Furthermore, the backwardness of parts of its economy and the need for strong reforms to increase its competitiveness in the new global economic framework further undermined its capacity for political initiative.

Today, with the country still in the grip of a long and painful economic crisis, which has wiped out the traditional political forces and led to the emergence of extremely strong nationalist and anti-European sentiment, fuelled by populism, Macron has come to the realisation that the only way to get France centre stage once again is to successfully combine the planning of the country's much-needed internal reforms with the relaunching of the process of European integration. And these two things are, indeed, interdependent: the building of national responsibility, on the one hand, and of solidarity and strong policies at European level, on the other, are two parallel processes that cannot advance without each other. This means, first of all, proposing a new European identity for France — one that gets to the real heart of the *political* problem. The intergovernmental version of Europe that France has espoused until now serves only to exacerbate the divisions between the member states, leaving the leadership in the hands of the strongest countries and all the rest resentful; furthermore, the existing EU institutional balance leaves Europe incapable of taking action in the world, and unable to defend its values or protect its citizens and respond to their needs. For these reasons, the only avenue open to France remains that of promoting the building of a European federal power, through the construction of European sovereignty, greater unity of the European peoples, and European institutions that satisfy the demand for the democratic legitimacy on which the work of any true government is founded.

As all this comes to the fore, we cannot help but remark that the challenge of reforming the eurozone, and the EU, has now been waiting in vain to be addressed for a full five years, in other words since 2012, the year that the European Commission's *Blueprint for a Deep and Genuine EMU* and the *Four Presidents' Report* both spelled out the need to resolve the untenable situation of a monetary union that had been built without the support of a banking, fiscal, economic or political union. This inaction can be attributed to many factors, including the aforementioned French weaknesses and the lack of trust shown by Germany, and the northern European countries in general, in the other Eu-

ropean partners. But aside from these aspects, a significant contributory factor has certainly been the absence of a bold vision, capable of reigniting the process of European integration and dragging it out of the mire of national vetoes. This is precisely what Macron wants to do, because he is convinced that the answer for today's Europeans, desperately in search of the tools and a framework that will allow them to rise to the challenges of the 21<sup>st</sup> century, resides in the added value they derive from the European integration project — a project that has already ensured over 70 years of peace in Europe and fostered its economic growth and the civil development of its societies. But what is needed now is a powerful Europe, set on playing a global political role in defence of its values, its model of civil and social coexistence and its interests throughout the world.

The French proposal dares to break a series of taboos, and it does so by offering a project that is strongly driven by ideals, yet concrete and practical; and also by raising the question of the need to rebuild the European framework starting from two different levels of integration and rejecting the mythical idea, now almost a dogma within the EU, that the Union can be enabled to live up to its role without the need for a political act marking a break with the current decision-making mechanisms (even though this would, in any case, leave the current institutional framework intact). Several aspects of Macron's speech — its tone, the political nature of its content, the methodological approach behind the ideas, and the description of the steps to be taken in pursuit of the objective — combine to make it a manifestation of what Mario Albertini defined the indispensable "occasional European leadership". But the struggle of those intending to carry this brave attempt forward will undoubtedly be extremely arduous. The reactions coming from Germany are very worrying, as indeed are the attempts being made by many members, at all levels, of political circles in Europe to underplay the extent of the proposed reforms and confine them within the narrower framework of Community solutions, on the pretext of the need for compatibility with the existing Treaties. It could be that no one really expected such an advanced understanding of the route needed to save Europe to be developed and manifested by a head of state; or perhaps familiarity with the Community method — by this we mean the method that allowed Europe to embark on its unification process, and has since served to ensure supranationality in the negative integration processes (legislative harmonisation, market building), but remains totally inadequate for governing the policies that strike at the very heart

of sovereignty — has resulted in a loss of the early awareness of the federal objective. The fact remains that, words aside, the French proposal has been greeted with great scepticism in many quarters, and even those who see its merits struggle to understand how the project can be sustained and made to work.

For federalist organisations, on the other hand, the stakes could not be clearer. In this issue we have deliberately chosen to republish, also as a contribution to today's debate, two articles — one from 1996, and the other from 2001 — that denounced the drift towards intergovernmentalism that began to emerge with the reorganisation of the EU in the wake of Germany's reunification. Both contributions analyse the problems that were accumulating as a result of the loss of the prospect of federal political unity, a project that must necessarily be pursued starting from the creation, as a driving force, of a core group within the broader market-based union. Today, around two decades on, with events confirming the accuracy of those analyses and the French president sharing this same view and throwing all his weight into the battle, we know that the EU will not have another chance of salvation, or a future, unless it can summon the courage to exploit this window of opportunity. This is why it is so important to highlight, clearly, the main points of Macron's initiative, which, by offering Europe the possibility to make the federal leap forwards, presents it with the key to political success.

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The package of proposals that France chose to advance in the aftermath of the German elections, with the clear intention of raising the issues that the new government in Berlin will be called upon to address, covers both the strengthening of the internal market and the creation of an "integrated core" within the EU, built around the sharing of the same currency. This means a market (even more robust than the present one) founded on both the rule of law and the values of democracy, but also on solidarity and convergence of social standards — a European market that is equipped to better protect its citizens, primarily from unfair competition, and ready to welcome new members, which may even include the United Kingdom, once all the agonising uncertainty surrounding Brexit is over. At the heart of this European Union, which in the future will likely extend beyond the post-Brexit 27 member states, there must lie a political nucleus formed by the EMU member states, which already have the necessary foundations on which to build strong common policies in the areas that pertain to what Macron has identi-

fied as the six keys to European sovereignty, namely internal and external security, foreign and industrial policy, ecological transition, and the digital world, in such a way that the eurozone might become “an economic and industrial power built around the same currency”.

In short, there is no suggestion of a Europe *à la carte*, or of variable geometries; what is envisaged is a cohesive group that, united on all questions, advances together in all fields. In this regard, the most difficult question, from the perspective reaching a political agreement, will certainly be that of completing the monetary union and launching the economic union, as it will be necessary to overcome the resistance of the northern European countries to any proposal that evokes the possibility of a so-called “transfer union”. And yet, this is, too, is a taboo that it is essential to break down in order to advance. Obviously, it will be possible to proceed in this direction only if the states guarantee to comply with the rules agreed and pursue the reforms needed in order to boost competitiveness and support growth and employment; but in exchange, Europe needs to guarantee them common instruments, primarily a common budget for the eurozone to allow it to fund its policies, make investments and create stabilisation mechanisms. This must be a true and robust budget, funded with new (European) taxes appropriate to the economic model that it is chosen to pursue (web tax, financial transaction tax, carbon tax), and also, in theory, with part of the revenue from corporation tax, once this is better harmonised at European level; in short, a budget that will allow greater solidarity between the member countries and that, in addition to a sense of responsibility *vis-à-vis* the common rules on the part of all the member states, also needs “strong political guidance of a common minister” and must be “subject to strict parliamentary control at European level”. As Macron said, “Only the eurozone with a strong and international currency can provide Europe with the framework of a major economic power. So let’s look at the issue the right way round: if the euro is to become the currency of all EU member states once they meet the criteria, we must quickly create a strong, efficient, inclusive eurozone, and this strength will benefit all who join it in the future.”

For its part, France, after 15 years of inactivity, now says it is ready to kick-start the Treaty reform that is crucial in order to realise some of the proposals it has made, and thus, in practice, to open a constituent procedure. It is envisaged that this procedure will involve the citizens through democratic conventions serving to discuss, and possibly enrich, the project that a pioneering group of “refounding states” (i.e. the ones

most committed to, and ambitious for, Europe) will, as soon as the coming months, need to agree and develop together with the European institutions. From this perspective, it is clear that the European elections of 2019 will need to focus on these proposals to refound the European Union, so as to usher in five years of genuine constituent endeavour.

The real focus of the battle will be the development of an innovative method for reforming the EU, driven by a strong initiative on the part of the most advanced governments and by the contribution of the European institutions, without today's lengthy procedures and reciprocal vetoes being allowed to get in the way; indeed, this and the question of a true *ad hoc* budget for the eurozone financed with own resources will be the problems to resolve to prevent the entire project from derailing. Those who support the preservation of national sovereignty and the continuity of the Community model are already hard at work sending out their siren calls, opposing any suggestion for a eurozone budget, or indicating the false objective of a euro area budget line within the general EU budget, which would obviously be subject to all the constraints, unanimity included, of the 27-member Community mechanisms.

For those who believe in a united and democratic Europe, on the other hand, the moment has come to show courage, acting with a clear head and without indecision. Because wanting a united and democratic Europe must mean fighting for a sovereign Europe: the federal Europe envisaged by the founding fathers.

*November, 2017*

*The Federalist*



## In Memory of Mario Albertini

The first six essays in this issue of our review are a tribute to Mario Albertini, who was both the creator and the founder of *The Federalist*. Published to mark the twentieth anniversary of his death, they are the proceedings of a recent conference organised (in collaboration with the Albertini Foundation and *The Federalist*) by the University of Pavia, where Albertini taught for many years. The event provided a valuable opportunity to remember Albertini's remarkable theoretical and political contributions.

Albertini was a political scientist and a theorist of federalism, but he was also the politician who picked up the mantle of Altiero Spinali and transformed the MFE into an organisation of militants that has remained in the field for over seventy-five years and succeeded in playing a small but key part in the European process; at the same time, he was a teacher and guide to several generations that, over the decades, have been involved in the battle for a European federation.

Twenty years after his death, his thought, which anticipated many current trends, continues to give us the categories and analytical tools we need to understand the reality we are living through, and to reason on the political action necessary to influence it; this applies particularly in today's times of great change and great uncertainty.

Now, in particular, the world is going through a phase of dangerous instability, which stems mainly from the fact that the United States has lost its capacity to lead, while the European Union continues to be powerless and unable to play a responsible role on the international stage. What is more, Europe, rocked by populist currents, teeming with fears, and grappling with the urge to return to its nationalist past, is becoming caught up in a spiral of tensions between the member states that is leaving it weak and fragile. The European Union finds itself stuck in the quagmire of a precarious Community system that claims not to undermine the nation states' sovereignty, even though national sovereign-

ty, in today's world, is an increasingly illusory concept; as a result, even though relations between the European states are now characterised by a high degree of interdependence — an interdependence sealed and rendered irreversible by their shared currency —, the European project has still *not been made indestructible*, as Draghi warned at the height of the economic and financial crisis. Indeed, even though its implosion would have a devastating domino effect, the European Union still has to equip itself with institutional mechanisms capable of neutralising (or preventing) irrational decisions on the part of some of its members. The only way of securing and safeguarding the European edifice is to steer the European project back towards its original political objective, in such a way that the current rules-based system of European governance might make way for the formation of a true political government.

This vision of Europe as a laboratory for the construction of a federal supranational political power, which Albertini, together with Spinelli, developed and enriched with analyses that are still highly pertinent today, is another reason why Albertini continues to be a crucial guiding light. And it also explains why his intellectual and moral legacy is so precious and important to perpetuate.

*The Federalist*

# Albertini and the Theoretical Basis of Federalism\*

SERGIO PISTONE

Albertini's fundamental contribution to federalism is his development of a rigorous definition of the concept of federalism, which is to say his theoretical foundation of the same. Although his work, in this regard, was essentially carried out in the period 1962-1963, Albertini went on to provide further insights<sup>1</sup> around the time he replaced Spinelli at the helm of the European Federalist Movement (Movimento Federalista Europeo, MFE).<sup>2</sup> Prior to Albertini's reflections, there existed essentially two ideas of federalism. The first of these was *federalism understood as a theory of the federal state*, i.e. as a juridical doctrine that discards as ideological (in the sense of non-rigorous) considerations of any other kind. It has to be said that this was precisely Spinelli's understanding of it (even though it was Spinelli, through his considerations on the crisis of the nation-state, who actually laid the foundations for Albertini's subsequent definition of federalism).<sup>3</sup> The sec-

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<sup>1</sup> See, in particular, M. Albertini: *Il federalismo* (transcript of a lecture given in 1962 and published in M. Albertini and S. Pistone, *Il federalismo, la ragion di stato e la pace*, Ventotene, Istituto di Studi Federalisti "Altiero Spinelli", 2001; *Il federalismo e lo stato federale*, Milan, Giuffrè, 1963; *Le radici storiche e culturali del federalismo europeo*, in Mario Albertini, Andrea Chiti Batelli, Giuseppe Petrilli, *Storia del federalismo europeo*, edited by E. Paolini and with a preface by A. Spinelli, Turin, ERI, 1973; *Il federalismo* (an expanded and more detailed new edition of *Il federalismo e lo stato federale*), Bologna, Il Mulino, 1993. I recall that the period from 2006 to 2010 saw the publication of nine volumes, edited by N. Mosconi, that gather together Albertini's complete works: M. Albertini *Tutti gli scritti*, Bologna, Il Mulino. Each of these volumes runs to around a thousand pages.

<sup>2</sup> Cf. S. Pistone, *Il passaggio della leadership del Movimento Federalista Europeo da Altiero Spinelli a Mario Albertini*, in *Europeismo e federalismo in Lombardia dal Risorgimento all'Unione Europea*, edited by F. Zucca, Bologna, Il Mulino, 2007.

<sup>3</sup> Cf. A. Spinelli, *La crisi degli stati nazionali*, edited by Lucio Levi, Bologna, Il Mulino, 1991.

ond idea was *the concept of integral or global federalism*, as espoused by figures ranging from Proudhon to Denis de Rougemont and Alexandre Marc,<sup>4</sup> one of the founders of the UEF. According to this concept, federalism is a criterion for interpreting key aspects of social, economic, moral, philosophical and even religious life. Basically, the concept argues that it is possible to find federalist aspects (meaning facts and circumstances that can be explained by federalism) in all areas of human activity.

Albertini considered both these ideas defective.

The first, which reduces federalism to a theory of the federal state, fails to take into account the fact that states always rest on a social basis, which conditions their existence; it also fails to recognise that the nature and workings of their institutions are determined by particular types of political behaviour. Accordingly, this first idea of federalism does not clarify the workings of federal institutions, and it does not allow the development of a theory of social and political reality able to serve as the basis on which to create true federal institutions that really work.

Meanwhile, the concept of integral federalism, which holds that federalism indicates ways of acting and thinking that can be applied to all spheres of life, is out of touch with reality, as it is too vast to be able to identify specific behaviours or realities. We see this in the way Proudhon is treated.<sup>5</sup> Proudhon, of course, has been exploited on all sides: by the left and the right, by socialists and fascists, by the democratic and the anti-democratic, and so on — and this is precisely because his thought lacks a clear link with reality. Depending on the perspective from which it is considered, Proudhon's thought can justify the most diverse political positions.

According to Albertini, to form a rigorous idea of federalism (one that provides precise insights and makes it possible to act according to defined canons), i.e. a true theory, *we need to rethink federalism in terms of human behaviour*. In other words, we must identify the stable social behaviour upon which federal institutions, in order to come into being and work in a lasting way, must be based. Once we have identified a widespread and consolidated social behaviour, we must, adopting an analytical rather than a real perspective (because in real terms

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<sup>4</sup> Cf. in particular A. Marc, *Europa e federalismo globale*, edited by R. Cagiano de Azevedo, Florence, Il Ventilabro, 1996.

<sup>5</sup> Cf. M. Albertini, *Proudhon*, Florence, Vallecchi, 1974.

behaviour is viewed as a unitary phenomenon), look at its following three aspects:

- *its value aspect*, i.e. the end towards which it is directed, which must be capable of explaining the emergence of human passions and ideals;

- *its structural aspect*, in other words, the well-defined, i.e. institutional, form that it assumes in order to accomplish its purposes;

- *its social-historical aspect*, by which we mean the set of social and historical conditions in which the behaviour can spread and become established (given that behaviours directed towards a purpose, and showing a clearly defined structure, emerge only in specific social and historical contexts).

Identifying these three aspects of federalist behaviour effectively places federalism, as an ideology, on a par with liberalism, democracy and socialism, in other words with the great ideologies, rooted in the Enlightenment, that have guided the development of the modern world and to which, according to Albertini, federalism is the successor.<sup>6</sup> It should be noted that the concept of ideology to which we refer here is not to be confused with the concept of false consciousness; rather, it coincides with the idea of active political thought whose aim is to know and change the world. And it should also be noted that democracy as we now understand it shows a convergence with the other ideologies stemming from the Enlightenment, in the sense that it cannot be separated from liberalism (which prevents dictatorship of the majority), or from social justice (which ensures the effective exercise of liberal and democratic rights).

That said, let us examine concretely the three aspects of federalism as clarified by Albertini.

1. *The value aspect of federalism*, according to Albertini, is peace.<sup>7</sup> Peace, as understood in this context, was identified and introduced into the history of culture by Kant. Let us recall its main points.<sup>8</sup>

First of all, Kant, adopting a realistic view of international relations (based on the doctrine of *raison d'état*), and thus starting from the the-

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<sup>6</sup> Cf. F. Rossolillo, *Il federalismo e le grandi ideologie*, in *Senso della storia e azione politica* (two volumes that collect the fundamental writings of Rossolillo), Bologna, Il Mulino, 2009.

<sup>7</sup> The value aspect of liberalism is individual freedom, while for democracy it is political equality, and for socialism, social justice.

<sup>8</sup> Cf., in particular, I. Kant, *La pace, la ragione e la storia*, edited and with an introduction by M. Albertini, Bologna, Il Mulino, 1985.

ory that international anarchy is the structural cause of war, provided a rigorous explanation of peace as the result of a specific organisation of power: essentially, he theorised that transforming the balance of power between states into true juridical relations has the effect of overcoming international anarchy, and, through the extension of statehood on a universal scale, eventually makes war impossible.

Second, Kant provided essential clarification of the relationship between the pursuit of peace as a guiding value and the ideologies of liberalism, democracy and socialism (Kant does not actually speak of socialism, but his argument implicitly includes it).<sup>9</sup> This clarification can be divided into three considerations:

- peace is structurally linked to the aforementioned ideologies, since the global state that is the indispensable condition for overcoming global anarchy will (providing freedom, democracy and social justice are guaranteed) be stable and unchallenged, in other words, it will not be an authoritarian empire;

- the overcoming of international anarchy is indispensable for the full realisation of freedom, democracy and social justice, because as long as power relations persist between states, external security will remain their top priority, and this is a situation that inevitably has authoritarian implications;<sup>10</sup>

- progress in the democratic direction (and therefore also in the direction of liberalism and social solidarity), despite encountering, as indicated, considerable obstacles in the form of international anarchy, introduces a structural driving force for the elimination of war, which is a phenomenon whose negative consequences impact mainly on the citizens. This last point should not be interpreted as a convergence between Kant and the theory of democratic peace (part of internationalist ideology),<sup>11</sup> which argues that democracy is enough to bring about peace; instead, for Kant, peace demands the elimination of international anarchy.

## 2. *The structural aspect of federalism* is the federal state.<sup>12</sup> Alberti-

<sup>9</sup> Cf. L. Trumellini, *Federalism and Human Emancipation*, The Federalist, 52, Single Issue (2010), p. 52 ff..

<sup>10</sup> Cf. R. Aron, L. Dehio, H. Hamilton, O. Hintze, L. Lothian, F. Meinecke, L. Von Ranke, L. Robbins, *Politica di Potenza e imperialismo. L'analisi dell'imperialismo alla luce della dottrina della ragion di stato*, edited by S. Pistone, Milan, Angeli, 1973 and S. Pistone, *Ragion di Stato, relazioni internazionali, imperialismo*, Turin, Celid, 1984.

<sup>11</sup> L. Levi, *What is Internationalism?*, The Federalist, 33, (1991), p. 171 ff..

<sup>12</sup> For the other ideologies, this aspect corresponds to the separation of powers and the declaration of rights (liberalism), the participation of all citizens in the making of laws and the control of government (democracy), and the welfare state (socialism).

ni's definition of the configuration of the federal state was based on Alexander Hamilton's comments<sup>13</sup> on the Constitution of the United States of America drafted by the Philadelphia Convention of 1787, and on the insights of Kenneth C. Wheare,<sup>14</sup> contained in his analyses of the various federations that have taken shape since Philadelphia. Let us examine the key points of this definition.

In general terms, the federal state is a new form of state capable of reconciling the unity necessary to prevent the emergence of conflicts between states with the level of autonomy (of each state) necessary to safeguard their freedom. *It is a state of states*, and precisely for this reason is different from a confederation, which is, instead, a union of states that each retain full sovereignty.

In addition to the functional division of power (legislative, executive and judicial), the federal state also provides for the territorial division of power between different levels of government, which are, at once, independent and coordinated; this is its main characteristic. It must be said that whereas in existing federal states essentially two levels of government have been identified, that of the federal state and that of the member states, in recent times there has emerged a very strong need, especially in Europe, to recognise all local communities (from neighbourhoods to cities and regions) as autonomous levels of power. With regard to this territorial division of power within the federal state, it should be noted that (unlike what happens in unitary states) the central government retains only the minimum competences and powers necessary to guarantee the political and economic unity of the federation, whereas the other levels have full capacity for self-government on all other matters. Within its own sphere of competence, no level of government should be subordinated to the one above.

This constitutional balance is reflected in: *bicameralism* (the existence of a chamber of the people of the federation and a chamber of representatives of the states, which jointly exercise legislative power and control over the executive); the *fiscal autonomy* of each level of government, which must have the power to impose taxes to finance its services and policies; and the *role of the Court of Justice*. The latter protects the division of powers between the central government and lo-

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<sup>13</sup> Cf. A. Hamilton, J. Madison, J. Jay, *Il federalista*, (with an essay by L. Levi, *La federazione: costituzionalismo e democrazia oltre i confini nazionali*), Bologna, Il Mulino, 1997.

<sup>14</sup> K.C. Wheare, *Federal Government*, London, New York, Toronto, Oxford University Press, 1963.

cal governments on the basis of a written constitution and, being founded on the existence of different levels of government, each of which is keen to protect the independence of the judiciary vis-à-vis the other levels, it is endowed with truly autonomous power that enables it to undo legislative and administrative measures not conforming to the constitution, and to have the last say on disputes over the division of powers. The federal state, characterised by the supremacy of the constitution, is thus the effective realisation of the constitutional state, in which power is subordinate to the law.

A fundamental point should be stressed here. The existence of different, independent centres of decision making within a given area overcomes the principle of indivisible sovereignty — a principle that was originally established in order to guarantee unity of decision making within the modern state and counter feudal anarchy. In view of this, some scholars of theory of state have suggested that a federation cannot be considered a true state, i.e. one able to eliminate internal anarchy. But this argument can be countered by the observation that providing there is unity of decision-making on each single issue, i.e. providing individual decisions are not subject to different laws, then the problem of internal anarchy is overcome. In the federal state, this singleness of the decision-making process vis-à-vis each issue is preserved, given that every single issue falls within the clear competence of either the central power or other levels of government. Hence, the division of sovereignty within the federal framework preserves the unity of decision-making that serves to prevent anarchy. In short, the federation implies no loss of the fundamental capacity of the modern state, and it thus constitutes a form of state.

Finally, it should be underlined that the federal state is the structure that can achieve peace understood as the overcoming of international anarchy, since the unity it can guarantee on a world scale preserves the autonomy, and thus the freedom, of the other levels of government.

3. *The social-historical aspect of federalism* refers to the historical situation in which peace can be achieved through the power structure that is peculiar to the federal state.<sup>15</sup> For Albertini, this means a situation in which mankind's division into antagonistic classes and nations has been overcome, thereby opening the way for the development of

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<sup>15</sup> The social-historical aspect of liberalism, on the other hand, is the emancipation of the bourgeoisie, while for democracy it is the emancipation of the middle classes, and for socialism, the emancipation of the proletariat.



the pluralism, expressed by the principle of unity in diversity, that characterises federal society. Indeed, in a federal system, loyalty to society as a whole coexists, in a non-hierarchical relationship, with loyalty to the smaller, local communities that comprise the system (states, regions, cities, neighbourhoods). But in the federal societies that have existed to date, this social equilibrium has been attained only partially. On the one hand, the class struggle (which can be radically overcome only through the full development of the scientific revolution and thus the structural overcoming of the proletarian condition, i.e. the dichotomy in the world of labour between managers and those who are managed)<sup>16</sup> has made the sense of class membership stronger than any other form of social solidarity and prevented individuals from forming strong bonds of solidarity as members of state communities. On the other hand, the struggle between states at international level (which can be eliminated only through the unification of the whole world) has led to a strengthening of the central power to the detriment of local powers, and resulted in loyalty to the former predominating over loyalty to other powers. It follows that the full establishment of federalism will come only with the creation of the world federation, and also with a level of social progress that consigns the class struggle to the past.

Viewed from this perspective, it is easy to see why the very first federation (the American one) came into being, and also to appreciate the relevance, in the wake of the two world wars, of federalism for Europe (and ultimately the world).

In the United States, two exceptional historical circumstances allowed the federal system to come into being and then survive, albeit in imperfect forms, through to around the Second World War (after which centralising tendencies began take hold, throwing the country's federal character into question).

First of all, there was a marked attenuation of the class struggle, due to the fact that labour was consistently better paid there than in Europe; basically, in the United States, the availability of endless expanses of unexploited land constantly drew workers away from the urban centres of the East, and slowed down the formation of a large, organised, urban proletariat. Added to this, the energies of America's boldest and most

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<sup>16</sup> Cf. L. Trumellini, *Mario Albertini's Reflections on a Critical Reworking of Historical Materialism*, *The Federalist*, 50, n. 1 (2008), p. 13 ff. and *Mario Albertini's Reflections on Kant's Philosophy of History and its Integration with Historical Materialism*, *The Federalist*, 51, Single Issue, (2009), p. 12 ff..

vigorous popular forces (those which in Europe found their natural outlet in proletarian agitation) were absorbed by the country's westward expansion. This attenuation of the class struggle (which, among other things, explains why socialism never really developed politically in the United States) allowed the citizens of the single states to develop a sense of solidarity that went beyond class, in other words it fostered a strong and lasting territorial loyalty towards the single states, in addition to the loyalty felt towards the USA as a whole.

Second, in the military field, the USA's geographically insular position meant that it did not need to develop, in order to guarantee its security, a strong military apparatus of the kind that, with all its centralist (and therefore authoritarian) implications, would have resulted in loyalty to the central power prevailing over loyalty towards lower levels of power (which is what happened in the states of continental Europe). Subsequently, however, the discovery of the most modern means of destruction, able to reach any point on the globe, led to the emergence of the strong centralising tendencies, mentioned earlier. As a result, the federal experience that has unfolded in the United States must ultimately be considered precarious and limited.<sup>17</sup>

As regards the relevance of federalism for Europe (and ultimately the world) following the world wars, Albertini's theory clarifies the objective reasons underlying the drive for European integration and the resulting creation of a union that, alongside its confederal aspects, also represents a definite movement towards a complete federal system. Here, the central factor was the *de facto* decline of the national sovereignties, followed by the *de facto* unity of the European nation-states that grew from their irreversible historical crisis: in other words, the structural weakness of the European nation-states in the face of the international interdependence driven by the advancing industrial revolution. In this setting, Europe's single states, finding that they could no longer address the fundamental problems of the modern world, whose scope had become supranational, had no choice but to cooperate in an increasingly deep and stable manner in order to survive; furthermore, the close of the era of world wars had brought their power to an end and resulted in a strong convergence (in Western Europe) of their foreign, defence and economic policies, under the protection of America's hegemony in the framework of the bipolar world system. Basically, there was a definite

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<sup>17</sup> Cf. M. Albertini and F. Rossolillo, *La décadence du fédéralisme aux Etats-Unis*, Le Fédéraliste, 4, n. 3, (1962).

reduction in recourse to power politics between the European states, and this greatly weakened the system of opposing nationalisms; these circumstances encouraged a process of supranational unification that created the conditions for the establishment of a sense of loyalty towards Europe. But, Albertini stressed, the situation will remain precarious until such time as Europe's unity is secured by fully federal institutions. Once these are in place, there will follow the creation of a European federal society, characterised by a balance between loyalty to Europe and loyalty towards the member states of the federation; and this balance will remain solid because the federation will represent a coming together of historically consolidated nation-states (as opposed to the former British colonies that united to form the US federation).<sup>18</sup>

With regard to the class struggle, the process of European unification, creating an economy of continental dimensions, has resulted in marked social progress that has greatly reduced the conflict between antagonistic classes, and this has, among other things, strengthened loyalties towards regional and local communities and paved the way for the realisation of federalism within the single states.

The logic of European unification can be applied, potentially and with a long-term view, to the question of global unification, too. In this regard, the advancement of interdependence, associated with progress towards the post-industrial system and the scientific revolution, is giving rise to the phenomenon of globalisation, which, although it is bringing forth the first elements of a global society and a global economy, is making states of continental dimensions incapable of adequately addressing the fundamental problems of global dimensions (problems that, being linked to the development of weapons and technologies of mass destruction and the upsetting of ecological balances, are threatening the very conditions allowing human life on our planet). For this reason, the global unification (and thus global federation) issue is no longer a matter confined to the sphere of utopian reflection.<sup>19</sup> Albertini, in this regard, recalled that Kant had anticipated these developments, arguing that the growth of trade (and the resulting spread of interdependence beyond states), together with the unstoppable march towards ever more destructive weapons, constituted objective factors that would, in the long run, lead to global unification.

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<sup>18</sup> Cf., in particular, M. Albertini, *L'integrazione europea e altri saggi*, Pavia, Edizione Il Federalista, 1965.

<sup>19</sup> Cf. M. Albertini, *Unire l'Europa per unire il mondo*, second part of M. Albertini, *Nazionalismo e federalismo*, edited by N. Mosconi, Bologna, Il Mulino, 1999.

# Albertini's Demystification the Nation-State and of the Idea of Nation\*

FRANCESCO BATTEGAZZORRE

This talk differs in a specific and important regard from the one you have just heard, and from all the others you will hear this morning. I will not be dealing with the topic of Albertini's valuable elaboration of federalist doctrine and its application in political practice. Instead, the issue I have been asked to examine is another one, namely, his reflections upon the nation-state,<sup>1</sup> meaning that form of political organisation that divides humankind into separate and mutually hostile communities, and in so doing impedes the attainment of two goals that Albertini had identified as theoretically valid, and that drove his actions: federal unification of Europe (in the near future) and unification of the entire human race under the umbrella of a global democratic federation (in the distant future). For Albertini, therefore, working to clarify the nature of the nation-state and of nationalist thought was tantamount to grappling with his own particular *bête noire*: a concept that, for him, held no positive value at all.

It would thus be naive to assume that Albertini approached this task without having first developed his own clear mindset. In his view, the whole variegated and confused jumble of ideas, sentiments, judgements

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<sup>1</sup> The first edition of *Lo Stato nazionale* was published in Milan by Giuffrè and is dated 1960. The second edition, which is the one I have used, was published in Naples, by Guida, in 1980.

and prejudices through which the concepts of nation and nationalism find expression shows, even on a superficial analysis, all the traits of mythical thought. And there are two ways to try and get rid of a myth: one is to set it against a counter-myth of equal or greater plausibility and effectiveness; the other is to subject it to critical scrutiny, in the light of reason. Albertini, a Weberian intellectual, could only choose the second option, which meant gathering the vast body of material produced over centuries of study and elaboration of national ideas, and setting this against the reality of known facts, so as to arrive, through painstaking conceptual decomposition and re-composition, at a satisfactory and entirely rational answer to the question: what is a nation?

Albertini's study of the nation-state and nationalism must therefore be considered, first of all, from the perspective of his chosen approach: systematic application of the analytical method.<sup>2</sup> Albertini is a deep and sophisticated thinker who, in his writing, is careful to relieve the reader of the need to look for and identify the epistemological and methodological assumptions underpinning his investigation: he himself points these out at every stage in his analysis. Indeed, anyone who has read his book *Lo Stato nazionale* will know that, in it, adopting a remarkably systematic approach, he advances on two fronts. This is because he is well aware of the scholar's need, all the time, not only to consider the object of his study, but also to monitor the method of study being used; essentially, this second task entails constantly checking the logical foundations and methodological "soundness" of the propositions that are progressively advanced as a result of the work being done on the first front. It is his firm belief that the immaturity of the analytical tools available to the social sciences — the weak sciences — oblige the scholar to take on this "extra" workload. And it is a responsibility that he himself never shirked, even in his most militant writings.

This working condition, peculiar to those involved in the social sci-

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<sup>2</sup> This should be taken as a warning by the reader of this article. Albertini's method is such that attempting (even from a purely descriptive perspective) to tackle his work without taking into account his analytical approach would make his conclusions incomprehensible, and also trivialise his achievements. On the other hand, an analytical exposition soon becomes difficult to follow when it is presented orally. Hence the decision to opt for what seemed to be an acceptable compromise. Bearing in mind that the topic of this contribution is well known, in its main lines at least, every effort has been made to limit, as far as possible, the reconstruction of the stages in the highly sophisticated in-depth investigation conducted by Albertini in his book. But this could not be avoided entirely. For a masterful reconstruction and comparative evaluation of Albertini's theory of nation, see the essay by Franco Goio, *Teorie della nazione*, Quaderni di scienza politica, 1, n. 2 (1994), pp. 181-255, particularly pp. 209-13.

ences (perhaps with the partial exception of economics), may be considered fortunate or unfortunate, depending on one's point of view. Albertini tended to consider it unfortunate because he saw it as a reflection of the backwardness of the field of knowledge in which he had chosen to engage his talents, a backwardness that he wanted to see overcome. Whether now, sixty years on, things have improved in terms of the capacity to produce reliable knowledge is debatable. One difference, without a doubt, is that there now seems to be far less awareness of the fragility, in an epistemological and theoretical sense, of our disciplines (naturally I refer first of all to my own discipline, political science). This has resulted in scholars working in a state of substantial epistemological anarchy and in a theoretical vacuum, and seeking to compensate for this by engaging in endless debates on the "methodologies" (or, more accurately, research techniques) used. Therefore, even if it is only to re-establish and cultivate this awareness, anyone engaged in, or wishing to embark on, the study of social phenomena would do very well to read, or re-read, Albertini's book and, in general, all his more theoretically oriented works: it is a healthy exercise, and of value in itself.

After this brief and somewhat free account of the method used by Albertini in his analysis, let us move on to its substance. His objective is clearly stated right at the start of the book: to answer satisfactorily the question "what is a nation-state?", which therefore also entails establishing the meaning of nation, here used as the adjective that both describes and colours the noun. In Albertini's introduction to the second (1980) edition of his book, the question is posed from the dual perspective of a collective historical experience (Italy's experience of Fascism and the war) and an individual one (the author's own), and thus given an existential dimension. Albertini can be counted among those who, as he himself put it, "had opened their eyes" in time, before the regime plunged the country into the disaster of war. But this early awareness of being on the wrong side of the fence, or of history, should be seen in its proper light, if we want to understand Albertini's intellectual project, and the way it unfolds in the pages of *Lo Stato nazionale*. It was a question of considering the state and its supporting ideology (nationalism) in relation to their historical context. Like any other form of political organisation, the modern state came into being as a response to the pressure of certain environmental factors. But political organisations tend to remain in place even after the needs that triggered their development no longer exist, and their con-

tinued existence can sometimes slow down and impede historical development.

This diagnosis thus presents a theoretical challenge: that of understanding a situation of power, the nation-state, and the objective and subjective structures that continue to sustain it, as a prerequisite for identifying the conditions and means that can allow it to be overcome. Viewed in this perspective, commitment to the federalist project,<sup>3</sup> which extends from the intellectual sphere to direct political engagement, seems to provide a solution and an endpoint, and at the same time to constitute a way of redressing a past existential experience. It emerges as an expression of the rehabilitation of Italy: of the homeland understood as a place of life and of memory, and as a nation that, no longer exclusive, is free and independent together with other nations, also free and independent.

The aims of the book are therefore expressly formulated from the very first lines: to clarify what is, or appears to be, obscure, and to submit to reason-based analysis that which conventional wisdom takes to be fact without subjecting it to reflection and criticism.<sup>4</sup> At this point, my exposition must necessarily become more analytical. Hoping to avoid making it heavy going, I have decided to summarise Albertini's development of his analysis, setting it out as a chain of propositions that are necessarily abstract because each one represents a theoretical step:

1) the nation is an entity whose statute is not clearly understood, because the way it is interpreted (in terms of ethnicity, language, culture, historical heritage, etc.) by the various nationalist doctrines never corresponds perfectly to the context in which it has historically been incarnated; it stems from a fact of experience: *national conduct*, i.e. from actions, actual or potential (attitudes), that are linked or attributed to this mysterious entity;

2) for this reason, national conduct cannot be identified and ex-

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<sup>3</sup> Federalism constitutes the appropriate political-institutional solution to the ethical-political ideal that combines the value of democracy with that of peace. On this latter topic, developed from the Kantian perspective of perpetual peace, cf., in particular, Mario Albertini, *War Culture and Peace Culture*, *The Federalist*, 26, no. 1 (1984), pp. 9-31.

<sup>4</sup> This is a criticism that does not detract from the positive aspects introduced by the advent of the nation state: "nell'idea di nazione v'è un contenuto chiaro, un rapporto effettivo con una tappa essenziale della storia: la prima attribuzione dello Stato al popolo, qualcosa che può davvero essere pensato come la prima affermazione della libertà, dell'eguaglianza e della fraternità" (the idea of nation harbours a clear content, a real relationship with a historical milestone, namely the first assignment of the state to the people, something that can truly be considered the first affirmation of liberty, equality and fraternity), *Lo Stato nazionale*, *op. cit.*, p. 13.

plained solely on the basis of a direction of meaning that sets it within a given framework (economic, religious, cultural and so on), since the very reference (the definition national) “warps” and absorbs that direction of meaning;

3) the extension of this reference to a multiplicity of subjects, individual and collective, has the effect of unifying a mixture of different behaviours (different not just in the sense of their being concretely adopted by different subjects, but also in that of their content, which can be economic, cultural, etc.), with the result that each one appears to be the manifestation of a single direction of action: the *national* one;

4) this link between the nation and behaviours that are not intrinsically national rests on the assumption that the nation as an entity exists, in other words that it has been taken into consideration as something already established, or at least as a project that aspires to be realised: in short, the *idea* of nation must be present;

5) for its part, this idea of nation, meaning the representation of situations (current or potential) in national terms, requires that the state of things reflected (even obscurely and imperfectly) in the national idea be identifiable: for Albertini this state of things corresponds to the unification and standardisation of behaviours fostered by the centralised bureaucratic state;

6) finally, the idea of nation, understood as a mere representation, is not enough to act as a motivating force of behaviour, unless it succeeds in turning the nation into a value (possibly even raising it to the level of a supreme value); in other words, unless it can give it the status it needs to win support and dedication, and even generate a measure of emotional attachment: insofar as it achieves this, the idea of nation becomes a true *ideology*.

I do not intend to examine each of these steps in detail, as it would be far too time-consuming an exercise, and above all an inexcusable abuse of my audience’s patience. I use them purely to identify the nature of the problem addressed by Albertini, which is essentially to analyse the relations between the following three elements: a) the formation of a specific power structure, that is to say the emergence of the bureaucratic state as the pre-eminent political form of the modern era; b) the affirmation of the idea of nation as a representation or even ideal that, without as such being adequately described, is nevertheless “realistic” (or at least not unrealistic) because it has aspects that correspond to reality, i.e. to the new power structure; c) the infusing of the idea of nation with value in such a way that it generates loyalty and a



spirit of sacrifice among the people, both individuals and groups, operating within the “national” domain.

To highlight the relations between these three elements — state, idea of nation and national ideology — it is necessary to make two crucial theoretical transitions: from the reality of the state to its idea or image, and then from the idea to the ideology.

With regard to the first of these, the relationship between the state and its representation in national terms is one not of dependence, but of out-and-out interdependence. Certainly, the affirmation of this form of political organisation, which concentrates power, drawing those who are governed, initially as subjects but then progressively as citizens, into a unified universe and thereby undermining cultural factors such as the class-based compartmentalisation of society, obeys a logic of its own, sustained by gigantic upheavals in the field of the production and distribution of material resources, and, in the political arena, by the formation and transformation of specialised structures that are instrumental in ruling. But the interchange with the cultural sphere nevertheless remains essential, with the result that even when statehood emerges precociously, it is soon visibly reflected in the field of ideas. Thus, Albertini explains, “the idea of nation emerges as a semi-real and semi-fantastic representation of what happens, but the things that happen would not happen without such representations, and such representations would not be possible without the things that happen”.<sup>5</sup>

This first transition, which, in a sense, sees the sphere of current ideas adapting to the changing order of reality, reaches completion with the emergence of the idea of nation. It is a necessary step — after all, nationalism cannot arise if there is no idea of nation —, but it is not enough. Albertini is a political realist. He is not at all willing to subscribe to the argument that nationalism, understood as a reality operating in the minds and then manifesting itself in the actions of individuals, is a direct effect of the doctrinal formulations of philosophers, men of letters, writers on political issues, and so on. The nation — the idea of nation — can be created at a drawing board, but nationalism — national ideology — cannot. Albertini, in reference to Rousseau and Herder and their alleged role in bringing about national behaviours, comments: “How can formulations that are purely ideal transform the power situation in the short term?”<sup>6</sup>

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<sup>5</sup> *Ibid.*, p. 147.

<sup>6</sup> *Ibid.*, p. 142.

Thus, the reality of the state, if and as long as it is mirrored purely in a representation, however transfigured and idealised, of the new configuration of power, will not be able to influence behaviours — especially at the mass level — channelling them in a national direction. This demands the second transition. In other words, for it to happen, the idea of nation needs to take root, in people's minds, in the form of a value, and a supreme value at that: indeed, accepting something as a value brings with it a commitment to act, so that the value is realised. In short, it can perform an effective motivational function.

This is the transition where, according to Albertini, the idea of nation is transformed into an ideology. To explain this, he uses two different lines of argument. One concerns a shift of what we might call the source of propagation of the idea from intellectuals to those in power, which occurs as the latter perceive how the idea can, by providing justification or legitimisation, be placed at the service of their own power objectives. But this line of argument is not enough, because while it tells us how the idea of nation can be preached as a value by someone who controls very powerful instruments for spreading it (through education, public rituals and so on), it does not indicate the mechanism that makes it accepted by the general public. This handing of the baton from intellectuals to those in power draws the idea out of purely scholarly circles and makes it available to the community as a whole, but we still do not know why the latter is led to believe it and to act upon that belief. Hence Albertini's introduction of the concept of ideology, which is the second line of argument he uses to provide a theoretical explanation for the transition from nation as a representation to nation as a value.

Albertini's use of this concept is similar to that of Gustav Bergmann, in that both believed that ideology is characterised by the self-mystification that can occur when values believed in are mistaken for real facts. To clarify this, it is necessary to make some considerations regarding the appropriate use of language: there exist assertions that serve to describe the world, and others that serve to express subjective judgements that, being such, are not subject to the application of the criterion of truth. Ideology takes assertions that, in their logical sense, describe facts, but it uses them to convey contents that are actually value judgements. Hence the falsity of the assertions it makes. This understanding of the concept of ideology helps to explain the transition from nation as a representation to nation as a value: from idea to ideology, and also the effectiveness of this in motivating human action.

It is an ingenious explanation, even though its validity may be open

to question. Bergmann's interpretation of the role of ideology concerns the transition, on a linguistic-symbolic level, from value judgements to factual assertions, which is linked to the typically human tendency to assign an "objective" status to subjective convictions; Albertini, on the other hand, seeks to demonstrate the reverse: not the transition from values to facts, but rather the transition from facts to values, or more precisely from one fact (statehood represented in the idea of nation) to one value (nation as a value), and in particular to the establishment of this value in a position that would allow it to generate the highest level of loyalty: the exclusive nation.

But any weaknesses in Albertini's arguments should not be allowed to detract from the overall significance of his endeavour: indeed, although even his positive definition of what the nation is (an exclusive ideology) does not seem, in the end, entirely convincing, his systematic work of demolishing the myth of the nation — the demystification mentioned in the title of this contribution — must be considered a complete success.

The refinement of his investigation, and above all the solidity of its results, are confirmed by the response of the scientific community, which, after all, is the ultimate test, the one that really counts in the evaluation of intellectual output. Indeed, if we consider the most important studies on the subject of nationalism that have come out since, in some cases long since, the publication of *Lo Stato nazionale* — I am thinking, in particular, of the works of Benedict Anderson and John Breuilly —,<sup>7</sup> it is impossible not to be struck by the convergence between the conclusions reached in these studies and those previously advanced by Mario Albertini. And although these authors' failure to afford Albertini due and deserved recognition — there are no references or allusions to his works in their bibliographies — leaves rather a bitter taste, the fact that they share his conclusions does seem to constitute further confirmation of the scientific value of Albertini's work, which can thus be placed in Popper's third world of objective knowledge. Albertini, a modest man who had no interest in academic glory and took no excessive pride in his achievements, would nevertheless have drawn a certain satisfaction from this substantial convergence of visions.

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<sup>7</sup> Benedict Anderson, *Imagined Communities*, London, Verso, 1983; John Breuilly, *Nationalism and the State*, Manchester, Manchester University Press, 1985.

# Albertini, Political Scientist: Lessons on Historical Materialism, Kantian Political Philosophy and *Raison d'Etat*\*

LUISA TRUMELLINI

The reference source for this presentation, like the two essays on this subject I previously wrote for *The Federalist* (respectively, issue 1, 2008 and the single issue of 2009), is the transcript of a complete recording of a series of lectures given by Mario Albertini for the political philosophy course he directed during the 1979-80 academic year.

Given the tight schedule of this conference, and the vastness of the subject matter in hand, all I can do is attempt to outline the theoretical scheme that can be drawn from Albertini's lengthy exposition. My presentation is also to be seen as an acknowledgment of a fundamental part of his reflection that, today, is still hidden from public view. In truth, however, what we really wish to do, on the occasion of this meeting, is resume and re-launch the attempt to make accessible, to scholars as well as political militants, the results of Albertini's decades-long work of detailed, but always verbal, analysis. The time has come to start organising this material, so that his lessons can be formally published.

This brief presentation will not allow me anything like the space I need to convey the extent of Albertini's analysis, or to give a real idea of what was experienced by his students, for whom he repeatedly opened up new windows onto various areas of knowledge, allowing them to glimpse different aspects of reality with fresh insight. This is, precisely, the reason for the project — the only way to do justice to the depth and richness of this part of Albertini's thought (here only touched on), not to mention the contribution it made to the field of political science.

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\* This is the text of a presentation delivered at the conference entitled *Il federalismo europeo e la politica del XXI secolo: l'attualità del pensiero di Mario Albertini* (European federalism and 21<sup>st</sup> century politics: the relevance of the thought of Mario Albertini), held at the University of Pavia on 16 November, 2017.

Through a process of reflection evolving over a period of more than 30 years, and lasting until the late 1980s at least, Albertini developed a critical reworking both of historical materialism and the concept of the course of history and the specific nature of politics. His very first expositions on these topics (largely preserved as they were recorded and subsequently transcribed) date back to the start of the 1960s, the period that saw Albertini analysing the foundations of European federalism, which he recognised as an expression of active political thought, capable of orienting action on the basis of an original interpretation of the historical process and an original political-institutional proposal. This was the period in which Albertini, with an insight that stemmed from Spinelli's identification, in the *Ventotene Manifesto*, of a new dividing line between reactionary forces and the forces of progress, foresaw the crisis of the traditional ideologies, thirty years before this became a reality.

In relation to this new political orientation called federalism, Albertini, in seeking to clarify the nature of the battle for European federation (and also the necessary strategy) reflected first of all upon the concept of the course of history, and the relationship between determinism and freedom. His aim was to establish whether it is possible to exercise rational control over historical and political processes. For Albertini, it was absolutely crucial to try to understand whether a scenario in which politics might once more be the ambit within which the present can be interpreted and the future planned for is even thinkable, and, second, whether such a scenario has any correspondence to the processes actually taking place, and thus whether it can supply the instruments of understanding that can make it possible to intervene in reality.

Albertini was convinced that this was the fundamental question that the philosophical-political culture of our times should be seeking to answer, and he saw it as crucial, from this perspective, to continue the endeavour, begun by Marx and by Max Weber in particular, to lay the foundations for the building of a solid political science. Accordingly, to a large extent, he devoted his reflections to this topic, mainly analysing the process of history in an attempt to identify its fundamental laws and thus provide political science with an objective basis. In his view, this was also the necessary condition for defining the specific nature of politics as a sphere of human action.

Albertini's critical reworking of Marx's theory of historical materialism was part of this endeavour.

Previously, speaking at a federalist training course in Pavia in 1964, he had already clearly set out this fundamental problem of the relationship between politics, freedom and the historical process and had indicated that several fundamental categories for addressing it could be derived from a reworking of Marx's theory of historical materialism: "There exists an extremely widespread arbitrary conception of history according to which man is free and the master of his own destiny as an individual. But this free man, who makes his choices, plans his destiny, and represents his own project, is actually nothing at all, because history regards itself, and him, in an entirely different light. Together, these free men find themselves obtaining results that appear to be completely random with respect to their choices. But, the fact is that although each man is free and plans out his existence, his existence is mixed together with those of all others, and this inevitably leads to a result that is beyond the scope of all possible knowledge, will or decision. Therefore, if all we do is recognise historical determinism while at the same time claiming to have freedom of choice, the result is inevitably irrationalism. *To overcome this contradiction we need to try to construct a vision, a theory that allows us highlight the relationships that exist between the freedom of individuals (which is a real experience, and must therefore have a foundation), and the course of history, which is also a real experience and cannot be overlooked every time we try to understand the unfolding of human affairs*".<sup>1</sup>

Albertini was driven primarily by the practical need of those who, being personally involved in radically new (revolutionary) political action, must find their own way on terrain where the established categories of thought, already shared and used in previous battles, are no longer of any help, in other words, no longer able to provide an understanding of current processes. The theoretical requirement in Albertini's case thus stemmed from the need to find a scientific basis on which to direct this action. This is a vital necessity for those who, like Albertini, are conducting a new form of political struggle in pursuit of an objective that has no precedent in history — a struggle that only a vanguard movement can pursue, and that cannot exist and endure without a very solid theoretical foundation. For federalists, this is indispensable as it allows them to understand the profound nature of the ongoing processes and the challenges that arise, develop an awareness of the

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<sup>1</sup> From *Il corso della storia*, in Mario Albertini, *Tutti gli scritti*, edited by Nicoletta Mosconi, Bologna, Il Mulino, vol. IV, pp. 715-741 (1964). Italics added.

role they are called upon to play, and concretely ascertain their margin for political intervention.

This reflection, developed and deepened by Albertini over several decades, comprises four key aspects: the epistemological statute of the social sciences; the doctrine of historical materialism; Kant's philosophy of history; and an understanding of the nature of politics and of the limits of its autonomy, squeezed, as it is, between the determinisms highlighted by the theory of the mode of production and the laws of *raison d'Etat* (the reason of power).

*The epistemological statute of the social sciences.*

Albertini reflected very deeply on the epistemological problems surrounding scientific knowledge, and he did so at a time when philosophical thought was undermining the idea that this knowledge can lead to certain and shared understanding. On the contrary, he firmly believed that scientific exploration of natural phenomena, thanks to the methods adopted, is a process (always asymptotic, but no less valid because of this) that brings us closer to the truth, as science is able to establish a correspondence between theory and verifiable facts, but also that it is a cumulative process at the level of the scientific (and even human) community that is capable of recognising and eliminating its own internal errors.

For the social sciences, too, despite the obvious differences related to the different object of knowledge, the fundamental issue is still the possibility of mastering a method capable making controlled and shared knowledge possible. Indeed, in the social field, too, the ability to develop models for identifying appropriate "technologies" for managing phenomena (in this case political and social ones) is the necessary condition for human progress.

To an extent, the ideologies of the past fulfilled this function, as they offered institutional solutions that proved more or less capable of governing some of the processes triggered by the birth of the new industrial society. But their impotence when faced with the need for a paradigm shift in order to understand the growing interdependence of the post-industrial society, and act accordingly, is one of the reasons why politics has now run out of steam; indeed, confined within the framework of separate state communities that are trapped by the dogma of exclusive national sovereignty, politics is unable to tackle global problems. All these are ideas and lines of thought that are now largely accepted, but in raising them, almost sixty years ago, Albertini was ahead of his times.

But, as Albertini pointed out, political science cannot be said to equate with *politics*, which is much more than just objective analysis of *everything* (past or present) *that is observable*, and as such lends itself to scientific investigation. Indeed, politics is also about identifying the potential harboured by the historical-social process and planning the future. As such, it is based on political and institutional values and objectives in the broadest sense, which have not yet materialised as facts, but emerge on the basis of ideological thought, which can never be eliminated in politics (even though it needs to evolve and become more controlled and coherent). What he means by this term is thought that is capable of identifying institutional objectives appropriate for the objective conditions created by the historical-social process, and of affirming historically the political value that emerges as a priority for remedying the contradictions that exist.

It is the future perspective that provides the framework for guiding political action, and identifying priority areas for intervention. Politics, for this very reason, has the character of collective thought, which ultimately can be shared by everyone and allow that exercise of control by all over all that is central to Rousseau's concept of the general will. Were politics confined to investigating the past and the present, and were it to constitute a science, it would be an area reserved for specialists, i.e. for scholars with the capacity to decide for everyone on the basis of the level of knowledge reached.

Obviously, this does not diminish the need for, or value of, a true science of politics; it simply allows the scope and tasks of political science to be strictly defined. This division of spheres reflects the complexity of man's condition as a being endowed with reason and called upon to build his own world; and it also reflects the consequent relationship that exists, in general, between science and philosophy, where the latter remains a fundamental requirement of reason that is untouched by scientific development, given that the questions of meaning (in the ontological, gnoseological, epistemological and practical fields) that rational knowledge of reality fails to answer are endless (after all, rational knowledge hardly covers knowledge *tout court*). It is on this very precarious ground that we must tackle the general problem of the epistemological status of the social sciences.

In order develop, in the social field, a methodology that makes it possible to proceed by causes, Albertini refers to Max Weber and his theory of the *Idealtypus*, and he starts from Weber's indication on the specific nature of the object of study within social, as opposed to nat-



ural, sciences (in the social field, the object is never a purely observable datum but is always an instrument, a means to an end). In fact, the first task is to identify and isolate, in the infinite continuum of historical facts, those that seem to have some kind of relevance to the objectives of the proposed investigation. This first step is thus based on what is of particular interest to the scholar (that is, on the value he attributes to certain facts and events), and it is this that makes it possible to construct a meaningful whole — meaningful in relation to the investigation to be conducted.

This is how historians, sociologists, and so on always operate. But the point is that the more conscious this mode of operation is, the more scope there will be for controlling it. The choice that has been made (i.e. the value relationship that guided it) must, first of all, be made as clear as possible, after which the meaningful whole that has been constructed must be treated as a hypothesis to be verified on the basis of concrete facts. If this is done with clarity of vision and without self-mystifications, it becomes possible to establish a coherent ideal type (scheme) on the basis of which we can understand the cause-effect connections between events and acquire a verified knowledge of a given process. In fact, when this stage is reached, it is possible to apply the “if” technique and to identify the facts that, if removed (together with other facts connected to them), would break the chain that leads to the point of arrival, and that therefore constitute an indispensable link. Put another way, it becomes possible to identify what Weber terms the “adequate causation” of the historical event.

Albertini was aware of the criticisms and doubts surrounding the *Idealtypus* theory, but he was convinced of the correctness of Weber’s framing of the problem, namely his view that, even in the historical-social field, the only verified knowledge can be that which is based on the study of causes; he also saw this as absolutely the right approach for framing Marx’s theory of historical materialism, which has effective value only if it is thought of as a very general scheme, or ideal type, for framing understanding of history.

#### *The doctrine of historical materialism.*

Albertini based his study and reworking of historical materialism on a very thorough philological analysis that focused in particular on *The German Ideology* (once he had critically rejected other writings in which Marx returned to this theme). This endeavour allowed him to get to the core of Marx’s theory, discarding the “incrustations” of subse-

quent Marxism and identifying the innovative, protoscientific insights that retain their validity, separating them from the contradictions and all the elements that are not Marx's own insights. In this way, he did the careful work of verification (evaluation of real facts in the light of the theory of historical materialism) that Marx himself, for historical and personal reasons, had not been able to do.

There remains an aspect that, according to Albertini, allows us to identify the most fundamental mechanism determining the historical process and its evolution, namely the idea that men *indirectly produce their material lives* and therefore build their history starting from the production of their own means of survival. From this perspective the whole of society can be described in terms of the complex structure that he defines the *mode of production*.

We know that, in Marx's thought, the mode of production determines, first of all, *the division of labour* and that the functions (specialisations and rules) on which production depends are the *productive forces*.

In the same way, there emerge the *relations of production*, which are also a product of the division of labour: different specialisations correspond to different roles in society, and these have to be coordinated and codified in order to guarantee that everyone's functions are carried out in an orderly manner.

Then there are the *means of production*, which include both physical and intellectual tools: for example the sharp-edged stone or the most sophisticated electronic equipment in the first case, or all the knowledge needed to guarantee the different phases of production in the second. Thus, the sciences, without which certain kinds of production are impossible, are means of production, but so, too, is man's own conception of himself, which must be compatible with the relations of production; in this way, philosophical, political and religious ideas are also to be regarded as means of production.

It is at the level of the means of production that there emerges, among other aspects, the *dual nature of thought*. Thought can be seen as ideological and self-mystified (in the sense that it serves to give meaning to the existing social relations — and relative power relations —, which need to remain in place as they underpin the system that guarantees the survival of the community); but in certain cases, it may also be seen as free (i.e. neither ideological nor self-mystified). In truth, thought as a free and innovative activity is a factual experience — undeniable in history — and a key mechanism of historical evolution. The fact that Marx tends to reduce all thought to ideology, i.e. thought re-

flecting the current power situation, leads him to deny the existence of this crucial mechanism. This was a mistake that had profound implications for the development of his theory, and heavily influenced Marxist tradition.

Conversely, Albertini's operation, which takes this dual nature of thought as its starting point, allows him to clearly define the field of investigation of the theory of historical materialism. Although, by definition, this theory *cannot* include freedom and innovation in its field of investigation, it is able to clarify (exclusively) the determinisms that underlie the historical and social reality of man. Accordingly, it is a model that explains one dimension of human existence (the historical-social one), but that cannot claim to explain the totality of human existence.

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In the last category formulated by Marx in relation to the mode of production, that of the *needs of production*, there also emerges clearly the basic deterministic mechanism responsible for the evolution of the historical-social reality of man. Man's needs are, primarily, biological and his survival depends on their being met; but what sets men apart from animals is the fact that man's primary, biological needs are accompanied by the historical-social needs that he himself has created by his introduction of the dimension of production. These needs spring, in fact, from the modifications of human behaviours introduced by the means of production; and the relationship between the introduction of a means and the emergence of a new need can be said to be a *constant feature* of the historical-social process. This dialectic is one of the fundamental factors of change in history, and it helps to clarify the basic workings of historical dynamism.

Previously, the reasons why history advanced, why it "moved", seemed obscure. Indeed, ideological or idealistic explanations were advanced that failed to clarify the fundamental mechanisms. Through Marx, on the other hand, it becomes possible to understand them, starting from the observation that changes in the mode of production create new needs: the introduction of a new means of production brings about a transformation at the level of behaviours and of the way of thinking, and this has the effect of creating new needs within the social-historical sphere; these new needs, in turn, act on the system, modifying it, and it is certainly plausible that the accumulation of the new needs that are progressively created, and of the responses that they produce, can reach a point at which they change the mode of production. One might

think, for example, of how the agricultural mode of production has gradually created new needs, to respond to which the system has become more complex, has extended and grown stronger, in all sectors: in that of knowledge (to reach, ultimately, the birth of modern science), in that of technology, in that of craftsmanship, in that of the economy, and so on. Society goes through a process of overall growth and a progressive transition that can — as has in fact occurred — at a certain point result in a sudden leap forward, a profound change that leads to a new mode of production.

It is important to note that *the deterministic nature of the dynamic movement of history can be identified only after the event*. The historical materialism model, in fact, makes it possible to identify the causal links at the root of historical-social transformations, and thus to understand them and explain them; but it does not claim to be able to predict them. In fact, it is not possible to anticipate innovation (the introduction of the new, physical means of production that triggers the creation of new needs and that can, in turn, itself be the response to profound needs, or, on the other hand, a brilliant solution to secondary problems), precisely on account of its free character.

Similarly, it is not possible to predict automatically the type of needs that will ensue, because these depend on the concrete conditions of society, and neither can the response to these needs, should they arise, be anticipated; neither, finally, are the changes produced in the wake of the activation of this mechanism automatic. It is only with hindsight that this model, which starts from the perspective of production, makes it possible to see why certain fundamental changes in the life of society have come about, or indeed *not* come about. After all, history is not only continuous change, it is also comprised of periods of stagnation, ends of civilisations, collapses of empires.

History advances by great stages, because, as long as a mode of production endures, retaining its essential characteristics, then all the other aspects of historical-social life conserve their basic characteristics, too. As our analytical breakdown of the concept of production seems clearly to show, the size of the population, within its possible range, is determined by the mode of production; this is also true of the social composition of the population and of the culture, experience and prevalent mindsets that characterise it. This is not in a rigid and absolutely unequivocal manner, obviously, but within a limited and pre-determined range of possibilities.

The mode of production thus establishes both the type of interdepen-

dence that is created among men, meaning the type of social roles, and the sizes of the groups that can be formed and exist independently. The distribution of roles in society is unchangeable: no one wanted it, and no one can oppose it. In fact, the group itself is a means of production.

This point of view thus makes it possible to understand both the ultimate roots of the dynamic aspects of history, and the reasons why, within a stable production system, the changes that may manifest themselves in society — obviously within the framework determined by the mode of production — are to be attributed to processes that take shape and come about through politics, law, the economy, science, religion, and so on. Only when there is a transition to a different mode of production can the transformations that take place be attributed, in the first instance, to that transition.

When seeking an explanation for changes that came about in society in a given era, this very general criterion emerges as the decisive key to a correct understanding of the processes that unfolded. The historical materialism theory, thus clarified, allows us to distinguish between “epochal” changes, meaning changes arising from the emergence of a new mode of production that, for this reason, establish new conditions for the demographic development of the population, the distribution of social roles, and the degree of interdependence, as well as new scope for autonomous human communities; and changes that arise within the existing means of production, and that therefore: a) must be compatible with the above variables, which they cannot influence, except to a very limited (substantially irrelevant) degree; b) occur within the framework of the existing spheres of human action (politics, knowledge, economics, society, etc.) and can therefore be investigated with reference to these specific areas.

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One last point that needs mentioning in this reconstruction concerns the other oscillations of Marx (and, consequently, of Marxism) that Albertini identified and denounced, his aim being to bring out the proto-scientific intuition inherent in historical materialism and to eliminate the methodological errors that resulted in some serious theoretical flaws.

One of these is Marx’s reduction of the mode of production to an economic concept. According to this reduction, the economy takes on the *status* of a foundation *structure* that determines the other levels of human activity (politics, law, religion, philosophy, art, and so on), which are thus nothing more than its *superstructure*. It is thanks to this

formulation that the very widespread *cliché* that economics is superior to other human activities — almost a dogma, even today when Marxism is harshly criticised — has found acceptance. It can be seen, particularly clearly, in the preface to *A Contribution to the Critique of Political Economy*, in which the concept of historical materialism is set out (albeit using the terminology of production) starting from the priority consideration that “the totality of these relations of production constitutes the economic structure of society, the real foundation on which arises a legal and political superstructure and to which correspond definite forms of social consciousness”. This is actually an assertion that conflicts strikingly with the starting hypotheses of Marxian analysis itself. Indeed, Marx’s first formulations of the mode of production in *The German Ideology* had ranged from the most simplistic one, which spoke only of *indirect* production of life — this seemed the most satisfactory — to the one that attributed the *whole* of the life of men to production, even going so far as to deny the existence of any reality outside of production (including both the biological sphere, even though its determinisms clearly have nothing to do with mechanisms of production; and the sphere of innovation and free thought). So, if this ambiguity of exposition, already mentioned, tends to give rise to a situation of theoretical uncertainty that helps to explain the difficulty in maintaining the stability both of the words used and of the concepts, it is also true that both the formulations are moving in a very clear direction, i.e. continuing to refer to the *whole* of human action. There is thus no basis for identifying, at a certain point in the investigation, the concept of production with that of economics, i.e. with just one of the many parts of the complex whole to which the production of the historical-social dimension of the lives of men should correspond. It is clear that once again there has been a superimposing of levels that has resulted in a shift of the theory, a shift made apparently acceptable by the obscurities of previous affirmations and by the mixing in of utopian elements.

Still in the preface to the *Critique*, there emerges a second error by Marx which has been handed down, and it concerns the theory of the causes of historical dynamism. Here, the framework of reference is history conceived of as a class struggle based on property. From this perspective, the mechanism moving history is no longer found in the creation of new needs deriving from the introduction of means of production, but rather in the contradiction that arises between the relations of production and the productive forces as the latter progressively expand. As long as there remains scope for the development of the productive

forces within a given mode of production, “no social order is ever destroyed” and new relations of production cannot take its place. Only when the old system reaches a state of complete paralysis can the revolutionary change occur.

This formulation was extraordinarily successful, both because of its strong emotional impact and because it contains a determinism that makes it possible to point out the objectivity of progress, which is shown to be the ineluctable fruit of the historical process, until the advent of the final stage in history: communism. The problem is that this determinism is untenable. To claim that a paralysis of the system is followed automatically by a transition to the next stage is not only untrue in fact, it is also contradictory in theory. On the factual level, this determinism cannot explain the stagnations and irreversible crises that are history’s most frequent scenarios. On the theoretical level, by introducing an absolute determinism it denies, once again, all scope for innovation and free acts that are, instead, the implicit precondition of the whole theoretical construction. In fact, this theory of the contradiction that arises between the relations of production and the productive forces as the latter progressively expand is useful insofar as it is used in a circumscribed model to identify concrete antagonisms within society; but it does not work, indeed it is misleading, when it claims to be an absolute criterion.

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Drawing on Marx, Albertini outlined a conceptual scheme, or model, which, as such, provides the means for analysing fundamental processes, but does not describe reality. It is possible, from this perspective, to see historical materialism as an *Idealtypus*. Albertini, as mentioned earlier, regarded this idea of Weber’s as illuminating from the point of view of the methodology of the social sciences. He felt that it might be possible to establish a sort of hierarchy of ideal types, starting, precisely, with historical materialism, which could be seen as the most general because it explains the fundamental mechanism of the historical process and contains the most universal and least specific criteria. Starting from this, it would then be possible to insert the other ideal types that would frame with increasing precision the evolution of historical events and human behaviours (one of the first of these ideal types would be that of the *raison d’Etat* or rather the reason of power, which, Albertini hypothesises, is the basis of political science because it makes it possible to explain political behaviour) until one arrives at

the most specific ones, and finally at the level of single, concrete cases; in short, until one arrives at what really occurred, which is the object of knowledge and must be recounted in all its specific detail.

*Kant's philosophy of history.*

In this profoundly revised conception of historical materialism, understood as a model for investigating *exclusively, and with hindsight*, the determinisms that underlie the historical and social reality of man, there remain theoretical gaps that need to be filled in, three in particular: i) first of all, it provides no explanation of the idea of a deterministic movement of history, leading mankind towards complete freedom and equality; ii) second, it fails to clarify the mechanisms underlying the constant changes within the mode of production (historical materialism explains *only* the transition from one mode of production to another), in other words there is no identification of causes of the constant emergence of new needs and the changes that these cause in the system; iii) finally, it does not shed light on the roots of the concept of ideology.

i) The idea of a deterministic movement of history destined to culminate in a final stage in which all men will be free and equal is, for Marx, a sort of assumption, a necessary condition central to his entire analysis that, precisely because it is postulated, he does not explain further. The historical-social basis of this determinism is the evolution of the mode of production, which, however, fails to explain the manner in which the idea of freedom is born and manifests itself, and therefore how it might constitute the culmination of the historical process. In Marx, therefore, the final step in the course of history remains unexplained, and indeed impossible to explain, given that, for it to be plausible, it would have to be made clear how (by means of what mechanism) it will be achieved, and also to have some idea of what the "realm of freedom" will be like. This is the reason why Marx refrains even from outlining the conditions necessary for the realisation of the final stage of history, preferring instead to leave it in a sort of utopian limbo.

ii) While this reworking of historical materialism clearly shows the determinisms underlying the transition from one mode of production to another, making it possible to see why there emerge profound global changes in demographic dynamics and the social composition of the population, and also the resulting transformations at institutional level, in the law and in philosophical and religious ideas, etc. (even though the latter are never rigidly determining factors, but rather changes that render the means of production compatible, within a given range of



possibilities, with the new mode of production), it fails to explain the nature of the concrete changes leading to a global transformation.

Therefore, the whole theoretical structure of historical materialism is weakened by the fact that it can identify the element of necessity driving epochal transitions, but is unable to grasp the essential conditions determining all the other changes in the historical process, precisely because the idea of determinism on which it is built remains, for most of the time, undefined. This fact indeed led to much uncertainty, both in Marx and in his successors, and, among other things, it paved the way for the success of the version of historical materialism in which the mode of production is confused with the economy, and the economy becomes the foundation “structure” for the “superstructure.”

Historical materialism is a theory that is not able to explain most of the social and political transformations that take place before us, doing no more than provide a general framework in which to set explanations for all that occurs in the long intervals of time that separate the moments of transition from one mode of production to another.

iii) The concept of ideology, on the other hand, is a fundamental discovery in the field of human sciences because it brings to light the passive dimension of thought. Ideology is the self-mystification through which men justify, and render acceptable to themselves, the relations of domination and subordination on which society is based and that somehow reflect the extent to which the common interest can realistically be pursued in the framework of a given production system. Indeed, as long as social inequalities correspond to key roles for the maintenance of the production system on which the survival of the whole community depends, acceptance of them coincides, in fact, with the common interest of that particular society. Thus, men tend *not to know* the purpose they are really serving: often, in pursuing their own selfish interests or accepting, as natural, the existing power relations, they are actually functioning as cogs in a machine they are not even aware of and that produces results that do not correspond to their individual will. Starting from this crucial consideration, however, there remains the problem of clarifying the origin of this phenomenon, i.e. that fact that men feel the need to mask the inequalities among them, justifying them or denying them through recourse to false theories; and second, the relationship that exists between passive and active thought (i.e., how it is possible for regressive and positive use of reason to coexist).

Albertini, in his quest to resolve these shortcomings in Marx's theory, turned to Kant's philosophy of history and, by carefully comparing

and integrating the thought of the two authors, managed to develop several fascinating theoretical elements that undoubtedly make a major contribution to efforts to develop a scientific theory of politics, of which reflection upon the course of history must be an integral part.

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The works of Kant that Albertini focused on in particular are: *Conjectures on the Beginning of Human History*, *Idea for a Universal History with a Cosmopolitan Purpose* and *Perpetual Peace: A Philosophical Sketch*.

Like Marx, Kant believes that history is moving in the direction of freedom, but that men are somehow carried towards this condition without their knowledge; accordingly, history is somehow determined, and thus a sort of prehistory: everything that happens is attributable mainly to determinisms that individuals, albeit endowed with the faculty to exercise a degree of free will, do not control; this is not to say, however, that things happen purely mechanically, their occurrence pre-determined and established *a priori*. Rather, the movement of “prehistory” is determined by the dialectic between these determinisms, still to be identified, and that small measure of freedom that is already active in men, and for this reason it already constitutes history (albeit distinct from true history, which being driven by freedom, is yet to come).

Starting from this basic assumption, Kant constructs — on the philosophical level of “oughtness”, i.e. of reflection upon the form of processes, not their content — several hypotheses and models that can furnish criteria for reflecting on events, but that cannot yet explain them directly; hypotheses and models that, providing clarification of the terms and concepts, make it possible to shed light on and develop the presuppositions underlying historical materialism.

Very schematically, Kant explains history as a process through which the faculty of reason develops over time, taking shape slowly and laboriously and creating, by itself, the conditions necessary for its full manifestation. Therefore, from a logical perspective, the start of history coincides with the first act of reason, that in which man refuses to act purely on the basis of his animal instincts and manifests his first act of freedom (recalled by Kant in the allegorical terms of the episode in *Genesis* which recounts man’s original sin). Thus, from its very first act, reason reveals the whole of its plan, which Kant analyses and outlines as follows. Men immediately come up against the realisation that they *are not* equal, but because they share a common identity that de-

rives from their “being distinct” from the purely natural world, they also understand that they *must be* equal. This is the meaning of the unfolding of history, of man’s journey from prehistory to history: reason is freedom and equality, and the meaning of history lies in this slow affirmation of the conditions in which these values can increasingly be affirmed; their full affirmation is the condition for the full manifestation of reason. These then, are the reasons why society and the human condition are still (and will continue to be, until we reach the final stage of history) characterised by a mix of reason and violence (and why the impossibility of eliminating violence does not mean that reality is devoid of reason); and why reason, as a natural faculty that manifests itself in life, is part of man’s nature and not just the sum of what it, itself, produces (which is what a large body of theory has tried to show, confusing reason with logic, or with science, etc.).

With regard to the theoretical shortcomings of historical materialism identified by Albertini, Kant’s philosophy explains what, ontologically, man is: Marx characterises man empirically, identifying the action that distinguishes him from animals (his production of his own means of subsistence, by which he breaks the mechanical laws of nature and starts to build his own life), but he bases his ideas on an ideal type of man which, precisely because it remains implicit and unclarified, cannot be evaluated and is largely unstable, being attributed different meanings in different contexts. In fact, Marx’s fundamental errors derive precisely from his fluctuating ideas on the nature of man: sometimes, erasing completely the factors of freedom and innovation (and with them, all scope for explaining that first act which constitutes man’s break with the logic of nature), he presents man as entirely determined by the production mechanism and its unavoidable logic, while elsewhere he implies that production does not account for the whole of human life. Kant’s theory of man and of reason gets rid of these ambiguities, and makes it possible to avoid the trap that Marx’s materialistic theory fell into. The concept of ideology provides the best example of this: Kant explains, in some passages even implicitly anticipating Marx, the root of man’s need to hide from himself the persistent state of inequality among men, masking it with false theories.

As Albertini shows, Kant’s thought and Marx’s thought complement each other in a most fruitful way. Kant provides a clear theoretical framework and allows us to appreciate the ambit and the role of reason in history, and thus avoid the contradictions that invalidate the

analysis. Marx, on the other hand, highlights the empirical mechanisms that constrain the development of reason: the survival of society depends, primarily, on the maintenance of the mode of production of which it is, itself, the expression, and relations of production (the main source of inequality) can evolve only to the extent to which they remain compatible with the possibility of retaining the production mechanism; the transition to a subsequent system, compatible with a greater degree of freedom, is not voluntary, but depends on a development that, in turn, is governed by deterministic laws; the quest for complete freedom and equality cannot properly begin until a mode of production has been established that is free of need to conserve relations of subordination and oppression.

In human actions, then, there is a concurrence of freedom and necessity that can be explained only if it is made clear, as it is by Kant, that man's freedom is the freedom to become what he is: an animal endowed with reason whose biological makeup determines his scope for development. This is a development underpinned by the dialectic between instinct, determined ultimately by the impulse for self-preservation, and reason, which instead leads him to develop solidarity with other human beings but also to consider them as ends, and to carve out some space for autonomous action, albeit within the context of a process largely shaped by determinisms to which he is subject. And reason, in man, rests on two pillars: one individual, because individuals are its real vehicles — the ones who actually think and act — and the other social, meaning all the institutions (language first of all) in which we conserve all that man's reason has produced, in such a way that the entire patrimony becomes transmittable and the past reasoning of the whole of mankind can live on in each and every one of us.

It is fundamental to highlight this social dimension of reason, not only because it is the only one that explains the reality of this human faculty, but also because it is only by avoiding the naive mistake of regarding reason as the exclusive prerogative of the individual that one becomes able to conceive of the coexistence of necessity and freedom in history. This coexistence, in fact, manifests itself in the social sphere, without which the idea that the historical process unfolds according to natural laws becomes incompatible with the existence of individual freedom, making it inevitable to conclude that the only force driving history is chance (in which case any attempt to understand reality must be abandoned).

When forced to choose, Marx, who was indeed trapped by this naive view, opted for the existence of a law of necessity, and in so doing completely excluded any role of freedom in history.

Finally, despite succeeding in identifying concrete antagonisms within society (the contrast between the productive forces and the relations of production), which are indeed vehicles of changes, Marx is unable to fit these changes into a general theory that goes beyond evocative references to explain how the affirmation of a single class, which acts in accordance with its own specific interests, can coincide with the realisation of universal values. In this regard, Kant, on the other hand, provides illuminating insight: in his view, the fact that values emerge in the course of history despite the selfish actions of men (and indeed become crystallised in institutions that render their affirmation universal) can be explained on the basis on what happens in those moments when men, brought to their knees by the harm they do to each other, decide to put an end to the situation of misery that they themselves have procured; in such moments the only tools they have at their disposal are those of reason, or rather values, which are the concrete expression of reason.

Kant also goes a step further than Marx, identifying the objective towards which history, in spite of itself, is advancing. His treatment of this question, unlike Marx's, does not simply amount to a call for the crucial leap forwards that will project mankind into the "realm of freedom"; rather, it is an outlining of the conditions that will allow this to become a real possibility: the building of *a civil society that upholds the law universally*.

In this way, Kant sheds light on many points that Marx leaves obscure. Inasmuch as it fails to describe the final stage in the historical process, and to identify the element, present from the start, that indicates the direction in which history is moving, Marxian theory is forced to assume that the final leap forwards will coincide not with a change in the *behaviour* of men, but with an out-and-out transformation of the *nature* of men, who will stop being wicked and selfish, and will no longer seek to exploit others; in this way, it will become possible to achieve the equality and freedom of all. Although this situation is not theorised by Marx, many of his followers have taken it to be an obvious consequence of what he indicates. This utopian idea that men can be transformed has played an important role in communist thought, and it represents the basis and

justification of many campaigns mounted by the communist regimes. Once again Kant's analysis emerges as complementary to Marx's: historical materialism allows us to see that the precondition for fully realising the requisites outlined by Kant is mankind's reaching of a stage in the mode of production in which the foundations for global interdependence have been laid and, moreover, in which there is *no longer any need* for relations of production that are *necessarily* — by their very nature — founded on inequality, and thus no further need for a mystifying ideology that theorises the power relations existing within society; equally, the stage reached in the mode of production must be one *compatible* with the equality of all men and one in which culture can have the transparency of reason and encourage respect by all towards all.

However, the merit of Kant's model, compared with Marx's theory, is that it identifies the ground on which the way is paved for the final leap forwards, which, forced by the contradictions of international politics, takes place within the sphere of the institutions and of international politics.

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Marx, therefore, uncovers the mechanism underlying the incessant evolution of the mode of production, and shows that incompatibility between productive forces and relations of production lies at the root of all revolutionary transitions; but responsibility for the final solution falls to politics, which in this regard enjoys relative autonomy and adheres to its own logic, a logic which can be understood only in the light of the *raison d'Etat* theory.

### *Politics.*

Albertini published several key essays on politics, the earliest in the 1960s. This was therefore an area that he analysed in depth from the earliest stages of his theoretical work, and his production in this field is well known. In his lectures, it is dealt with and framed in relation to the determinisms and scope for autonomy outlined by Kant's philosophy and the theory of historical materialism. In fact, this final part of his research — which Albertini actually afforded considerable space and which is here unfortunately touched upon only fleetingly due to time constraints — is the one that justifies his entire construction, which, as previously explained, was built precisely in order to clarify the relationship between *volition* and *occurrence*, in other words, to establish the necessary foundations for political action that is effective and not impracticable.

The basis of power, or rather the margins for political manoeuvre, are determined by relations of production. And for these to be guaranteed, there have to be rules and hierarchies; politics takes care of this. It does so by first securing the *power to do*, i.e. consent (a mandate) to govern. In this quest and activity, autonomy and heteronomy coexist. The relations of production and the rules inherent in the mode of production draw (determine) the boundaries delimiting the autonomy of politics. Within these boundaries politics is carried out according to its own very specific law of reference: that of the reason of power, whose fundamental principle derives from the fact that you can only *do* (engage in politics) if you have first secured the *power to do*.

*Reason of state, which can be expressed as the reason of political power, or the power to do, is therefore the basis of political science.*

By managing all human behaviours, values, situations, and problems with power implications (which thus become the stuff of politics), politics therefore promotes the evolution of the historical process, wherein that sphere of values outlined by Kant performs an increasingly important guiding role, and more and more space is freed up for moral action — moral in the sense of Weber's ethic of responsibility. Indispensable in this regard is the second type of political behaviour, which is distinct from that of the politician who deals with the power to do; this is the behaviour of that section of society that deals with what power should do in order to make society work better, to improve it and make it more just: this is the area that will also see ideologies developing in a positive way, as drivers of social change.

# Mario Albertini, a Militant Life\*

GIOVANNI VIGO

## I

In 1984 a group of young federalists decided to create, as a platform for discussion, a periodical that would contain articles on the major developments in European and world politics, on the strategy of the struggle for Europe and, more generally, on the relevance of federalism. Its promoters intended it to serve as a permanent forum for dialogue among militants (both young and not so young) actively engaged in all the sections of the European Federalist Movement (*Movimento federalista europeo*, MFE). Thus, *Il Dibattito Federalista* was founded. Mario Albertini suggested printing, on the cover, a brief phrase that was, for him, a constant point of reference in his political endeavour: “The militant is one who makes a personal issue of the contradictions between facts and values”.<sup>1</sup>

Anyone finding themselves drawn to the MFE, and deciding to commit to the struggle for Europe, had to know that the road before them was a difficult one, littered with obstacles, and that it offered no reward for their work other than the satisfaction of having done their duty. This is the spirit in which Albertini had embarked on his federalist militancy in 1952, and it is in these terms that he appealed to the young to do the same, recalling, in the very first issue of *Il Dibattito*, that the experience of the MFE had paved the way for a new way of doing politics that depended on the “high moral and cultural level” of its militants.<sup>2</sup>

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\* This is the text of a presentation delivered at the conference entitled *Il federalismo europeo e la politica del XXI secolo: l'attualità del pensiero di Mario Albertini* (European federalism and 21<sup>st</sup> century politics: the relevance of the thought of Mario Albertini), held at the University of Pavia on 16 November, 2017.

<sup>1</sup> A very similar definition of militant first appears in a report to the MFE: *Rapporto al MFE*, *Giornale del Censimento*, I, n. 1 (1965), reprinted in Mario Albertini, *Una rivoluzione pacifica. Dalle nazioni all'Europa*, Bologna, Il Mulino, 1999, p. 139.

<sup>2</sup> *Il federalismo militante. Vecchio e nuovo modo di fare politica*, *Il Dibattito Federalista*, I (1985), pp. 1-3, reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*,



Albertini's decision was the result of a journey that had begun many years earlier. Like many young people of his generation — Albertini was born in 1919 —, he had endured difficult times, first under the Fascist dictatorship, and then in the vain search for the path that might lead to Italy's democratic regeneration. As a result of these experiences, he had come to two important conclusions. First of all, during the war, he came to realise that victory for Italy would mean the triumph of Fascism and, as he later wrote, being anti-Fascist, he “wished for Italy's defeat, and this was a terrible sentiment for a young man to have”.<sup>3</sup> But, for him, “this hatred of Italy [also] meant freedom from the bonds that tie a person to a country only by virtue of being born there”.<sup>4</sup>

Albertini's second conclusion, or realisation, this time reached in the post-war period, was that the national framework was too limited to allow democracy to be restored in Italy through a renewal of the country's national parties.<sup>5</sup> The next step in his evolution (i.e. the step from rejecting the nation-state as an exclusive political community to choosing Europe) was a small but difficult one.

Albertini had joined the European Federalist Movement back in 1945, but he regarded it more as a cultural than a political organisation.<sup>6</sup> His pro-European leanings allowed him to clearly perceive Italy's limitations but he was not yet able to see Europe as a viable political alternative. In this regard, his respectful disagreement with Benedetto Croce, who had criticised Italy's signing of the post-war peace treaty, is significant. “The ideal of Italy and its national dignity”, he wrote in 1947, “is dead; we view it as respectable in an old man who has shared that ideal during his lifetime; however, it is a dead letter, entirely devoid of historic relevance, when recalled now, to fight today's battle.”<sup>7</sup> As these words show, Europe was beginning

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p. 445. Albertini's active involvement with the MFE dates back to 1952, as shown by a letter sent to Aurelio Bernardi on 1 July that year (Daniela Preda, *Per una biografia di Mario Albertini: la formazione, la scelta europea e l'autonomia federalista*, Pavia, Interregional Jean Monnet Centre of Excellence, 2014, p. 49).

<sup>3</sup> Mario Albertini, *L'Europa secondo me* (collection of interviews on Europe with pro-European politicians, academics and associations, compiled by the Lions Club, Lombardy Region), 1979, reprinted in Mario Albertini, *Tutti gli scritti. VIII. 1979-1984*, edited by Nicoletta Mosconi, Bologna, Il Mulino, 2009, p. 97.

<sup>4</sup> *Nazionalismo e alternativa europea. Intervista a Mario Albertini*, *Il Dibattito Federalista*, 10 (1994), p. 37.

<sup>5</sup> This viewpoint is set out, more emphatically, in the preface to Mario Albertini, *Il Risorgimento e l'Unità europea*, Naples, Guida, 1979.

<sup>6</sup> Mario Albertini, *Un eroe della ragione e della politica*, in M Albertini, *L'Europa di Altiero Spinelli*, Bologna, Il Mulino, 1994, p. 18.

<sup>7</sup> Mario Albertini, *L'amore dell'Italia nell'Europa*, *Lo Stato moderno*, 4 (1947), p. 411.

to appear in the background for Albertini, but it was yet to become his life choice.

It took a further period of deep introspection, and above all first-hand experience of a few major disappointments in national politics,<sup>8</sup> before Albertini reached the point at which he was able to make this choice. Finally, in 1953, the MFE suddenly struck him as being “the only political organisation of strategic significance”. Having finally reached this conclusion, Albertini lost no further time. He wrote to Spinelli, went to visit him, and thus embarked on a career as a federalist militant in the MFE.<sup>9</sup>

That same year, the movement was in a frenzy over the European Defence Community (EDC). It had hundreds of chapters and over fifty thousand members that it could field in support of the EDC and its inevitable corollary, political community. Success appeared to be within reach, but in early 1954 the first complications started to emerge, and on 30 August, the French national assembly, through its *motion préalable*, buried the Treaty, and thereby put an end to all hopes of giving rise, within the space of a few years, to a European federation. The collapse of the EDC project was more than just a defeat for those pursuing European unification; it also marked a profound change in the climate that had allowed the federalists to come so close to success.

Another chapter in Europe’s history had ended, and if the federalists wanted to pursue their battle, they needed to change strategy. In an article that appeared in *Europa federata* in October 1954, Spinelli set out the conclusions he had reached after the fall of the EDC: “We do not know if federal European unity will ever materialise, but we know for sure that it will never materialise unless we admit that the national political horizon is ruinous. Favourable conditions may develop in six months, perhaps a year, or ten years: it is not up to us to decide. But if we are to make the most of those conditions and at last break the spell of national sovereignty, then there have to be among us those who will tirelessly denounce this evil, and reveal the deceitfulness of each and every political party in accepting the national arena as the normal arena for their activities, and making promises that they cannot keep if they remain in this arena.”<sup>10</sup>

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<sup>8</sup> The political commitment of Mario Albertini between 1945 and 1953 has been illustrated by Daniela Preda, *op. cit.*, chapters 1 and 2, and, more briefly, by Flavio Terranova, *Il federalismo di Mario Albertini*, Milan, A. Giuffrè, 2003, pp. 2-6.

<sup>9</sup> Mario Albertini, *Un eroe della ragione e della politica*, *op. cit.*, p. 18.

<sup>10</sup> Altiero Spinelli, *Nuovo corso*, *Europa federata*, 7, n. 10 (1954), reprinted in Altiero Spinelli, *Una strategia per gli Stati Uniti d'Europa*, Bologna, Il Mulino, 1989, pp. 152-3.

Such a role could only be played by a revolutionary movement which would persevere despite momentary defeats, and remain on the battlefield, ready to resume the fight where it had left off. Thus began what in the federalist tradition is known as the “new path”.

What needed leveraging, Spinelli explained, was no longer Europe’s national governments, which, by their actions if not their words, had rejected federalism, but rather Europe’s citizens. Once mobilised, people would pressure their governments into giving up sovereignty in areas in which they were no longer able to exercise it effectively. These considerations did not challenge the political motives and ideals that had informed Spinelli’s choice in 1943, but they did force the movement to reconsider its role and its relationship with power. At the time of the EDC, it had been able to act as everything from an “advisor to the prince” to a lobby group. But now the governments had turned a corner and the MFE found itself having to embark on a different journey — one whose duration no one could predict.

This was a time for patience and reflection: patience, because it was no longer a question of engaging the enemy in a decisive battle, as it had been at the time of the EDC, but rather of paving the way for the popular mobilisation that would be required once the time was ripe to tip the balance away from separate nations and towards a united Europe; and reflection, because the political and cultural horizons of the movement had to be broadened to make it better able to withstand the impact of the forces of reaction that lurked everywhere: within society, political parties, trade unions, the press, among the intelligentsia and, above all, in governments. Indeed, the latter, having overcome the trauma of the failure of the EDC, had rapidly abandoned the feeble federalist aims they had all too briefly entertained.

Mario Albertini was the right person to take up all these challenges.

## II

The “new path” demanded an exhausting degree of commitment from the federalist militants. Their tasks were to prepare and organise the European People’s Congress (EPC); to try and patch up the sections that had survived the collapse of the EDC; to devise new plans for recruiting and training militants, who could no longer come from the sphere of national politics but needed, rather, to be “a group of free men who, flying in the face of a natural tendency to accept and adapt to the *status quo* in order to obtain success and further their career, were

instead determined to fight for the federal unification of Europe.”<sup>11</sup> In short, a new generation of militants had to be formed, in a new mould, and the right conditions created for fostering the birth of this group.

Spinelli openly tackled this issue in a paper he wrote in 1956. “Federalists”, he observed, “have not created a hardcore group of militants in their midst. I do not use this term in its modern sense, that of low-ranking envelope-stuffing propagandists. The militants that any organisation needs if it is to become a real political force are men driven by political passion, with the ambition to mean something important to their contemporaries, and who have decided to merge their passion and ambition with the aims of the organisation they belong to. Not all members of a movement are militants and if political organisations were made up exclusively of militants they would rapidly turn into sects. However, the members who are totally committed and are staking their political future on the success of their action — those militants form the backbone of every organisation.”<sup>12</sup>

Spinelli was well aware that for federalists the road was going to be uphill all the way; he believed that the new generation of militants needed to be full-time politicians, living *for* politics, naturally, but also *off* politics (i.e. making a living from politics); they needed to gain a sense of fulfilment from dedicating themselves heart and soul to the cause of European unity. Only thus could enough determination be drummed up to stay in the field until the final victory. Instead, Albertini had a different idea of the figure and commitment of the militant. Recalling his clash with Spinelli, he wrote: “I wanted... men who turned the contradiction that exists today between values and actions into a personal issue: militants who are professional politicians, but are occupied as such only part-time, and without pay; people who have enough income to live off regardless of whether or not they have power.”<sup>13</sup>

Having sketched a profile of the federalist militant, the next step was to highlight the motives that were leading certain people to look beyond the confines of nationalism. In Albertini’s view, there were several routes by which people could be drawn closer to Europe: one was *moral outrage* at nation-states denying the values of democracy and equality, and “forcing one to consider the men of other states as foreigners, if

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<sup>11</sup> Francesco Rossolillo, *The Role of Federalists*, *The Federalist*, 44 (2002), p. 184.

<sup>12</sup> Altiero Spinelli, *L'Europa non cade dal cielo*, Bologna, Il Mulino, 1960, p. 254.

<sup>13</sup> Mario Albertini, *Il federalismo militante. Vecchio e nuovo modo di fare politica*, *op. cit.*, p. 442.

necessary to be killed”; another was *intellectual dissent*, stemming from the realisation that the nation-states were no longer able to solve the great problems of our age; and then there was *political will*, meaning a determination to focus not just on the issues at hand but also the strategy for solving them.<sup>14</sup> The European cause needed militants driven by all three factors: moral outrage, intellectual dissent and political will. Should just one of these be lacking, the entire construct, meaning the very figure of the militant, would collapse like a house of cards.

A further difficulty was the fact that society does not steer men naturally towards federalism. “No one becomes a federalist on their own, spontaneously, because federalism — like all new things when they first appear — does not exist in the world of established culture. The normal channels for disseminating culture (schools, the press, etc.) invariably adopt the national viewpoint, and consider the world as comprised of liberals, democrats, socialists, communists, Christian socialists, fascists, and so on... In this context, one becomes a federalist only if the circumstances of one’s life bring about a sort of conversion.”<sup>15</sup>

The proselytical activity of the federalist militant thus involved two tasks, the first being to recruit, and the second to train. Recruitment was, in some ways, the harder of the two because it meant reversing the way people regarded not just the politics but also the history of their country, the very fabric of their identity. “The current state and recent history of our countries”, wrote Albertini in 1959, “are leading many individuals to consider the issue of European unity. Yet, in practice, they remain militants or supporters of the nation-state because the national perspective has been impressed on them from childhood in the form of sentiments and images, and most of the stimuli and incentives of today tend to reinforce that. As a result, even when the desire for European unity leaves them torn, national sentiment tends to prevail, until such time as it is eventually uprooted by prolonged contact with an appropriate [federalist] environment. Therefore our recruitment policy must entail continuously attracting new people, and giving them the opportunity to gain meaningful new experiences.”<sup>16</sup>

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<sup>14</sup> Mario Albertini, *I tre gradi dei militanti*, Europa federata, 9 (1956), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 367-71.

<sup>15</sup> Mario Albertini, *Il reclutamento e la formazione dei militanti per le nuove lotte del federalismo*, L’Unità europea, November 1979 (Supplement), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., pp. 419-20.

<sup>16</sup> Mario Albertini, *Esame tecnico della lotta per l’Europa*, Il Federalista, I (1959), reprinted in Mario Albertini, *Tutti gli scritti. III. 1958-1961*, edited by Nicoletta Mosconi, Bologna, Il Mulino, 2007, p. 382. The short chapters making up this text had already

The second task, training, required uncommon effort on the part of both veteran militants and newcomers to militancy. Militants are not born, they are trained through political struggle, which necessarily goes hand in hand with study and discussion. "It might seem strange", wrote Albertini, still in 1959, "that to succeed in any political enterprise it is necessary to build the struggle upon a foundation of serious study, with rules and structures of the kind more frequently associated with schools of philosophy than political associations. Yet, in all revolutionary enterprises something of this nature has always existed, because the hardest challenge for the revolutionary is precisely that of making the best use of rationality to direct the struggle towards a new objective in a world in which habit, conventional wisdom and clichés steer men towards old objectives."<sup>17</sup> Only men who have developed unusual strength of character and powers of reason can develop the skills of the pilot, in other words indicate the way ahead, knowing that for long stretches of time their work will remain unacknowledged, but also realising that if they can speak up when crucial decisions have to be made, their role can be a decisive one.

The activist's work "behind the scenes" can be carried out only by people who do not depend on others for their survival, and within an organisation whose independence is ensured by the self-financing of its members.<sup>18</sup> If militants want to maintain independent judgements and actions, they cannot reach compromises with anyone. Niccolò Machiavelli effectively explained the fundamental reason for this in Chapter 6 of *The Prince*. After stressing that "there is nothing more difficult to execute, nor more dubious of success, nor more dangerous to administer than to introduce a new order of things", Machiavelli concluded by saying: "It is necessary, therefore, if we desire to examine this subject thoroughly, to observe whether these innovators act on their own or are dependent on others; that is, if they are forced to beg or are able to use

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been published separately in *Popolo europeo*, signed Publius. As mentioned in the introductory note on p. 371, the texts were later "revised and completed" by the author and published in a definitive version in 1959.

<sup>17</sup> Mario Albertini, *Una rivoluzione pacifica, op. cit.*, p. 389.

<sup>18</sup> This principle did not rule out funding for specific actions. Advertising campaigns that had to be run in the press due to the silence surrounding the undertakings of the MFE, even when these involved crucial decisions such as the elections by universal suffrage of the European Parliament or the single currency, were financed partly by militants and partly by voluntary contributions from sympathisers who were not card-holding members of the MFE but who supported its decisions. The same goes for the major events promoted by the MFE during summit meetings between heads of state and of government.

power in conducting their affairs. In the first case, they always come to a bad end and never accomplish anything; but when they depend on their own resources and can use power, then only seldom do they find themselves in peril.”<sup>19</sup> Stalwart militants of this kind would ensure not only the survival of the MFE, but also guarantee it a significant role in European unification and safeguard the federalist ideology until the goal of a world federal government is attained.

### III

Militant federalism is a revolutionary experience aiming to change the course of human history. It is not always easy to live up to this challenge. Many fall into the trap of confusing wishes with reality. Others mistake “the possible for the real, in other words they define policies based on situations that do not yet exist, only because they might materialise sometime in the imagined future”.<sup>20</sup> To escape these perils, reference must be made constantly to the prevailing *political situation*, i.e. a state’s *situation of power*, which determines whether a political strategy is feasible and has any chance of success. Albertini lived by this rule, which spared the MFE from embarking on utopian or dead-end campaigns.

Between the end of the 1950s and the early 1960s, all the hopes that had been placed in the European People’s Congress, and specifically in its ability, under mounting popular pressure, to call a constituent assembly, had been dashed. This disappointment begged the question: Now what? For Spinelli the unification process could be revived only by engaging in a national political struggle. Albertini, on the other hand, felt otherwise. If the aim was to call a constituent assembly, then first it needed to be decided “in what power situation it is possible to decide to call the assembly”. In a concise analysis of the issue, he wrote: “We are already living in a European confederation, in a *de facto* condition of European unity, based on the eclipse of national sovereignties and the need for the European states to cooperate closely in the political and economic fields. This is grounds enough to claim that a real basis already exists for the struggle to achieve institutional unity.”<sup>21</sup>

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<sup>19</sup> Niccolò Machiavelli, *Il Principe*, in Niccolò Machiavelli, *Opere*, I, edited by Corrado Vivanti, Turin, Einaudi, 1997, p. 132.

<sup>20</sup> Mario Albertini, *Pregare o forzare*, Europa federata, 10 (1957), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 94.

<sup>21</sup> Mario Albertini, *La crisi di orientamento politico del federalismo europeo*, Il Federalista, 3 (1961), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 111.

The situation of power thus lent itself to a struggle for European federation. But what concrete action could federalists undertake in order to grasp all the opportunities offered by the process?

This was not an easy question to answer because it was not a make-or-break situation, as with the EDC, where it had been a matter of fighting, not deciding. Moreover, after the early success of the Common Market, Europeans were looking forward to a long period of prosperity. In many countries, primarily Italy and Germany, economic integration had brought about a veritable “economic miracle”. Critical positions therefore received a very bad press and the MFE’s unyielding stance was regarded, by governments and national political parties, as extremism.

By 1962 Albertini had become the unofficial leader of the MFE and, along with the majority of federalists who had chosen to follow him, he was preparing to embark on a new campaign: the voluntary Census of the European Federal Population. At the Lyon Congress in the February of that year, Albertini ended his report by proposing “a ten-year campaign to collect signatures in favour of “a majority for the Constituent assembly of the European people”, with the practical aim of using a means of action that, being within everyone’s reach, can be developed everywhere”.<sup>22</sup> This was a campaign that could be waged by determined chapters and individual militants alike, and it consisted of mobilising *organised Europeanism*, in the shape of the pro-European and federalist movements, plus *organisable Europeanism*, meaning potential advocates of Europe (people aware that the nation-state had breathed its last), and *widespread Europeanism*, meaning Europeanists at large, i.e. those who realised the impact European unity had had on individual citizens.<sup>23</sup>

Europe’s unification process had now developed to the point that an enterprise could be undertaken to raise popular consensus for Europe and pave the way for the final crucial decisions. It was still early days though: public opinion first had to be taught how to make its influence felt, once the time came. “Once Europe has a real government, every citizen will be able, by voting, to strengthen this or that European party, to support the European policy that best corresponds to their ideals and interests. But in today’s Europe, which does not yet exist as a democratic organisation, all people can do is state their support for Euro-

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<sup>22</sup> Mario Albertini, *Rapporto al Congresso di Lione*, in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 129.

<sup>23</sup> *Ibid.*, p. 128.



pean unity. So, for the time being, this is the only way Europe's real power can emerge (in politics, power lies in votes and attitudes): through people declaring that they are for Europe, and through the sum total of these declarations."<sup>24</sup>

In Albertini's mind, the Census represented the only opportunity to reach the aims that the European People's Congress had failed to achieve.<sup>25</sup> In 1966, two years after the start of the new campaign, he wrote: "Once we are closer to handing over power from the nation-states to the European federation, and the need arises for a European partner for this constituent operation, the fact of having already established an organic link between federalists on the one side and the population, the parties, the trade unions and so forth on the other, will facilitate the organisation, based on the Census..., of the European People's Congress."<sup>26</sup>

Despite the considerable hopes that the Census would "spread like wildfire", this did not happen. Like the EPC before it, what it lacked was the support of a network of local organisations across Europe — the kind of support for which the initiative of single militants was simply no replacement. But both ventures played a significant role, as much within as outside the MFE: internally, the EPC and the Census provided an invaluable training ground for a new generation of militants determined to continue federalism's long journey through the wilderness; externally, they confirmed that it was in fact possible to maintain direct contact with the people and to perpetuate the principle that economic integration alone would not automatically bring political unity of Europe.

There has always been a very clear understanding in the MFE that the economy is not a strong enough driver to create a new state: this also demands a constituent act. Federalists were also aware of the fact that, to fully succeed, economic unity also needed political unity. In this regard, the first significant moment was expected to be the end of the transition period of the Common Market, when everything would come to a head, forcing the political leadership to take a stance. "Europe" wrote Albertini in 1967, "is no longer the mere historic design

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<sup>24</sup> Mario Albertini, *Il Censimento volontario del popolo federale europeo*, *Giornale del Censimento*, 2, n. 3 (1966), reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*, pp. 147-8.

<sup>25</sup> Mario Albertini, *Rapporto al MFE*, *Giornale del Censimento*, 1, n. 1 (1965), reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*, p. 143.

<sup>26</sup> Mario Albertini, *Il Censimento volontario del popolo federale europeo*, *op. cit.*, p. 150.

that it was at the beginning of our struggle. It has become an economic reality with a complex European administrative structure, and a growing political necessity. But alongside this powerful European reality there is a European parliament that still has no electoral base. In asking for it to be elected, we are demanding something that everyone but the enemies of Europe consider to be right. Now we must build on this sentiment... Of course it is not just a question of demanding direct election of the European Parliament, but rather of embarking on a slow and difficult process that will eventually lead to this goal... In practice, it means singling out individual objectives, ones within reach, along the path towards electing the European Parliament, so as to bring about concrete decisions and not just Sunday sermons.”<sup>27</sup>

In deciding to proceed in this way, the MFE abandoned the *extremist* approach (which, logically, would have meant calling a constituent assembly at the start of the process) and instead opted for a strategy of *constitutional gradualism*. Neither the EPC nor the Census had been able to oblige governments to call a constituent assembly — not because the idea behind the strategy was mistaken, but due to “the extreme difficulty of calling a constituent assembly at the start of the process, with the parties still so closely bound to national powers”.<sup>28</sup> In preparation for this step, it was necessary to set in motion a process whereby successive constituent acts would force governments to hand over part of their sovereignty to Europe. At the “Congress of Europe” organised by the European Movement in February 1976, Willy Brandt stated that the European Parliament should become Europe’s permanent constituent assembly.<sup>29</sup> The image conjured up by Brandt was very appealing but it suggested a process of indefinite duration, and as such received a lukewarm reception. Conversely, Albertini’s idea of constitutional gradualism set definite goals (based on the existing power situation in Europe) for which a clear strategy could be defined.

The rationale inspiring constitutional gradualism was not unlike the thinking that had driven Jean Monnet to draft his famous *Memorandum* proposing the creation of the ECSC. After realising that nothing but

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<sup>27</sup> Mario Albertini, *Un piano di azione a medio termine*, *Federalismo europeo*, 1, nn. 7-8 (1967), reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*, pp. 156-7.

<sup>28</sup> Mario Albertini, *Tesi per il XIV Congresso nazionale MFE*, in *Movimento federalista europeo, Atti del XIV Congresso. Roma, 2-5 marzo 1989*, Pavia, reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*, p. 303.

<sup>29</sup> Luigi Vittorio Majocchi, Francesco Rossolillo, *Il Parlamento europeo. Significato storico di un’elezione*, Naples, Guida, 1979, p. 105.

blind alleys were being met along the entire political front, Monnet went on to comment that: "There is only one way out of such a situation: a concrete and resolute action on a limited but decisive point, which will bring about a fundamental change in relation to that point and help to modify the very terms of the problems." In Albertini's view, the point that would change "the very terms of the problems"<sup>30</sup> was the direct election of the European Parliament, because it would plant the first seeds of democracy in the unification process and shift the political scene from the national to the European stage.

The most difficult obstacle to achieving this outcome was the opposition from France. That said, there was nothing to prevent the other countries from electing their members of the European Parliament by universal suffrage. This, therefore, had to be the starting point. On 11 June 1969, a citizens' initiative calling for the direct election of Italian delegates to the European Parliament was put before the Italian Senate, where it made much progress albeit without, on account of a fortunate coincidence, coming to fruition. Indeed, on 13 May 1974, the President of France announced that he wanted to "adopt or have the Community adopt an initiative to unshackle Europe and stop its dismemberment." In October that year, the French Foreign Minister, Jean Sauvagnargues, proposed the election by universal suffrage of the European Parliament. The subsequent adoption of this proposal, at the Rome Summit of 1-2 December 1975,<sup>31</sup> would go down in history as the MFE's first strategic victory.

The initiative of the French government had arrived at a particularly delicate time for European life. The collapse of the international monetary system and the oil shocks were causing increasing monetary

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<sup>30</sup> Mario Albertini, *Il "Memorandum Monnet" del 3 maggio 1950*, in Mario Albertini, *Il federalismo*, Bologna, Il Mulino, 1993, p. 273.

<sup>31</sup> On 27 August 1974 French citizens received a very significant message from Valéry Giscard d'Estaing: "Europe must count on no one other than itself to organise itself, and the modern world will never be truly modern until the map ceases to show Europe as a lacerated area. This is the reason why, over the coming months, France will undertake initiatives towards the political organisation of Europe. There are — I know — all manner of alibis for not forging a political Europe, but there will be no alibi for those who have been called to this appointment with history, as our generation has been called, and who have returned empty-handed. Over the coming weeks France will propose a series of measures regarding the re-launching of the economic-monetary union of Europe; however, it is my intention to address the heads of state and of government of European countries, our partners and our friends, to propose coming together to reflect, during France's presidency of the Community, on the timing and methods for realising the political union of Europe". It is disturbing to note that this understanding of the gravity of the events failed to prompt a concrete initiative to achieve political union.

turmoil, and the very existence of the Community was under threat. Direct election of the European Parliament would strengthen ties between Europe and her citizens, but this alone would not suffice. Only the creation of a European government could solve the problems that had emerged. However, even when faced with such traumatic events, Europe's national governments still failed to go the whole nine yards. Therefore, the fabric of constitutional gradualism still needed to be patiently woven, this time by identifying a target area that would sharpen the contradictions in the process and inject greater courage into national governments. Monetary union seemed to be the most promising area in which to resume the battle.

As early as the day after the first monetary storm, Albertini had stressed that currency could represent the slipperiest spot on the slope leading to Europe. "However irrational it may seem, there must be acceptance and support", he wrote in 1973, "for gradual monetary unification before, rather than after, the creation of a European political power, because those leading the process of implementation... are not behaving rationally... If someone can be prevailed upon to become committed to something (monetary union) that implies a certain requirement (political power), then perhaps that someone will end up having to create it whether they want to or not."<sup>32</sup>

On 15 February 1992, Europe's heads of state and of government, meeting in Maastricht, decided to create the single currency. This was another strategic victory for federalism. After striving for 25 years (from 1967 to 1992) for election by universal suffrage of the European Parliament and for the single currency, at last the foundations had been laid for the last decisive step. The European Union now had an elected parliament. And after Maastricht, it would also have a single currency and a European central bank, a further two crucial steps towards the future federal state.

The process of creating a single currency was accelerated by the upheaval generated by the fall of the Berlin Wall, the collapse of the Soviet Union, and the end of the bipolarism that had prevailed after the Second World War. Events on this scale could not help but affect the fate of Europe. However, although it might have been expected that the European governments — reeling from events that were reshaping the

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<sup>32</sup> Mario Albertini, *Il problema monetario e il problema politico europeo*, in *Studi in onore di Carlo Emilio Ferri*, Milan, A. Giuffrè, 1973, reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 174. The original version, in French, was published in *Le Fédéraliste*, 14 (1972).

world balance and underlining more forcefully than ever before “the destructiveness of any policy with a national horizon” — would feel an urgent need to unite and decide, once and for all, to take the federal bull by the horns, their response was half-hearted: some of them saw their ties strengthened thanks to the single currency, but none had the courage to tackle the twin problems of defence and foreign policy, in other words, the creation of a European state. “Political union”, wrote Albertini in 1990, “is still largely viewed not only as something distinct from economic union..., but also as an enterprise bound to be slow moving and gradual, like the process that led us to the threshold of the single currency. However, this idea is entirely misguided. In the field of economics it is perfectly possible to move by degrees from a national situation towards an increasingly less national and more European situation, with a government and currency needing to be put in place only at the end of the process. On the other hand, in the area of foreign policy (especially if we are referring primarily to defence and the armed forces, and leaving out the economic domain), such a gradual process is impossible. Whatever the solution adopted, it always involves forming alliances, whether these are loosely or more formally structured. In short, it invariably entails remaining within the national framework, without ever managing to create a European situation that would only need to be consolidated and ultimately secured through the creation of a European political power. With the current approach there is no way out of the national context, as all those who recognise the difference between federation and confederation readily understand.”<sup>33</sup>

In point of fact, the heads of state and of government did acknowledge that it would take more than a single currency to solve the problem of European unity. Indeed, the Maastricht Treaty refers not only to the euro, but also to citizenship, foreign policy, defence and justice. “Currency, citizenship, sociality, foreign policy [and] defence” observed Albertini, “are all parts of a plan for creating a European state. The question now is whether the outcome will be successful or not; whether economic and political differences will create problems; but there is definitely a plan, put together by Europe’s governments, to create European unity by 1999.”<sup>34</sup>

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<sup>33</sup> Mario Albertini, *Moneta europea e unione politica*, L’Unità Europea, September (1990), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 322.

<sup>34</sup> Mario Albertini, *L’Europa dopo Maastricht: gli aspetti politici*, in *L’Europa dopo Maastricht. Problemi e prospettive*, edited by Silvio Beretta, Milan, A. Giuffrè, 1994, reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 338.

However, the existence of a plan does not mean that success is necessarily around the corner. The intergovernmental conferences staged to iron out the problems that Maastricht left pending did little more than give the Union's structures a minor touch-up. But federalists were the last to be surprised by this, as they had always known that the governments would try to put off the fateful last step for as long as humanly possible, and would yield only under unendurable pressure.

It is obvious that the nation-state as such has reached crisis point, and it is — or should be — just as obvious that there is “a need to unify Europe” because it is now clear that, as Luigi Einaudi explained in 1954, it is not a question of choosing between independence and union, but of choosing either to join together and survive, or remain apart and disappear.<sup>35</sup> The challenges of history demand a federal response; instead, governments are racking their brains to come up with ever more imaginative ways to avoid the one thing that would solve all the problems at one fell swoop: a European federal state. In this situation, the federalist vanguard can play a decisive role, indicating the only avenue that can lead to the solution, and fighting to achieve it.

After a long and tortuous journey, we seem to have come full circle, or almost. Albertini urged those seeking to envisage the concrete path that will lead to the creation of a European state to avoid falling back on the experiences of the past. A new state is not born perfect, like Minerva springing from the head of Jupiter. On account of “its very nature, the European constituent endeavour cannot coincide with the work of a constituent assembly that is required, within the space of a few months, to draw up a definitive constitution. In Europe, there is no European state simply needing to be given a constitutional form. In Europe, it is, quite literally, a question of creating the state. And the thing that the whole experience of European integration should by now have taught us is that it is only with an initial form of European state (to be established by an *ad hoc* constituent act) that one can launch the process of, we might say definitively, forming the European state.”<sup>36</sup> The fact that completing the state is a gradual process does not mean — and Albertini stated this repeatedly — that the transfer of sovereign powers from the nation-states to Europe also has to be gradual. This transfer must be the result of a timely decision that makes it possible to

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<sup>35</sup> Luigi Einaudi, *Sul tempo della ratifica della C.E.D.*, in Luigi Einaudi, *Lo scrittoio del presidente (1948-1955)*, Turin, Einaudi, 1956, p. 89.

<sup>36</sup> Mario Albertini, *Elezione europea, governo europeo e Stato europeo*, *Il Federalista*, 18 (1976), reprinted in Mario Albertini, *Una rivoluzione pacifica*, *op. cit.*, pp. 224-5.

make the transition from confederation to federation. Once this leap has been made, the rest will follow.

Except in the case of unforeseeable events, this transition is unlikely to come about in any way other than that of a “federal pact” concluded between the countries determined to give life to an early form of European state. The solution is simple, but the struggle will be long and difficult, because the national political classes will resist the loss of their power, however illusory this may be.

In the early days of his career as a militant, Albertini addressed his fellow federalists thus: “Our difficulties... are no different from those faced by all new things, whether in politics or life in general. The idea that patience is a revolutionary virtue applies to us, too.”<sup>37</sup> But patience is not the same as simply sitting back and waiting for something to happen. It must be viewed as total dedication to the cause for which one has decided to fight.

Sometimes, the most profound lessons are to be found where we least expect them. In a book on his life, Uto Ughi recalls an encounter with the great Spanish guitarist Andrés Segovia. “Segovia”, he writes, “was a person who possessed profound wisdom, but also subtlety of spirit and sharp irony. He once asked me if I knew the difference between knowledge, wisdom and virtue, before going on to explain: ‘Wisdom is knowing what to do, knowledge is knowing how to do it, virtue is doing it’.”<sup>38</sup> During the long years of his federalist militancy, Mario Albertini embodied, in exemplary fashion, all three of these qualities, without which nothing can be built.

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<sup>37</sup> Mario Albertini, *La formula del Movimento*, Europa federata, 8 (1955), reprinted in Mario Albertini, *Una rivoluzione pacifica*, op. cit., p. 351.

<sup>38</sup> U. Ughi, *Quel diavolo di un trillo. Note sulla mia vita*, Turin, Einaudi, 2013, p. 48.

# Albertini: the Strategy of the Fight for Europe and the Role and Organisation of Federalists\*

GIULIA ROSSOLILLO

My intention, in this brief contribution, is to highlight several of Mario Albertini's ideas on the strategy of the fight for Europe and on the significance, in this setting, of the role and organisation of federalists. Albertini's reasoning on both these questions show his fine analytical skills and his clear understanding of the problems — still unresolved — that beleaguer the integration process; indeed, his arguments remain highly topical today. The writings on which I base my remarks date back mainly to the 1960s and to the period spanning the end of the 1980s-early 1990s (the time of the decision to create the single European currency), and they show that Albertini was already quite clear about the path that needed to be followed in order to build a European federation.

The premise that I would like to take as my starting point is that Mario Albertini's thought and his reflections on the evolution of the process of European integration and on the federal objective were never divorced from the problem of the strategy necessary in order to achieve the latter. In other words, Albertini's efforts to fully understand reality — to get to the truth — and develop a clear view of the contradictions inherent in the process of European integration (overcoming the deceptiveness of current thinking), and of the resulting need to create a new power, were always coupled with action. It is thanks to these efforts, and to his determination to treat politics as a science, that his reflections remain so relevant today. They highlight the close interrelationship between theoretical analysis, identification of the strategic ob-

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jective, and the role and organisation of federalists in the struggle for European unification.

Albertini's reflections on strategy start from his consideration of the peculiarity of the fight to create a European federation, which is not about changing an existing power, but rather about creating a new one, and thus altering the whole context of political struggle. The opposition mounted by federalists thus has to be directed not at a government, but at an established political community. This characteristic — the fact that the fight is, ultimately, for the creation of a power that does not yet exist — explains the uniqueness of the roles played in the process of European unification by the various actors involved, in particular by governments, parties and federalists.

With regard to the first two categories, Albertini remarks that governments can play a stronger role than parties in the drive for the creation of a new political reality. Indeed, the task of parties, he says, concerns "the balance of power and of votes in the pre-established framework in which they fight — that of the states —, and for this reason they are led to consider decisions and problems more from the perspective of votes lost or gained in the national setting than from that of finding realistic and effective solutions."<sup>1</sup> Accordingly, they fight to gain power in the national framework, which already exists, not in the European one, which is still to be created.

The nature of the task of governments, on the other hand, leads them to concern themselves not with great ideological questions, but with concrete problems, and when it becomes clear that national solutions to these problems cannot be found, since they demand European ones, then national leaders may act like European leaders. For this to occur, however, there has to be a serious crisis of national power. Indeed, as long as simple collaboration between states proves enough to resolve, at European level, the problems that arise, the states can hold onto their measure of power and thus perpetuate themselves. On the other hand, when there arise problems whose solution demands a European government, the states suddenly find themselves powerless. As Albertini explained, "The crisis of the states and European integration are two aspects of the same phenomenon. The same fact, the dimension of problems, sets both of them off. The irresistible trend toward Euro-

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<sup>1</sup> M. Albertini, *La Comunità europea, evoluzione federale o involuzione diplomatica?*, *Il Federalista*, 21, n. 3-4 (1979), p. 163. Republished in: M. Albertini, *Una rivoluzione pacifica. Dalle nazioni all'Europa*, Il Mulino, Bologna, 1999, p. 247 ff., see, in particular, p. 256.

pean unity is due to the fact that the problems of government (defence, foreign policy and the economy) have taken on a supernational dimension. Yet precisely this fact is provoking the fatal decline of the national states, their crisis, and in the long run the crisis of their power.”<sup>2</sup> In such situations it is possible to see the emergence of what Albertini termed occasional European leadership, in other words to see national leaders behaving like European leaders. “This leadership emerges, naturally, in a context defined not by the institutions but by an objective situation (widespread fears, great problems, strength in unity, weakness in division), and it exerts a force of traction on the political class as a whole (which is thus allowed to pursue a European action without having to abandon the field of national politics).”<sup>3</sup> In this way, by drawing politicians with it (and thus taking them out of the national arena where they are naturally inclined to confine their struggle), an occasional leadership has the effect of starting the creation of a European people.

These observations lead on to a further consideration regarding the role of the various forces in the creation of a European power, namely the fact that, fundamentally, the decision to create a European federation cannot be the choice of a single political force; on the contrary, it must reflect a strong degree of national unity, and thus have the backing of all the political forces, regardless of their ideological orientation (excluding, of course, those that make the defence of national sovereignty their supreme objective). In fact, given the exceptional nature of a government’s decision to strip itself of power in order to build a new power, this decision requires the strongest possible political foundations and can therefore be taken only with the consent of the parties (both the governing and the opposition parties) and the support of the citizens.

This brings us on to the question of the role played by federalists, who must be ready and able to seize the strategic opportunity when it arises. Indeed, Albertini points out that the two conditions mentioned earlier — the crisis situation generated by the need for a European government to solve certain problems together with the emergence of an occasional leadership — will not be enough, on their own, to allow the federal leap. A third factor needs to come into play, namely the initiative and know-how of a minority group (the federalists) that has made the battle for the creation of a new European power the purpose of its

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<sup>2</sup> M. Albertini, *The Strategy of the Struggle for Europe*, *The Federalist*, 38, no. 1 (1996), p. 62.

<sup>3</sup> M. Albertini, *La Comunità Europea*, *op. cit.*, p. 258.

political struggle. It is, in Albertini's view, a crucial factor because times of crisis, when the existing power is disintegrating and decomposing, are the times when the federalist message (that the solution lies in the creation of a European federation) is more likely to be heard.

Given that the task of federalists is not to reject this or that government, but to oppose an established order of things, i.e. to reject the nation-state as the only political community of reference, their role is very difficult. It is also completely removed from the typical models of national politics. This has necessitated the development of an organisational model based on the idea of autonomy. Primarily, the federalists' autonomy is political, meaning that they are independent of the political parties and have developed an independent analysis of the historical situation from a European perspective. But it is also organisational (in the sense that the movement they have built is based on the activity of part-time militants who, as such, do not earn a living from their political activity, or use it to promote their careers) and financial (the movement depends on self-financing in order to survive).

Moving on to the second part of my contribution, I wish to focus on the concept of crisis, analysing, in particular, Albertini's criticism of gradualism, i.e. the idea that the construction of a true European government, and of a European federation, can be the outcome of a smooth and gradual evolution of Europe's existing institutional structure (Albertini refers to that of the then European Community) — an evolution that allows this structure to remain intact. Albertini actually harboured doubts about the very concept of the European integration process: the idea of a process evokes something that "reaches its goal providing it is not impeded",<sup>4</sup> and that therefore, in the absence of perturbations, will naturally and gradually accomplish its purpose. But in Albertini's view, gradualism can produce results only if the constitutional question is left out of consideration. The positive aspect of Jean Monnet's strategy was precisely this, namely the fact that, by not putting the problem of the transfer of sovereign powers on the table, it allowed exploitation of the states' European policies and the engagement of active pro-European forces. But according to Albertini, the decision to create a European federation cannot simply be the last step in a gradual process, as demonstrated by the fact that the gradualism seen in the economic sphere and

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<sup>4</sup> M. Albertini, *La crisi di orientamento politico del federalismo europeo*, Il Federalista, 3, n. 5, (1961), p. 226. Republished in: M. Albertini, *Una rivoluzione pacifica*, op. cit., p. 97 ff., see, in particular, p. 98.

in that of intergovernmental cooperation has failed to bring about a gradually growing will, within the parties, to build a European federation. In fact, this step constitutes a power problem, whose solution is facilitated but not determined by the ongoing integration process.

Gradualism, in the face of problems that have exceeded the scope and dimensions of Europe's nation-states, inevitably results in "inadequate solutions in the context of the imperfect unity which is compatible with maintaining the formal sovereignty of the states". This means that it allows greater collaboration between the states, and in this sense its role is a positive one since it "changes the situation in such a way that solving the new problems which arise requires an even greater degree of unity".<sup>5</sup> However, when gradualism begins to touch the very heart of sovereignty — when it reaches a point at which economic and fiscal policy and foreign and defence policy need to be taken into consideration —, then it comes to a halt. This is the point at which it is necessary to make the crucial leap in the form of a political decision to create a European power. Albertini stresses that "either the transfer of the military from the national governments to the European government is accomplished at once, as part of the act that brings the latter into existence, or it is not accomplished at all. This applies, in general, to foreign and military policy, and also to the part of economic and social policy that is within the remit of the federation."<sup>6</sup>

This is not to say that a newly created European federation should immediately assume its definitive form. In fact, the purpose of the federal leap is to create an initial form of federal state, which can subsequently evolve towards its definitive form: one that will see it endowed with all the competences "necessary to act as an ordinary federal government". Viewed from this perspective, the moment of transition, i.e. the creation of an initial federal core, requires the creation of a currency and a government. Thereafter, this initial federal structure can start to evolve, through the creation of a European political and administrative apparatus, and the attribution of new competences.

As can be seen from these brief remarks on Albertini's reflections on the strategy and role of federalists, which provide just a taste of what was actually an extremely complex and detailed analysis, his ideas, decades on, remain as relevant as ever.

The European Union is an organisation that has achieved very im-

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<sup>5</sup> M. Albertini, *La strategia*, op. cit., p. 63.

<sup>6</sup> M. Albertini, *La strategia*, op. cit., p. 67.

portant objectives and reached high levels of evolution, yet in the pivotal sectors of sovereignty it has continued to be based on mechanisms of voluntary cooperation between states. Today, we find ourselves in a situation in which the limits of its mechanisms of functioning are clear to see. Indeed, these limits have been further underlined by the EU's need, during the economic and financial crisis of recent years, to rely on instruments of intergovernmental cooperation between states, often outside the framework of the Treaties, because it lacks its own tools for dealing with acute emergencies of this kind. This situation constitutes clear evidence (stronger than in Albertini's day) that the gradualism method has exhausted its potential, making it necessary, finally, to make the transition to a European federation.

The problem today, in particular, is how to know when this transition can be said to have taken place, in other words, when we have reached the point beyond which there can be no reversing of the process that will result in the establishment of the European federation in its definitive form. Even though, due to the ongoing terrorism threat and the instability of the international situation, there is currently much debate about European defence and security, and steps have recently been taken towards the establishment of a permanent structured cooperation, defence and security continue to be, in my view, a driving force towards European federation, but they do not constitute the moment of transfer of power. Indeed, within the defence sector there is still scope for forms of cooperation that, while representing progress in comparison with the current situation (one example is the permanent structured cooperation mechanism just mentioned), nevertheless keep the issue of defence within the framework of cooperation between states. Instead, taxation is the field in which the point of transition (i.e. the juncture that, historically, has proven to be the turning point in the creation of previous unions of states) is reached. The allocation of fiscal resources to a supranational power rests on the assumption that there is a form of democratic control over the use of these resources and a government to manage them: it thus marks the point when the creation of a new political power becomes inevitable. Viewed from this perspective, the process of European integration has clearly reached a key moment. After years that have seen differences of opinion, sometimes heated, between the member states, and the predominance of a purely intergovernmental outlook, French president Macron, after building his entire election campaign around the need for stronger European integration, thereby showing that public opinion is still largely in favour of Europe,

last September, at the Sorbonne, delivered a speech of historic importance for the integration process.<sup>7</sup> In an analysis that touched on all the sectors affected by integration, he made it clear that the objective to pursue must be a “sovereign, united and democratic” Europe that is capable of dealing with the problems that the nation-states can no longer address, and that puts the destiny of the European citizens back in their own hands. Macron’s intervention represents a historic opportunity and the seriousness of his intentions is demonstrated by the fact that, rather than merely tabling the issue of Europe, he outlined concrete solutions to the problems it raises, underlining the dependence of European public policies on the resources needed to carry them out, and thus highlighting the need to create a budget and fiscal resources for the euro-zone, and to complete the Economic and Monetary Union. It could well be that, in Macron, Europe has found an individual who, driven by evidence of the inadequacy of national solutions and the need for European solutions, is willing to act as a European leader, and thus to provide the occasional European leadership that Albertini deemed so crucial. For federalists, it is important to remember that, as Albertini pointed out, strategic opportunities are not chosen, but have to be recognised and verified, because they do not depend on human will, but on the historical process.<sup>8</sup> However, once such an opportunity presents itself, it is up to federalists to act to ensure that the historic window that has opened up does indeed open onto to European federation. Allowing it to close would be to jeopardise all the achievements in terms of peace, progress and citizens’ rights and well-being that the process of European unification has so far brought.

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<sup>7</sup> *Initiative pour l’Europe – Discours d’Emmanuel Macron pour une Europe souveraine, unie, démocratique*, Paris, 26 September 2017, available at the address: [www.elysee.fr/declarations/article/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique/](http://www.elysee.fr/declarations/article/initiative-pour-l-europe-discours-d-emmanuel-macron-pour-une-europe-souveraine-unie-democratique/).

<sup>8</sup> M. Albertini, *L’aspetto strategico della nostra lotta*, in M. Albertini, *Una rivoluzione pacifica*, op. cit., p. 325 ff., see, in particular, p. 327.

# Federalism: a Vision and a Method\*

SERGIO FABBRINI

## *Introduction.*

The federal vision in Europe was suffocated back in the 1950s, and the European Union has indeed developed along lines very different from those envisaged by the original federal approach. However, the various crises of the second decade of this new century have led to a strong revival of the federal vision. In an effort to explain this development, I will proceed as follows. After first describing the building of the common market, a supranational process, I will outline the affirmation of the intergovernmental method in the 1990s. Then, after examining the consequences of the multiple crises we have witnessed in the past decade, I will make some considerations on the return of federalism in public debate that they have prompted. I will conclude with a look at the form of federalism that, I suggest, can solve the dilemmas created by these crises.

## *The Functionalist Roots of European Integration.*

The European Union is the result of a *pact for peace*, without which Europe could never have rebuilt itself, economically or democratically, after the Second World War. It represents the institutional response to Europe's dramatic experiences in the first half of the twentieth century. Reasoning on the future of the European Union necessarily entails examining the sustainability of its institutional model, a model that is now being questioned both within the countries of Western Europe and by those of Eastern Europe. To understand how the European Union came into being and developed, it is useful to use the concept (taken from the

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field of comparative political analysis) of the *critical juncture*. There are phases in history (in the history of an organisation, a system, a country) in which windows of opportunity open, meaning periods in which it is possible to opt to take unforeseen paths, and in which political leaders, or those with decision-making power, are free to make relatively unconditional choices. Such choices define the path that will thereafter be followed. Once these critical periods end, and the choices made have been institutionalised, political dynamics follow a predetermined direction (i.e. are subject to path dependency).

The first critical juncture of interest to us in the present context is the post-war period. After World War II, the political leaders of the countries that had been prominent in the conflict became engaged in a debate that also involved technicians, i.e. individuals who, crucially, operated outside the political arena. In this setting, there emerged two visions: the federalist vision, promoted (among others) by Altiero Spinelli, and the functionalist vision, promoted (among others) by Jean Monnet. According to the federalist vision, it was necessary to create the “political moment” (Mario Albertini’s expression) in which to launch European integration. This vision was structured along two essential lines: one economic (represented by the European Coal and Steel Community, or ECSC), and the other political (represented by the European Defence Community, or EDC). In fact, these two Treaties (ECSC and EDC) came into being contemporaneously and both derived from the same need and aspiration, concisely expressed in the Schuman Declaration of 9<sup>th</sup> May 1950: to lay the “foundations for economic development as a first step in the federation of Europe”. In particular, it was envisaged that once the EDC was established, the next objective to pursue would be common governance of European security.

However, in August 1954, the French National Assembly sank the EDC project, leaving open only the possibility of economic integration. This is the point at which the functionalist vision began to prevail. In Jean Monnet’s view, the integration project needed to be re-started from the bottom (the market) rather than the top (the institutions). The right way forward, he felt, was to foster inter-state cooperation on concrete economic issues, with the idea that this cooperation would, in turn, strengthen the role of functional European institutions, such as the Commission and the Court of Justice. Although the defeat of the EDC project in August 1954 was, as we know, attributable to reasons of French domestic politics, and had nothing to do with the value of the project itself, the French National Assembly’s decision nevertheless



closed the window of opportunity that had opened up in the wake of the war. Thus, the federalist vision espoused by Altiero Spinelli (who believed that federation of Europe needed to start with the creation of the necessary institutions) was replaced by the functionalist one championed by Jean Monnet (who instead believed that the starting point should be policies and that these, through a spillover effect, would lead to the creation of Community institutions). The 1957 Treaties of Rome effectively sealed and celebrated the functionalist approach. In abandoning the federalist vision (the word federation does not appear on any page of these Treaties), the countries that signed them undertook to build a common market, understood as a functionalist project to integrate Europe through economic cooperation. It is true that the Preamble to the Treaties committed the signatory countries to the pursuit of “an ever-closer union among the peoples of Europe”, but the value of this commitment seems to have been more symbolic than operational.

From 1957 to 1989-1990, the process of building a single continental market advanced smoothly, in part thanks to the enlargement of the project to new member states in Western and then Southern Europe. In this period, this market-making process was peremptorily constitutionalised by the European Court of Justice, which, through a series of significant decisions in the 1960s and 1970s, transformed the Treaties into quasi-constitutional documents. Moreover, since Europe’s economic integration was found to produce widespread benefits in the countries participating in the unification project, the process was able to advance, unimpeded, on the basis of a form of stable consensus, known as passive (or permissive) consensus. In the context of this evolving common market (re-named the single market with the passing of the 1986 Single European Act), there followed a progressive consolidation of the institutions that formed the community model, namely the Commission, the Council of Ministers, and then (especially following the introduction of its direct election in 1979) the European Parliament. However, it can be remarked that this market-based Europe was able to become well established because it integrated policies that carried little political importance within the single member states.

### *The Creation of an Intergovernmental Regime.*

This state of affairs changed with the arrival of a new critical juncture, namely the period 1989-1991, which brought the end of the Cold War, the collapse of the Soviet Union, and the reunification of Germany (or, more accurately, the absorption of East Germany into West

Germany). Germany's reunification brought Europe face to face, once again, with its age-old problem: how to counterbalance the influence and power of Germany, now that the latter was once again Europe's largest country, located at the heart of the continent and capable of wielding a level of economic and political force that France could no longer match. Whereas West Germany had been demographically on a par with France, after October 1990 (the date of German reunification), this symmetry was irretrievably lost. The reunited Germany had a population of over 81 million, as opposed to France's 58 million. This imbalance between the two countries was very worrying for France's leaders (so much so that the French president of the time, François Mitterrand, did not conceal his opposition to a rapid reunification of the two Germanies). France feared that Germany's new superiority would result in the creation of political pressure within the EU institutions, starting with the European Parliament, where Germany had a larger delegation than France (even today, of the total 751 MEPs, 96 are elected in Germany and 74 in France).

In order to address this German asymmetry, Europe, through the 1992 Maastricht Treaty, resumed its plan (already developed in the second half of the 1980s) to build a common currency, the aim being to contain Germany's economic might within a new decision-making framework (the so-called eurozone). The eurozone was designed to operate supranationally, in the field of monetary policy (through the European Central Bank, a newly created, quasi-federal institution), but also intergovernmentally, in that of economic policy (with all decisions being placed under the control of the national governments, whose activity would be coordinated within the Council of Ministers and, increasingly, within the European Council). In this way, the Maastricht Treaty effectively extended to the area of eurozone economic policy the intergovernmental decision-making logic that had already been introduced and institutionalised (from Maastricht onwards under a three-pillar structure) for those policy areas (foreign policy, defence, internal law and justice) traditionally considered central to the conservation of national sovereignty (the so-called state powers). Under this arrangement, whereas the supranational approach (Community method) used for deciding the single market's regulatory policies was based on majority voting (qualified in the Council of Ministers and absolute in the European Parliament), decisions on new policies (also defined strategic policies), drawn up according to the intergovernmental method, instead demanded unanimity (both in the Council of Ministers and in the Eu-

ropean Council), with every national government granted the power of veto. Furthermore, whereas the integration of the single market was designed to advance through the approval of laws (mainly directives and regulations), integration within the area of strategic policies was to be achieved through voluntary coordination among the national governments. Accordingly, within this decision-making system (intergovernmental), which was based not on the approval of laws but on political decisions made by national governments, the European Court of Justice, which exercised and still exercises a crucial supervisory role *vis-à-vis* laws relating to the single market, saw its role diminished. Similarly, both the European Parliament and the Commission, bodies linked to the legislative process, also saw their powers and role reduced.

The 1992 Maastricht Treaty may thus be taken to represent the institutionalisation of two constitutional models (i.e. decision-making systems), supranational for the single market and intergovernmental for strategic policies. By institutionalising an intergovernmental system for deciding those policies likely to carry considerable political weight within the member states, this Treaty closed the second critical juncture, or window of opportunity. It established an intergovernmental union, but did not affect the existing supranational one, in the sense that it systematised decision making on policies different from those regulated by the supranational system. In short, it sealed and celebrated a compromise between the states, which were willing to accept both constitutional models. Any union of states is, of course, necessarily based on inter-state compromises. But in the case of the European Union, these compromises were made in the absence of formally established constitutional guidelines. One need only consider that, as well as the compromise between the supranationalists and the supporters of intergovernmentalism, a compromise was also reached between the countries choosing to adopt the single currency and the ones authorised (through the opt-out formula) to remain outside the euro area, such as the United Kingdom, Denmark and, in effect, Sweden. Moreover, with the subsequent and successive enlargements of the EU, the number of countries opting out has increased, even though, formally, new member states are obliged to converge economically towards the standards of the single currency. And of course, we must not forget the compromise reached, within the eurozone, between Germany, which pressed for centralisation of monetary policy under the European Central Bank, and France, which insisted that economic and fiscal policy remain decentralised to the member states.

*The Multiple Crises of the Past Decade.*

The 2008 financial crisis marked the start of a third, and decade-long, critical juncture. Indeed, it was followed by a migratory crisis and then a security crisis, and these multiple emergencies shook the post-Maastricht institutional structure to its core. As a result, the compromise between the two visions of Europe (based respectively on supranational market integration and intergovernmental cooperation) was undermined, with the latter emerging as stronger. The compromise that had been reached between the wishes of countries committed to an “ever closer union” and those instead interested solely in the economic union was also weakened, to the point of triggering centrifugal processes. Indeed, one of the opt-out countries even decided, on the basis of a popular referendum (the so-called Brexit referendum of June 2016), to leave the European Union. Furthermore, in this context, the compromise reached within the eurozone (i.e. centralisation of monetary policy and decentralisation of economic and fiscal policy) fostered increasing division between the continent’s northern and southern states, partly as an effect of the affirmation of Germany and its economic vision (ordoliberalism). Germany, finding that it had become too strong to be counterbalanced by France and could thus exercise unchallenged leadership within the eurozone, was induced by its position of strength to change its traditional stance on European integration: it began favouring an increasingly intergovernmental vision, thereby moving away from the supranational one it had espoused in the period before October 1990.

The upsetting of these compromises brought to the surface the different visions that, historically, underlie the EU member states’ attitudes towards the integration process. Indeed, because the *federal moment* mentioned by Giulia Rossolillo (the moment that, ideally, should have established the nature of the European Union at its birth) had never materialised, the member states ended up developing different, and irreconcilable, views of European integration. This explains why there emerged a group of countries (the UK plus the countries of the Scandinavian peninsula and of Eastern Europe) that reacted to the multiple crises by calling for a return towards exclusively economic integration, i.e. a pre-Maastricht-like integrated market reconcilable with the preservation of national sovereignty (and thus compatible with the nationalisms that characterise these countries). It should be noted that in the UK and Denmark, for example, nationalism has continued to have a democratic character, whereas this is not the case in many Eastern Euro-

pean countries. One need only consider the current decline of the rule of law in Poland, Hungary and other countries in this area. These are countries where nationalism is even assuming religious overtones, probably as an effect their enforced loss of identity under Soviet rule. But at the same time, however, another group of countries (those making up the “core” of the eurozone) had an opposite reaction to the crises, instead calling for a leap forward in the integration process, so as to arrive, in the words of French president Emmanuel Macron (elected in May 2017), at “a sovereign, united and democratic Europe”. This is a group of countries that has never ceased to interpret the concept of “ever closer union” in political terms, and indeed never could do. After all, they are the ones for which nationalism has, historically, been an enemy of democracy — countries that, between the two World Wars, saw their democracies wiped out by nationalism. The multiple crises of the past decade have brought to the fore, to an unprecedented degree, this split, or difference in visions (between an economic Europe and a political Europe).

Among the supporters of a political vision there emerged, as the crises unfolded, a further split, namely between those that wanted a parliamentary form of political union (countries like Italy and Spain, and EU institutions like the European Parliament and the Commission), and those that instead preferred an intergovernmental form (countries such as pre-Macron France and Germany, as well as the Council of Ministers and the European Council).

The main supporters of the parliamentary perspective (which derives from functionalism and can be defined more accurately as the *parliamentary union* perspective) are the Commission and the European Parliament, which together represent the inter-institutional axis that has supported, and must inevitably continue to support, integration through law. Those who adhere to this perspective therefore backed the *Spitzenkandidaten* process for the 2014 European parliamentary elections, and will do so again for the forthcoming 2019 elections. Instead, the intergovernmental perspective (which derives from liberal intergovernmentalism and can be defined more accurately as the *intergovernmental union* perspective) is championed by the European Council and the Council of Ministers, the inter-institutional axis that has supported, and must inevitably continue to support, integration through co-ordination of national governments participating on a voluntary basis. Both these perspectives have shown themselves to be entirely one-sided. The parliamentary one underestimates the role of national gov-

ernments, while the intergovernmental one fails to take due account of the role of European citizens. And yet it is unthinkable that the governance of a political union (made up of states and of citizens) can be consolidated without arriving at a balanced combination of the two, necessarily within a different and original institutional framework.

In short, the multiple crises of the past decade have highlighted the difficult coexistence between the vision of the European Union as an *economic community* and the one that would have it transformed into a *political union*. At the same time, they have exposed the institutional weakness of the two main forms of governance: parliamentary and intergovernmental. For some EU countries, like our own (Italy), but also other continental countries, Europe's economic community may not be sufficient to safeguard national democracy and meet the challenges of a globalised world. For other countries, on the other hand, the economic community represents the only possible form of integration, being the only one considered compatible with their nationalist outlooks. However, even these countries must acknowledge that secession is not a feasible way of managing European interdependence. The difficulties being encountered by Theresa May in seeking to manage the effects of Brexit are proof that, in Europe, the nation-states have become member states of an interdependent system. It is not possible for a country to withdraw from interdependence and return to its condition of a century ago. Instead, interdependence needs to be governed, and this means finding differentiated solutions for groups of countries that favour different models of integration.

### *Towards Federal Union.*

But what solutions? At this point, we can only return to the federalism that was abandoned in the 1950s. This must be understood (in accordance with James Madison's teaching) as a method of organising inter-state relations that takes into account demographic asymmetries and different national identities. First of all, in an institutional sense, we need to separate (distinguish between) the economic community and the political union. The next step is to ask what kind of political union can cater for asymmetrical and differentiated states, and keep them all on board. To answer this question, we need to start conceiving of unions of states in federal terms once again, bearing in mind that unions of states that become federal follow a different logic from unitary (non-aggregated) states that become federal. Empirically speaking, federalism is a "genus" that includes different species, two in particular: one

is federalism by disaggregation (which gives rise to federal states) and the other is federalism by aggregation (which gives rise to federal unions). The first type of federalism is exemplified by the experience of post-war Germany, an experience that has influenced many pro-European parliamentarians, but simply could not work in Europe because of the EU member states' fundamental demographic and national asymmetries.

The second type of federalism, namely that of asymmetrical and differentiated states aggregating for various reasons (generally to guarantee their mutual security), is illustrated by the experience of the United States. The world has thus far seen two federal aggregations that have been democratic success stories (the US and the Swiss federations), and it can be noted that both of these began with a founding act — a constitutional act. The leaders of the (American) states and (Swiss) cantons made the federal leap, in other words they jointly developed and approved the constitutional act through which their respective unions came into being. They succeeded in doing this because they adopted a federal system that allowed them to resolve the paradox of building a *sovereign union of sovereign states*, namely the multiple separation of powers that characterises both these unions. In short, sovereignty was broken down and redistributed, and clear dividing lines were set between federal (or supranational) and state (or national) powers. Indeed, contrary to what we see in the EU with organs such as the European Council, unions based on the separation of powers do not run the risk of having a political governing body made up of national heads of government who may have been elected on the basis of their opposition to integration. In this regard, we might think, for example, of the prime ministers of Eastern Europe, or the possibility of Marine Le Pen becoming president of France and therefore a member of the European Council, Europe's political governing body. That is like thinking of George Wallace, the racist governor of Alabama who served three terms in the 1960s and 1970s, becoming, on account of this position, a member of the United States federal executive and thus contributing to the definition of federal strategies.

For these reasons, Europe's political union (to be built starting with the countries of the eurozone) must be created as a *union*, and not born of a pre-existing *state*. It must be based on a method of governance that reflects the division of sovereignty. Indeed, it is not a question of concentrating sovereignty (meaning decision-making power) in the European Parliament or in the European Council, but rather of creating sep-

arate institutions that share the same power of government. Political unions of asymmetrical and differentiated states cannot have either a state apparatus or a government (in the sense of an institution). Any and every process of centralisation would strengthen the stronger and larger states to the detriment of the smaller and weaker ones. Within these unions, government must be seen as a process and not a body: a process structured around independent institutions that, precisely for this reason, balance each other out.

At the same time, a political union made up of states having different national identities does not marry with the idea of a federal state that absorbs (and thus subordinates to itself) the various national identities of the single states of which it is formed (as in the case of the German federal state, or *Bundesland*). Europe's nation-states cannot be likened to the German *Länder* or to Canada's provinces. And even if they could, what national identity should the hypothetical European federal state convey? That of the larger and stronger member states? Essentially, to exist, a political union of asymmetrical and differentiated states needs a constitution; it does not need to be a state. And this constitution, devoid of cultural, religious or national value, must constitute its founding political pact. Political unions of asymmetrical and differentiated states are held together by politics, not pre-political premises. They stay together because they accept the basic democratic values and the basic rules that are necessary for reaching joint decisions in their (few) areas of common interest. The division of sovereignty and the separation of the different levels and institutions of government have the dual and simultaneous effect of preserving national democracies and creating a supranational democracy, as each level has different responsibilities to manage and policies to decide. Democracy can be seen as the glue that binds together political unions of states and citizens that want to hold onto their identities and retain their original dimensions. I am talking about *independent unions of independent states*, to use Mario Albertini's expression, or what Jacques Delors called *federations of nation-states*. We need a new paradigm for planning the future of Europe, a paradigm based on different and separate levels and institutions of government. We need a method that will allow us to find original solutions to the issues raised by Europe's specific experience — a method that only democratic federalism can provide.



# **The Impact of Deeper Eurozone Integration on the Institutional Framework of the European Union**

*LUCA LIONELLO*

## **1. Introduction**

The ongoing process of reform and completion of economic and monetary union (EMU) has created the need to provide the euro area with its own institutional system able to handle the further sharing of sovereignty that has now become necessary in order ensure the stability of the single currency. Although some EU institutions are already designed to operate according to a variable geometry approach, and thus able to involve countries in decision-making processes in different ways that reflect the level of integration chosen by each, other institutions, at present, rule out any form of internal differentiation. Creating a Eurozone institutional system within that of the European Union would clearly be a complex and challenging undertaking, given the need to ensure, as far as possible, the unity of the European legal framework, while also meeting the specific governance needs of the countries that have adopted the single currency.

The aim of this article is to analyse, in relation to the deepening integration of the euro area, the scope for institutional evolution of the European Union. It is divided into two parts. The first sets out the reasons why the Eurozone countries need to deepen their political integration and have their own institutional framework and decision-making mechanisms. The second looks at the capacity of the existing institutional framework to adapt in ways that cater to the need for differentiated integration, looking specifically at the European Central Bank (ECB), the Council and the European Council, the European Parliament, and finally the Commission.

## 2. The Split Between the Eurozone and the Other EU Member States and the Gradual Emancipation of the Euro Area

The roots of the current split between the Eurozone and the other EU member states can be traced back to the negotiations that led to the signing of the Maastricht Treaty, when it was decided that the creation of the single currency would not necessarily involve all the member states, only those choosing to take part,<sup>1</sup> and that participants would have to meet certain convergence criteria.<sup>2</sup> Basically, the monetary union has always embodied a fundamental contradiction: indeed, although the Treaty stated that euro was the official currency of the European Union and the ECB was its central bank, this new European sovereignty in the monetary field, supported by close coordination of fiscal policies, has only ever concerned the euro area member states.

Even though, formally, the European Union retained a unitary legal framework, with the Maastricht Treaty there gradually began to emerge, in different ways, forms of differentiation between the Eurozone countries and the EU's other member states. As shall be analysed in more detail further on, some institutions began to operate according to a variable geometry approach, to allow decisions specifically concerning the euro area to be taken only by representatives of countries that had adopted the single currency. Second, some of the Treaty provisions introduced differences in rights and obligations according to whether or not the country in question had adopted the single currency, or whether or not a natural or legal person was resident or headquartered in the Eurozone.<sup>3</sup> Finally, also from the convergence perspective, the euro area countries could be differentiated from the rest:

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<sup>1</sup> The United Kingdom and Denmark secured the right to opt out of the obligation to introduce the single currency.

<sup>2</sup> The Treaty establishes four economic convergence criteria (price stability, sound public finances, exchange rate stability and stability of long-term interest rates) and one legal convergence criterion (independence of the national central bank). It should be noted that some countries are intentionally violating the convergence criteria in order to avoid joining EMU.

<sup>3</sup> The actions of the ECB, in exercising its monetary policy mandate, its exchange rate interventions, its management of official reserves and guarantee of the proper functioning of the system of payments, are effective only in the Eurozone. Moreover, the Council is invested with a general power to coordinate the economic policies of all the member states, in accordance with the procedures laid down in articles 121 and 126 TFEU, but its recommendations are binding only on euro area countries, and only the latter can be sanctioned should they persistently breach the convergence criteria.

during the first ten years of the single currency, they all experienced a consistent level of inflation, a relative ease of access to credit and, overall, an improvement in their economic conditions.

The explosion of the sovereign debt crisis had the effect of speeding up this process of emancipation of the euro area from the rest of the EU. As the logic of economic convergence faltered, the need to guarantee the survival of the monetary union led to the emergence of new forms of cohesion between its members, which further distanced the euro area countries from those outside the monetary union.

First of all, the countries of the Eurozone set up new mechanisms, rules and procedures designed to ensure the stability of their area through sovereignty sharing in further economic and fiscal policy areas. The European Stability Mechanism (ESM) provided financial support to governments in crisis, subject to their implementation of a series of reforms, which were agreed and set out in a Memorandum of Understanding (MoU).<sup>4</sup> The Commission and the Council enhanced their power of surveillance of economic and budgetary policies in the Eurozone by introducing an assisted procedure for the adoption of national budgets.<sup>5</sup> Meanwhile, under the Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (TSCG, or “fiscal compact”), the Eurozone countries committed themselves to introducing a balanced budget rule into their national legal systems in order to put an end to deficit-driven fiscal policies.<sup>6</sup> Finally, in the framework of the banking union the ECB was given broad powers to supervise prudentially the Eurozone’s key credit institutions,<sup>7</sup> and a single resolution mechanism was created to support struggling banks.<sup>8</sup>

Furthermore, following the outbreak of the sovereign debt crisis, the Eurozone countries found themselves with new interests and priorities that were not necessarily shared by the rest of the European Union. The need to rescue states in financial difficulty (Greece pri-

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<sup>4</sup> The Treaty Establishing the European Stability Mechanism was signed by the Eurozone governments on March 2, 2012.

<sup>5</sup> European surveillance of national budgetary cycles is envisaged by Reg. (EU) n. 1175/2011 on the European Semester and by Reg. (EU) n. 473/2013 on the common budgetary timeline.

<sup>6</sup> The Treaty on Stability, Coordination and Governance in the Economic and Monetary Union was signed on March 2, 2012, by twenty-five EU member states. Only the United Kingdom, Croatia and the Czech Republic did not take part in the agreement.

<sup>7</sup> The single supervisory mechanism was provided for by Reg. (EU) n. 1024/2013.<sup>8</sup> The single resolution mechanism was provided for by Reg. (EU) n. 806/2014.

marily) is a case in point: in fact, the high costs of bailing out Greece were borne solely by Eurozone governments. Another example has been the implementation, within the Eurozone, of greater prudential regulation of the banking sector and the creation of a supranational authority responsible for monitoring the main lenders.<sup>9</sup> Similarly, the proposal to introduce a common tax on financial transactions appears to be of interest only to a group of countries from the Eurozone.<sup>10</sup> More generally, there is a growing awareness, in Europe, that the countries that share the single currency must, to ensure its survival, be willing to accept a further, and substantial, sharing of sovereignty. Since 2012, the European institutions have published several discussion papers and proposals on the importance of completing the economic and monetary union, underlining the common need to ensure the stability of the euro area as a whole.<sup>11</sup>

Finally, analysis of the legal basis upon which some of the most recent reforms of economic governance were adopted provides further evidence of the disunity between the Eurozone and the rest of the EU. Indeed, rather than pursuing unanimous amendment of the EU Treaties through the procedures set out in Art. 48 TEU, the Eurozone countries have often preferred to enter into separate international agreements, such as the ESM and fiscal compact Treaties. Furthermore, the provi-

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<sup>9</sup> Membership of the banking union is compulsory for eurozone countries and optional for the other member states.

<sup>10</sup> Ten members of the euro area (France, Germany, Italy, Spain, Belgium, Portugal, Austria, Greece, Slovakia and Slovenia) are negotiating the introduction of a tax on financial transactions to be implemented through enhanced cooperation. Cf. European Commission's Proposal for a Council Directive implementing enhanced cooperation in the area of financial transaction tax (COM/2013/71).

<sup>11</sup> In June 2012, the President of the European Council, Van Rompuy, presented a report entitled *Towards a Genuine Economic and Monetary Union*, prepared in close collaboration with the Presidents of the Commission (Barroso), the Eurogroup (Juncker) and the ECB (Draghi), EUCO (2012) 120. In November 2012 the European Commission published a communication entitled *A Blueprint for a Deep and Genuine Economic and Monetary Union – Launching a European Debate*, COM (2012) 777 final. In June 2015, the president of the European Commission, Juncker, in close collaboration with the presidents of the European Council (Tusk), the Eurogroup (Dijsselbloem), the ECB (Draghi) and the European Parliament (Schulz) presented a new report on reform of EMU: *Completing Europe's Economic and Monetary Union* (this text can be consulted at, for example, <https://www.ecb.europa.eu/pub/pdf/other/5presidentsreport.en.pdf>). Finally, in May 2017, the Commission published a *Reflection Paper on the Deepening of the Economic and Monetary Union*, COM(2017) 291. The above documents set out a roadmap for the completion of EMU through the subsequent establishment of a banking union, a union of capital markets, a fiscal union, a true economic union and, finally, a political union.

sions of Art. 136 TFEU, regarding economic coordination within the euro area, have also been extensively used for the adoption of secondary law.

In conclusion, although it does not yet have a legal personality distinct from those of the European Union and the single EU member states, the Eurozone is in the process of breaking free and becoming an autonomous entity with its own policies, decision-making mechanisms and interests. The following analysis will look at how the European Union's institutional framework has adapted, and could further adapt, to this gradual process of self-determination of the euro area.

### **3. The Development of an Institutional System Tailored to the Euro Area**

#### *3.1. The Difficulty of Reconciling a Single European Legal System with Different Ways of Operating Within EU Institutions.*

The fact that there has emerged a solid group of countries committed to ensuring the stability of the entire euro area necessitates a profound reflection upon the functioning of the European Union's institutional system, and this reflection should take into account two basic principles. First of all, given that dividing the EU into Eurozone and non-Eurozone countries has a bearing on several crucial aspects of the integration process, such as the exercise of sovereign powers, the rights and obligations assigned to member states, and the protection of specific interests, the representatives of the euro area countries need to be able to decide autonomously on those issues that specifically concern their bloc. At the same time, however, any reform of the institutional mechanisms of the Eurozone should, as far as possible, leave the European legal framework intact. In other words, the aim should not be to dismantle the existing institutions, but rather to create, within the Union, an integrated core group with a capacity for self-determination that may be exercised in the fields of economic and fiscal policy.

Bearing these considerations in mind, let us explore the hypothesis of establishing a specific institutional system for the euro area starting from the existing legal framework. Indeed, rather than creating new institutions and adding to the existing Treaties, it would be preferable to allow the nascent Eurozone government to evolve through gradual adaptation of the existing institutional mechanisms to the specific needs of economic and monetary union.

### 3.2. *The European Central Bank.*

The European Central Bank is the EU institution responsible for managing monetary policy.<sup>12</sup> Because not all the countries in the EU are part of the Eurozone, the ECB has always constituted a fundamental paradox: although it is an institution that belongs to the Union as a whole, in reality its mandate and the instruments at its disposal limit its Community vocation, making it a partial institution that actually works only for some (albeit the majority) of the member states.<sup>13</sup>

The ECB is the only European institution specifically designed to operate with a variable geometry. Indeed, the authors of the Maastricht Treaty, realising that not all the member states would immediately adopt the single currency, constructed the internal machinery of the ECB in such a way as to distinguish between the participating and the non-participating states. Accordingly they gave it a tripartite structure. Indeed, the ECB has three internal organs that have different compositions and different mandates. The Executive Board, consisting of the ECB's president and vice-president plus four other members, all appointed by the European Council acting by a qualified majority, is responsible for implementing monetary policy and managing the day-to-day business of the ECB. The Governing Council, comprising the six members of the Executive Board plus the governors of the national central banks of the euro area countries, adopts the guidelines and takes the decisions necessary to ensure the performance of the tasks entrusted to the ECB; in addition, it formulates monetary policy for the euro area, and provides the Executive Board with guidelines for the implementation of its decisions relating to monetary objectives. Finally, the General Council, on which sit the governors of the national central banks of the Eurozone and non-Eurozone countries, essentially has an advisory role and collects statistical information. Even though the General Council was meant to be a transitional body that would disappear once all the EU countries had adopted the single currency,<sup>14</sup> the grow-

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<sup>12</sup> Under the Maastricht Treaty, which allows it considerable independence in exercising this sovereign power, the ECB is required to pursue, primarily, the objective of price stability and, without prejudice to this objective, to support the general economic policies in the Union.

<sup>13</sup> Even though the authors of the Maastricht Treaty imagined that this paradoxical situation would be only temporary, given that nearly all the member states were destined to join the monetary union, the process of monetary union enlargement has now run in to considerable difficulty, leaving the ECB effectively operating as an exclusively Eurozone institution.

<sup>14</sup> Cf. Art. 141 TFEU.

ing divide between the Eurozone and the rest of the EU means that this is now very unlikely to happen.

The recent attribution of prudential supervisory powers to the ECB has extended the variable geometry concept to the framework of the banking union. Indeed, several EU countries outside the monetary union have opted to participate in the Single Supervisory Mechanism (SSM), which is headed by the ECB. However, the national supervisory authorities of these non-Eurozone countries, despite being involved in the preparation of decisions, cannot take part in their final adoption, which is a task that, under the terms of Reg. (EU) No 1024/2013, falls to the Governing Council of the ECB. Clearly, in order to avoid having to take orders from an organ in which they are not represented, EU countries outside the Eurozone can, at any time, decide to stop participating in the SSM; in this way, in the event of serious disagreement, they can prevent the ECB from having the last word on the supervision of banks located in their territory.<sup>15</sup>

### 3.3. *The Council and the European Council.*

Although the Council of the European Union, which has legislative and budgetary responsibilities, was conceived as an institution of the Union as a whole, it has adapted seamlessly to the requirements of euro area governance. Unlike the ECB, whose organs were, at the outset, designed to operate in accordance with the needs of different groups of countries, the Council has had to modify its internal machinery in order to allow decision-making processes to differ according to whether or not the items on the agenda specifically concern the Eurozone. The Council's intergovernmental nature and *uti singuli* mode of operation have obviously facilitated this adaptation.

The Council's variable geometry approach to its role has been accepted both formally and informally. On a formal level, the Maastricht Treaty stipulated which governments could participate in decision-making processes concerning EMU. Under the terms of Art. 139 TFEU, for example, the voting rights of members of the Council representing countries that have not adopted the single currency should be suspended for the adoption of measures that specifically concern the Eurozone countries, in particular the recommendations and sanctions provided for under the system of surveillance of national bud-

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<sup>15</sup> On this point, see N. Moloney, *European Banking Union: Assessing its Risks and Resilience*, Common Market Law Review, 51 (2014), pp. 1609 ff., p. 1663.

gets.<sup>16</sup> On an informal level, on the other hand, the Eurozone finance ministers have taken to meeting regularly, as the so-called Eurogroup,<sup>17</sup> to discuss issues specifically related to EMU. Clearly, the main purpose of these meetings is to reach a basic consensus among the euro area countries, which will then influence the formal decision making by the Council.<sup>18</sup>

The gradual establishment of the Eurogroup as the *de facto* economic government of the euro area has served as a model for the adaptation, to a variable geometry method of operating, of another inter-governmental institution, namely the European Council, which certainly saw its role strengthened during the sovereign debt crisis, as it assumed responsibility for the basic fundamental choices that served to keep the monetary union intact. In adopting the fiscal compact, it sanctioned the creation of the Euro Summit, a forum that had already been emerging slowly, in practice, ever since the outbreak of the crisis.<sup>19</sup> Meetings of the Euro Summit bring together the heads of state or government of the countries whose currency is the euro, as well as the president of the European Commission and the president of the ECB.<sup>20</sup> They serve to discuss issues relating to the specific responsibilities, with regard to the single currency, that are shared by these countries, issues concerning the governance of the euro area, and strategic orientations for increasing convergence within it.<sup>21</sup> Having evolved as an informal body, the Euro Summit does not affect the rights of the European Council provided for in the EU Treaty.

### 3.4. *The European Parliament.*

#### 3.4.1. *Does the Eurozone Need its Own Parliament? Reasons Against.*

Following the introduction of tighter measures of Eurozone governance in the wake of the outbreak of the sovereign debt crisis, the issue

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<sup>16</sup> This refers, in particular, to the multilateral surveillance procedure under Art. 121 TFEU and the excessive deficit procedure referred to in Art. 126 TFEU.

<sup>17</sup> An initial reference to the Eurogroup was contained in the Lisbon Treaty (Art. 137 TFEU). Furthermore, Protocol No. 14 to the Lisbon Treaty, on the Eurogroup, envisages the election of a president every two and a half years (who may be returned only once).

<sup>18</sup> With the majority already in close agreement on certain positions, debates in the Council obviously become rather sterile.

<sup>19</sup> Cf. Art. 12 TSCG.

<sup>20</sup> The president of the Euro Summit is appointed by the heads of state or government of the contracting parties whose currency is the euro by simple majority at the same time as the European Council elects its president, and for the same term of office.

<sup>21</sup> Euro Summit meetings are prepared by the Eurogroup, whose president may attend them.



of democratic control of these new instruments for economic coordination has become a prominent topic in political debate. In this regard, there have been proposals to create, within or outside the European Parliament, a specific level of democracy for the euro area.<sup>22</sup> However, closer examination of their feasibility reveals that these proposals present a series of difficulties.<sup>23</sup>

First of all, the working of the European Parliament could not be based on a variable geometry approach without first finding a way of differentiating the role of MEPs on the basis of the country they represent. Because, at present, Art. 14.2 TEU, in stating that “The European Parliament shall be composed of representatives of the Union’s citizens”, prohibits such a differentiation. This provision serves to underline the European Parliament’s supranational nature, in other words, the fact that it is the expression of the voice of the European citizens as a whole, and not merely an assembly of different nationally elected representatives. To start distinguishing between Eurozone MEPs and those from other member states would be to risk splitting the Parliament into at least two groups. Second, given that the monetary union is not the only example of differentiated integration provided for under EU law, any new variable geometry mode of operation of the European Parliament would, logically, also have to be extended to all the other situations in which a certain group of member states has opted to pursue a closer level of cooperation. Accordingly, leaving aside specific technical cases (e.g. enhanced cooperation in the fields of divorce and legal separation and European patent law), any new *ad hoc* form of democratic control should apply not only to EMU, but also to the Schengen

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<sup>22</sup> Proposals involving the creation of a parliament for the Eurozone have been put forward on several occasions by Emmanuel Macron, both when he was economy minister in the French government, and in his election manifesto during the French presidential election campaign. Cf. *Macron Calls for Radical Reform to Save Euro*, Financial Times, 24 September 2015. German finance minister Schäuble has also come out in favour of such a project. Cf. *Schäuble Advocates Separate Eurozone Parliament*, Euractiv, 28 January 2014.

<sup>23</sup> In academic debate on this issue, those opposed to the introduction of a separate Eurozone parliament include: F. Fabbrini, *Representation in the European Parliament: of False Problems and Real Challenges*, *Zeitschrift für ausländisches öffentliches Recht und Völkerrecht*, 73 (2015), pp. 823 ff.; F. Fabbrini, *Economic Governance in Europe*, Oxford, Oxford University Press, 2016, pp. 208-220; F. Allemand, F. Martucci, *La légitimité démocratique de la gouvernance économique européenne*, *Revue de l’OFCE / Débats et politiques*, n. 134 (2014), pp. 115 ff.; C. Fasone, *European Economic Governance and Parliamentary Representation. What Place for the European Parliament?*, *European Law Journal*, 20 (2014), pp. 164 ff..

system and, ultimately, to the permanent structured cooperation in security and defence policy.<sup>24</sup> But the risks, in this case, are that the Parliament would become an *à la carte* forum, or “European Parliament” would come to be a meaningless umbrella term for an assembly composed of numerous mini-parliaments — as many there are examples of differentiated integration. Third, it makes no sense to fragment the European Parliament given that, under the EU Treaty, almost all the EU member states are required to participate in the third stage of EMU, and consequently to introduce the euro at some point in the future,<sup>25</sup> and therefore, in the medium to long term, the European Parliament will in any case be composed almost exclusively of representatives from the enlarged euro area.

Finally, it has to be considered that the introduction of a new parliamentary chamber composed only of MEPs elected in Eurozone countries would further complicate and fragment the European legal framework and, in particular, would undermine the European Parliament’s role as the supreme democratic institution of the European Union.

These are the reasons why it is necessary to find a form of Eurozone governance that can be democratically legitimised by the European Parliament in its full composition, avoiding fragmenting its internal machinery and creating substitutes for it.

#### 3.4.2. *Does the Eurozone Need its Own Parliament? Reasons For.*

Reasonable as they are, the arguments just set out are not a sufficient basis on which to dismiss entirely the question of the need to create a specific form of democratic control for the euro area.<sup>26</sup> Indeed, the democratic deficit in EU economic governance must be set in the context of the current movement towards greater sharing of fiscal sovereignty among the countries that use the single currency. It is no coincidence that the proposals in favour of a separate parliament have arisen in connection with the creation of European tools for monitoring national bud-

<sup>24</sup> Cf. Art. 46 TEU.

<sup>25</sup> Under the right to opt out provided for in the Maastricht Treaty, the United Kingdom and Denmark are excluded.

<sup>26</sup> In academic debate on this issue, those in favour of the introduction of a separate Eurozone parliament include: A. Von Bogdandy C. Calliess, H. Enderlein, M. Fratzsche, C. Fuest, F. Mayer, D. Schwarzer, M. Steinbeis, C. Stelzenmüller, J. von Weizsäcker, G. Wolff, *Aufbruch in die Euro Union*, Zeitschrift für Rechtspolitik, 46, n. 7 (2013); L. Lionello, *Does the Eurozone Need Its Own Parliament? Legal Necessity and Feasibility of a Eurozone Parliamentary Scrutiny*, in D. Daniele, P. Simone, R. Cisotta (eds.), *Democracy in the EMU in the Aftermath of the Crisis*, Berlin, Springer, 2017, pp. 179 ff..

gets, and the emergence of a plan for an *ad hoc* budget for the euro area.<sup>27</sup> In this regard, it is important to stress that the creation of an embryo of fiscal power at European level would affect, after currency, taxation, another element of state sovereignty that requires strong democratic control.<sup>28</sup> Taxation is the power of the state to collect part of the wealth of citizens and, through public spending, to invest the resulting revenues for the common good. Modern democracies came into being as a result of the struggle to wrest budgetary power from the absolute sovereign and transfer it to the parliament. The motto of the American Revolution “no taxation without representation” neatly encapsulates the relationship between citizens and fiscal sovereignty, and also explains why the introduction of a European control power over national budgets and the definition of a fiscal capacity for the monetary union demand stricter application of the democratic principle.

The proposals geared at creating a separate level of democracy for the Eurozone were advanced following doubts over the European Parliament’s ability to adequately meet the needs, in terms of democratic representation, of the countries that have adopted the single currency. In this regard, there are two main issues to be considered.

First, the European Parliament, being by nature an institution of the Union as a whole, also has members coming from outside the euro area, elected by citizens who are not involved in the process of fiscal integration. Allowing these MEPs to participate in decisions pertaining to the euro area alone would undermine the very basis of democratic representation, namely that any political power must be exercised by the representatives of those who are subject to that power. Therefore, in order to safeguard the relationship between those who govern and those who are governed, and avoid, for example, Swedish or Polish MEPs making the difference in a vote concerning the governance of the euro area, it would make sense to ensure that only representatives from the latter have the power to make decisions on issues that concern it.<sup>29</sup>

Second, the current method of electing the European Parliament

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<sup>27</sup> Cf. note 11. See also the European Parliament resolution of 16 February 2017 on budgetary capacity for the euro area (2015/2344(INI)).

<sup>28</sup> Indeed, the creation of the single currency (which also touched upon monetary sovereignty, another essential element of state sovereignty), did not present democratic control issues as the ECB is an independent institution whose actions cannot be directly influenced by political institutions elected by the citizens.

<sup>29</sup> This is the logic behind the variable geometry mode of operating adopted by the Union’s intergovernmental institutions, such as the Council and the European Council.

does not respect the principle of electoral equality of citizens. This is an effect not only of the fact that each country has its own electoral law for choosing its MEPs, but also of the principle of degressively proportional representation of citizens provided for in the Lisbon TEU, according to which the citizens of smaller countries are overrepresented compared to those living in the most populous countries. For example, an Austrian citizen is twice as represented as a French one, while a citizen of Lithuania is about three times more represented than a Polish citizen.<sup>30</sup> This disproportion in representation has long been justified by the argument that the Union is not only a union of citizens, but also of states, and therefore that that territorial boundaries also need to be taken into account.<sup>31</sup> In the light of the considerations set out above, however, this justification is no longer acceptable.<sup>32</sup> Whereas manipulation of representation could be tolerated as long as the Union had an only limited impact on the sovereign prerogatives of states, the current impact of European governance on budgetary laws and the prospect of

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<sup>30</sup> On this point, see N. Véron, *How Unequal is the European Parliament's Representation?*, Bruegel Blog Post, 19 May 2014.

<sup>31</sup> F. Fabbrini *Representation in the European Parliament: of False Problems and Real Challenges*, *op. cit.* pp. 823 ff., p. 827.

<sup>32</sup> In June 2009, this point was also raised by the German Constitutional Court in its judgement on the ratification of the Lisbon Treaty: "The degressively proportional composition prescribed for the European Parliament by Article 14.2(1) third sentence Lisbon TEU stands between the principle of equality of states under international law and the state principle of electoral equality. [...]. In federal states, such marked imbalances are, as a general rule, only tolerated for the second chamber existing beside the parliament [...]. They are, however, not accepted in the representative body of the people because otherwise that could not represent the people in a way that does justice to equality based on the principle of personal freedom. The arrangement of the right to vote in the European Union need, however, not be a contradiction to Article 10.1 Lisbon TEU, which provides that the functioning of the Union shall be founded on representative democracy; for the democracies of the member states with their majorities and decisions on political direction are represented at the level of the European institutions in the Council and also in the Parliament. Thus, this arrangement of representation of the member states only indirectly represents the distribution of power in the member states. This is a cogent reason for the fact that it would be perceived as insufficient if for example a small member state were represented in the European Parliament by only one Member of Parliament if the principle of electoral equality were observed more strictly. The states affected argue that otherwise it would no longer be possible to reflect national majority situations in a representative manner at European level. This consideration alone shows that it is not the European people that is represented within the meaning of Article 10.1 Lisbon TEU but the peoples of Europe organised in their states, with their respective distribution of power brought about by democratic elections taking into account the principle of equality and pre-determined by party politics". German Constitutional Court, Judgement of 30 June 2009, [2 BvE 2/08], paras 284–286.

further fiscal integration in the euro area obviously require that all European citizens be represented in the same way. Given that economic and fiscal integration influences the relationship between responsibility and solidarity in a political community, the citizens of the Eurozone should all have the same say in the management of the economic governance of their bloc. The risk, otherwise, is that one country's taxpayers will have far more influence than another's, even though they are all subject to the same rules.

#### 3.4.3. *What Kind of Parliament Does the Eurozone Need?*

Were the governments to decide that the Eurozone should be given its own form of democratic representation, they would first need to have worked out the ways in which this idea could actually be turned into reality.

The first thing to be appreciated is that introducing a specific level of democracy for the euro area countries demands a reform of the European Treaties. This is because the existing legal framework excludes, *a priori*, any differentiation of the role of MEPs based on their country of election. Amendment of the EU Treaties would also be necessary in order to involve the representatives of the citizens in the processes of economic governance of the Eurozone, given that this is currently exclusively in the hands of the Council, the European Council and the Commission. Thus, in the light of these considerations, there seem to emerge two main options for realising this vision.

One possibility is to create, within the European Parliament, a "European subcommittee" responsible for matters relating to EMU.<sup>33</sup> This would have to differ from the European Parliament's current Committee on Economic and Monetary Affairs in two respects: first of all, it would have to be composed only of MEPs elected in countries that have adopted the single currency; second, it would have to be the only parliamentary authority able to take part in decisions on the economic governance of the Eurozone. Indeed, were the "European subcommittee" to be nothing more than a discussion forum responsible for preparing plenary sessions of the European Parliament, it would fail to meet the representative needs of the euro area.<sup>34</sup> The merit of this proposal lies in the fact that

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<sup>33</sup> On this point, see S. Verhelst, *A Eurozone Subcommittee in the European Parliament: High Hopes, Low Results?*, Egmont European Policy Brief n. 31/2014.

<sup>34</sup> It should be noted that the idea of creating a committee with its own electorate and specific sovereign competences within a broader parliamentary assembly has already been discussed by the British parliament in relation to the co-called West Lothian Ques-

the creation of a special committee within the European Parliament would leave the Parliament formally intact and facilitate coordination between the euro area MEPs and all the other MEPs. However, establishment of such a committee would demand a complex reform of the Treaties by unanimity, especially if it were decided that euro area MEPs should not be represented in a degressively proportional manner.

The other main option for giving the Eurozone its own form of democratic representation would be to create a separate parliamentary assembly. This could be achieved by setting up a new chamber elected at European level or by setting up a second-level parliament composed only of national parliamentarians from the euro area countries. The fiscal compact, moreover, already envisages the creation of a conference of representatives of the European and national parliaments to discuss budgetary policies and other issues covered by the Treaty.<sup>35</sup> It should be noted, however, that whatever form it were to take, the creation of a new chamber for the Eurozone would undoubtedly have a series of negative repercussions: it would render the legal framework of the European Union complex and fragmented; above all, the political weight of the European Parliament could be reduced as a result of the involvement of the new assembly in EMU decision-making processes.<sup>36</sup>

### 3.5. *The European Commission.*

The transformation of Eurozone economic governance following the outbreak of the sovereign debt crisis has undoubtedly led to a strengthening of the role of the European Commission. Indeed, as well as being involved in the surveillance of national budgets, the Commission also plays a key role in the implementation of conditionality policies under the EMS. Furthermore, the most recent EMU reform proposals also

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tion. The latter concerned the possibility of introducing a variable geometry system in the Westminster parliament, following the devolution of certain sovereign powers to Scotland, Wales and Northern Ireland, but not to England. In 2012, the British government gave a commission chaired by Sir William Robert McKay a mandate to propose possible solutions to the “West Lothian Question”. In 2013, the Commission adopted a report containing a series of proposals designed to ensure the principle: “English votes for English laws”. “Decisions at the United Kingdom level with a separate and distinct effect for England [...] should normally be taken only with the consent of a majority of MPs for constituencies in England [...]”. Cf. *Report of the Commission on the Consequences of Devolution for the House of Commons*, (The McKay Commission), March 2013, pp. 8-9.

<sup>35</sup> Cf. Art. 13 TSCG.

<sup>36</sup> In addition to giving voice to all European citizens, the European Parliament has, over many decades, gained a level of political authority and institutional influence that would not be easy to replace.

mention the possibility of creating a Eurozone finance minister and treasury within the framework of the European Commission.<sup>37</sup>

As the process of emancipation of the euro area from the rest of the EU has gradually gained momentum, the Commission has remained, in many ways, the institution that least needs to adopt a variable geometry approach. There are two main reasons for this.

Given the way it operates, the European Commission cannot be considered an organ of the states, but rather an organ made up of individuals who act independently in the interests of all. The independence of the individual commissioners, not only of their governments but also of the electorate in their countries of origin, is illustrated by the decision, enshrined in the EU Treaty,<sup>38</sup> to reduce the Commission members to a maximum number corresponding to two thirds of the number of member states. In the present framework, in which the Union does not yet qualify as a parliamentary democracy, the individual commissioners are not directly accountable to the citizens; instead, the Commission as a whole is accountable to the Parliament. This explains why any motions of no confidence or censure that may be tabled by MEPs are directed at the Commission as a whole, and not its single members. It can therefore be inferred not only that the Commission is a unitary and cohesive organ, but above all that it is a supranational institution that is largely unconstrained by the logic of national representation.

As regards the functions of the Commission, the EU Treaty assigns it three main roles: it has the right of legislative initiative, it monitors compliance with EU law by member states, and it fulfils an executive function. Although these are key competences, all directly relevant to the management of economic governance in the euro area, they do not require that the members of the Commission play different roles according to their nationality. Indeed, the Commission's interventions in the current framework of economic governance are, above all, of a technical nature, given that it merely makes recommendations and puts proposals to the Council and subsequently implements the decisions of the latter. Even though the Commission's technical evaluations are central to the adoption of excessive deficit procedures or the withholding or withdrawal of support from the countries that have applied for, or are receiving, financial assistance under the EMS, these are still decisions that

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<sup>37</sup> See European Parliament resolution of 16 February 2017 on budgetary capacity for the euro area (2015/2344(INI)).

<sup>38</sup> Cf. Art. 17.5 TEU.

have to be taken by the Council. Even in the event of greater democratisation of the EMU's decision-making framework through involvement of the European Parliament, the Commission would continue to carry out its present functions, namely preparation and implementation of policy choices regarding the management of economic governance.

These considerations may be taken as confirmation that the Commission acts as a unitary and independent body, able to ensure correct application of EU law both in matters relating to the Union as a whole and when safeguarding the specific interests and needs of the euro area. Even the possible creation of a Eurozone minister within the European Commission would not necessitate any differentiation of roles within it, given that this would only require, at most, a tacit agreement that this role be assigned to a citizen from a country whose currency is the euro.

### **Conclusions**

The aim of the considerations set out in this paper was to demonstrate that the Eurozone needs an institutional framework for managing the transfers of sovereignty that have already taken place and those that are still needed in order to ensure the completion of EMU. While the reaching of separate agreements at intergovernmental level cannot be ruled out entirely, it is to be hoped that the governance requirements of the euro area will be met through a reform of the existing institutional framework.

The present analysis has shown that the manner of the Union's "adaptation" to the logic of enhanced integration of the euro area has differed from institution to institution. Whereas some, like the ECB, were originally designed to operate according to a variable geometry approach, others (the Council and the European Council) have adapted to this need. As for the European Parliament, the introduction of a specific level of democracy is clearly necessary, but difficult to put into practice. Only the European Commission, does not require an internal differentiation of roles, given that it has a purely executive role in economic governance and is already fully legitimised at European level.

In conclusion, institutional reform of the Eurozone is a fundamental challenge that must be addressed in any future Treaty reform process. It has become necessary not only to strengthen the political integration of the Eurozone, but also to reinforce generally the relationship between the citizens and the European institutions, through a new definition of the EU's governance structure.



# **The Proposals Advanced by Jean-Claude Juncker: New Ambitions and Old Difficulties**

*PAOLO PONZANO*

With a new “window of opportunity” to relaunch European integration now opening in the wake of the French and German elections, the President of the European Commission chose to use his latest State of the Union Address to the European Parliament, on 13 September 2017, as an opportunity to take, once again, a political initiative. Jean-Claude Juncker’s aim was, in fact, to exploit, to this end, what has emerged as a politically propitious moment, thanks to the coming together of a series of favourable circumstances. First of all, even though Brexit has raised some questions about the appeal of the European project, the British withdrawal from the EU means that, as from March 2019, the UK will lose its power to veto European Treaty revisions and the next (post-2020) EU financial framework. Second, on 25 March 2017, the EU heads of state and government adopted a declaration of principles in which they reaffirmed their intention to relaunch the European integration project by adopting a series of measures, in the fields of security, social policy and external relations, that should be capable of winning back political support for the EU among the Union’s citizens. Third, we are now seeing signs of a generalised economic recovery across all the countries of the EU, while unemployment, albeit still high, currently stands at its lowest levels for the past nine years. The fourth favourable circumstance is the “isolationist” behaviour of the new US administration, which has convinced most European political leaders that Europe, more and more, is going to have to look after its own security. Finally, the election of Emmanuel Macron as French president and his declarations on the need to build a new European sovereignty show that the European Commission can now count on the political support of France, a major EU country and founding member state that on several previous occasions has hindered Europe’s development (in this regard, we may cite France’s failure to ratify the Euro-

pean Defence Community Treaty in 1954, the empty chair crisis and Luxembourg Compromise of 1965/66, and France's rejection of the European Constitution in 2005).

So, taking advantage of this propitious moment, the President of the European Commission, aiming to further the debate on the future of the European Union, set out a series of institutional and policy proposals, all of which (unlike those subsequently advanced by President Macron in a speech at the Sorbonne) can be implemented under the existing Treaty provisions. Indeed, the European Commission, whose role is, among other things, to act as the guardian of the Treaties, has never yet used the power it has, under article 48 of the Lisbon Treaty as well as other, previous provisions, to submit, on a par with the member states, proposals for amendment of the Treaties. Even the "Penelope project" in 2002, which represents the Commission's boldest foray into this area to date, was relegated by President Prodi to the status of a "feasibility study" following negative reactions from Giscard d'Estaing, who was president of the Convention on the Future of Europe, and from the commissioners themselves, who had not been involved in the drafting of the project.<sup>1</sup>

## 1. Institutional Proposals

With regard to the European institutions and the EU decision-making processes, President Juncker put forward practically every single proposal that could possibly be implemented under the existing Treaty provisions, and in so doing avoided opening the "Pandora's box" of Treaty revision (unlike President Macron who, in his speech at the Sorbonne, did precisely this). It could be said that Juncker "scraped the bottom of the barrel" of possibilities that exist under the present Treaty framework for improving or simplifying the workings of the European decision-making process. However, as will be explained below, his proposals raise a number of political and institutional difficulties, and they are the very ones that have been apparent since the entry into force of the Lisbon Treaty, and have thus far prevented the implementation of the kind of measures he suggests.

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<sup>1</sup> In truth, even though the European Commission has never submitted formal proposals to amend the Treaties, President Delors and his negotiating team obtained significant changes to the Treaties in force both in the IGC that produced the Single Act [extension of Community powers, increased provisions for majority voting, increased powers of the European Parliament, introduction of differentiation in the single market (Art. 100, par. 4, TEC)] and in the Maastricht IGC on economic and monetary union.

### 1.1. *Use of so-Called Passerelle Clauses to Allow the Adoption of Majority Decisions in Sectors Currently Subject to the Unanimity Rule.*

The Lisbon Treaty gives the European Council the possibility to decide unanimously to introduce the qualified majority rule for the adoption of politically sensitive measures that currently require a unanimous vote by the member states (for example in the fields of foreign policy and taxation). The European Council also has the faculty to decide, again by unanimity, to allow the European Parliament to participate, on an equal footing, in deciding matters on which at present it only expresses a non-binding opinion prior to the Council's ultimate decision (i.e. to allow co-decision). Juncker identified the single market as the area in which decisions should be taken by a qualified majority and cited several specific tax measures (corporation tax, VAT and the tax on financial transactions, for example) on which unanimity decision making should be replaced by qualified majority decisions. Even though Juncker's proposal makes sense, given the ongoing difficulties over tax harmonisation within the European Union, realistically the likelihood of the member states giving up their power of veto in the area of taxation is very slim indeed, if not zero. After all, some member states derive an important economic advantage from the unanimity rule, since the veto instrument allows them to apply more favourable tax regimes to multinational companies investing in their territories (Ireland and Luxembourg are the most striking examples in this regard, although Austria and the Netherlands also benefit from the absence of tax harmonisation). Furthermore, the Lisbon Treaty includes a further procedural guarantee, under the terms of which the parliament of even just one member state, having been notified in advance, can reject and thus block any proposal to use a *passerelle* clause, providing it does so within a six-month time limit. What is more, the British Parliament even passed a national law prohibiting its heads of government from authorising the use of *passerelle* clauses on EU matters. Even after Brexit, we are still likely to see similar initiatives by the parliaments of the aforementioned states (in this respect, it can be recalled that Ireland requested assurances on the question of tax regimes as a condition for its ratification of the Lisbon Treaty). Therefore, President Juncker's proposal to use *passerelle* clauses in the field of taxation would probably fail to gain the unanimous support of the European Council, or be blocked by the preventive veto of a single national parliament.

### *1.2. Merging of the Roles of President of the European Council and President of the European Commission.*

Juncker proposes that there should be a single President of the European Union, whose role would combine the currently separate functions fulfilled by the President of the European Commission and the President of the European Council. This is not a new proposal, having first been aired by French politician Pierre Lequiller during the European Convention chaired by Giscard d'Estaing. At the time, it did not gather widespread support, partly because many Convention members from smaller countries were opposed to the creation of a permanent President of the European Council, even though neither the Constitutional Treaty nor the Lisbon Treaty, whose texts contained nothing to indicate an incompatibility between the two offices, excluded the possibility of their being merged. The proposal was subsequently revived by Michel Barnier in a speech given in 2011, but was not received any more enthusiastically.

At first glance, in this case too, Juncker's proposal seems to make sense, as it would permit a simplification of the Union's institutional structure and, above all, would allow European citizens to associate the highest office in the European Union with a single individual. Also, it would finally provide an answer to Kissinger's famous question: "Who do I call if I want to call Europe?". However, this solution fails to take into account the political and institutional difficulties stemming from the differences between the roles played by the two presidents and, above all, from the current Treaty provisions:

a) The President of the European Commission heads an institution that is required to "promote the general interest of the Union" (art. 17 TEU), whereas the President of the European Council must "endeavour to facilitate cohesion and consensus within the European Council" (art. 15, par. 6, TEU). In other words, the President of the Commission's role, institutionally, is to initiate legislation and monitor the application of the Treaties and the measures adopted by the institutions, while that of the President of the European Council, on the other hand, is to mediate between the various positions of the heads of state and government, in pursuit of their unanimous consent. It is certainly true that the role of the European Commission has changed over the years and that, as a result, its president is now more likely to seek consensus within the European Council rather than rigidly defend the proposals of his/her institution.<sup>2</sup> Merging the two roles under a single president

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<sup>2</sup> Nowadays, it is hard to imagine the European Commission withdrawing a propos-

would undoubtedly carry the risk of reinforcing, rather than combating, this tendency.

b) The President of the European Commission is elected for a five-year term by the European Parliament on the basis of a proposal from the European Council that takes into account the results of the European elections. Furthermore, the European Parliament can censure the work of the Commission, and any motion of censure passed by the Parliament would require the entire Commission, including its president, to resign. The President of the European Council, on the other hand, is elected directly by the heads of state and government for a renewable 36-month term, without any involvement of the European Parliament. It thus seems inconceivable that, in the eventuality of the EU having a single president, the heads of state and government would be willing to accept that a motion of censure against the Commission, tabled by the European Parliament, should culminate in the resignation of the person who also acts as European Council president. Conversely, however, were this person permitted to stay on in his/her capacity as President of the European Council, this would, in effect, restore the dualism of Union leadership that currently exists.

Therefore, to combine the functions of President of the Commission and President of the European Council in an office held by a single person, even though this could be done without amending the Treaties, would be to risk running into the political and institutional problems described above, with the result that, in the end, the Treaties would have to be amended anyway, in order to get rid of the contradictions inherent in the current provisions. Furthermore, it should be considered that this merging of two presidents into one would carry the risk of strengthening the intergovernmental character of the process of appointing the President of the European Council, and of the office itself, at the expense of the Community method (based on the European Commission's right of initiative, majority voting and the European Parliament's powers of political control) that Juncker, through his proposals, would actually like to see strengthened. The presentation of various documents advocating a strengthening of economic and monetary

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al on the Erasmus programme — as the Commission led by Delors did in 1986 — merely because the Council had requested a more than 50 per cent reduction of the budget allocated to the programme. Similarly today, the Commission would be very unlikely to succeed in obtaining adoption of the Galileo project that, when originally submitted, was opposed by three or four member states (Germany, UK, Netherlands, Denmark) which formed a blocking minority.

union, drawn up jointly by all or some of the presidents of the European institutions (whose road maps have been disregarded by the European Council) seems to underline this risk.

*1.3. Creation of a European Minister of Economy and Finance (a Role to be Filled by the European Commissioner for Economic and Financial Affairs, who Should Also Chair the Eurogroup).*

The suggestion to create a European Minister of Economy and Finance, who would be required to manage a euro area budget line, monitor the correct application of the provisions relating to EMU, chair the Eurogroup, and serve as the main interlocutor with the European Central Bank, is another sensible proposal, and a move that would strengthen both the effectiveness and the democracy of the European institutions, particularly as this new minister would be accountable to the European Parliament, albeit only to the MEPs of the eurozone countries (i.e. to the European Parliament operating in restricted composition). However, to have this role filled by the European Commissioner for Economic and Financial Affairs (a position currently held by Frenchman Moscovici) would be to raise, once again, problems of an institutional nature, as well as a possible conflict of interests:

a) the Eurogroup president is chosen by the member states without the participation of the European Parliament, whereas the European Commissioner for Economic and Financial Affairs, although initially nominated by the member states, has to be approved by the European Parliament and is accountable to the latter, just like all the other members of the European Commission;

b) the Commissioner for Economic and Financial Affairs, as a member of the European Commission, exercises the latter's right of legislative initiative *vis-à-vis* the Eurogroup. Therefore, were he/she required to combine this particular role with the mediatory one of the Eurogroup president, then a conflict of interests could easily arise between the two functions (after all, institutionally, the Eurogroup president is required to seek compromises in order to facilitate agreements on proposals made by the European Commission). Furthermore, were the two roles to be combined, his/her task of monitoring the correct application of the Treaty provisions (a specific institutional function of the European Commission) would risk being compromised by the fact of his/her having been appointed by the very member states he/she might be called upon to sanction for breaches of Treaty rules.

Although, in connection with this question, reference is often made

to the dual role filled by the current High Representative of the European Union for Foreign Affairs and Security Policy (Federica Mogherini), who is both Vice-President of the European Commission and Chair of the Foreign Affairs Council, her situation is not pertinent. Indeed, the European Commission does not have the power to initiate legislation in the field of foreign policy, while the Foreign Affairs Council, in the vast majority of cases, decides by unanimity, with the result that potential conflicts of interest between the two functions simply do not arise. Moreover, the Foreign Affairs Council normally adopts decisions of an executive and non-legislative nature, decisions that may concern, for example, the deployment of peacekeeping missions, the sending of observers to oversee elections in politically sensitive areas, the definition of political strategies towards third countries, and the imposition of sanctions against countries that do not respect human rights. In these cases, the High Representative, both in her capacity as Vice-President of the European Commission, and as chair of a configuration of the Council of the European Union, is performing executive functions. In short, whereas there are no potential conflicts of interest between the functions of High Representative for Foreign Affairs and Security Policy and Vice-President of the European Commission, the same cannot be said in the case of combining the role of the President of the Eurogroup with that of the Commissioner for Economic and Financial Affairs.

#### *1.4. Eurozone Strengthening and Creation of a Budget Line.*

President Juncker's main concern is the unity of the 27 member states within the EU, and he is not in favour of splitting the Union into two concentric circles. He does not rule out the possibility of initiatives being carried out by smaller groups of countries, but he does not envisage an institutional strengthening of the eurozone (the third scenario indicated in the European Commission's white paper on the future of Europe). Therefore, unlike President Macron, Juncker is not proposing the creation of an autonomous budget for the eurozone, financed with European taxes, but merely calling for the creation of a euro area budget line within the EU budget. Indeed, in line with his view that the Treaties should not be amended, his proposal is to create a financial instrument for macroeconomic stabilisation within the EU budget, designed to be used to support the countries that use the single currency (conversely, the creation of an autonomous budget for the eurozone, financed with European taxes, would require amendment of the Treaties).

### 1.5. *Strengthening of European Democracy.*

Remaining faithful to his general approach, which is to act within the framework of the existing Treaties, Juncker would like to see the *Spitzenkandidaten* experience repeated during the next European elections. Speaking on a personal level and with a measure of caution, he expressed, in his address, his “sympathy for the idea of having transnational lists in European elections”<sup>3</sup> from as early as the 2019 vote. This is a proposal that has been advanced more forcefully by President Macron and other European leaders. Juncker also expressed his support for “President Macron’s idea of organising democratic conventions across Europe in 2018”, in order to continue the debate on the future of Europe throughout the coming year.

Juncker’s other proposals for strengthening democracy within the EU, whose inherent difficulties have been highlighted above, are to use *passerelle* clauses to extend the scope of majority voting and to combine the functions of the President of the Commission and the President of the European Council.

## 2. The Policy Proposals

In his state of the Union address, and in a letter of intent<sup>4</sup> sent to the President of the European Parliament and the Prime Minister of Estonia, Juncker set out a series of significant proposals, dividing them into initiatives that the European Commission undertakes to launch within the current legislature and others to be “launched with a 2025 perspective” (even though Juncker cannot bind the decisions of the next European Commission, which will be appointed in 2019). Thus, Juncker uses the same method that the European Commission now traditionally adopts when drawing up its work programmes (namely that of presenting “roadmaps” that indicate the essence of the various proposals advanced together with the timetable envisaged for their implementation). In a recent analysis, the European Commission’s in-house think tank was careful to underline that about 80 per cent of the proposals put forward by President Macron on September 27 are already envisaged by Juncker in the European Commission’s work programme.

This article is not the right place for a detailed examination of the proposals set out by the Commission president in his address and letter

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<sup>3</sup> [http://europa.eu/rapid/press-release\\_SPEECH-17-3165\\_en.htm](http://europa.eu/rapid/press-release_SPEECH-17-3165_en.htm).

<sup>4</sup> [https://ec.europa.eu/commission/sites/beta-political/files/letter-of-intent-2017\\_en.pdf](https://ec.europa.eu/commission/sites/beta-political/files/letter-of-intent-2017_en.pdf).



of intent. What should be underlined, however, is Juncker's wish to see the European Commission's power of initiative used in order to: boost economic growth and investment (in particular through packages of proposals for a digital single market); build a "resilient Energy Union with a forward-looking climate change policy"; develop a new EU industrial policy strategy (notwithstanding the insufficiency of the powers conferred by the Treaties); and strengthen the internal market. Particular attention should be drawn to President Juncker's intention to present what he has called a "fair taxation package for the creation of a single EU value added tax area" and his proposal to establish rules at EU level that would allow "taxation of profits generated by multinationals through the digital economy". Given the criticisms levelled at President Juncker in the past for having allowed his homeland, Luxembourg, under his leadership, to adopt permissive practices on the tax treatment of multinationals, this move may be seen as a turnaround.

The proposals advanced by Juncker in the social policy field are more limited. He calls for a "proclamation by the EU institutions of the European Pillar of Social Rights" and the establishment of "a European labour authority to strengthen cooperation between labour market authorities [...], as well as other initiatives in support of fair mobility, such as a European social security number". While there can be no underestimating the symbolic importance of a new European charter of social rights, it cannot really be argued that this initiative would allow the creation of the "social Europe" listed among the objectives set out by the leaders of 27 member states and EU institutions in their Rome Declaration of 25 March 2017. The fact is that the citizens' support for the European project will only be won back through different legislative measures (necessarily binding on the member states) in the social field, such as the establishment of a European minimum income and/or the creation of a European unemployment allowance, measures that have already been proposed by some EU member states and by the European Parliament. While it is certainly true that the insufficiency of the current European budget and the lack of new own resources are a major obstacle to the implementation of these measures, they could be funded in a transitional phase through financial contributions from the member states, providing these states were exempted from the requirement to keep their government deficit to 3 per cent of GDP or less.

Juncker's proposals for a strengthening of the Economic and Monetary Union are, instead, more significant, envisaging transformation of the European Stability Mechanism (ESM) into a proper European Mon-

etary Fund, to be managed by the future European Minister of Economy and Finance, and the creation of a dedicated euro area budget line to serve as a source of financial assistance for national structural reforms and a means to promote macroeconomic stability of the euro area and facilitate the economic convergence of the countries that have not yet adopted the single currency. However, to the extent that Juncker's proposals are based on the Treaties in their present form, the creation of these financial instruments would inevitably be subject to the constraints of the current European budget, and would therefore be unable to produce the embryo of a future European "federal" budget — an objective that, in particular, would demand the creation of new own resources.

Equally significant are Juncker's proposals on migration policy and the creation of "an area of justice and fundamental rights based on mutual trust", in particular the elements of his proposed anti-terrorism package, which would have the effect of strengthening the security of European citizens and should help them to perceive more clearly the added value of the European project. It is also worth mentioning the initiative, to be launched in autumn 2018, to strengthen the enforcement of the rule of law in the European Union. This is an area in which the European institutions find themselves needing to regain some credibility in the wake of their failure, thus far, to trigger the procedure laid down in Article 7 of the Treaty on European Union in order to determine the existence of a serious and persistent breach, by Hungary and Poland, of the EU's founding values of democracy and the rule of law. Certainly, the fact that the existence of such a breach has to be determined by the European Council acting by unanimity greatly reduces the deterrent effect of Article 7. What is more, the EU's inability to act in defence of fundamental rights within its own confines has greatly undermined the credibility of any response it might make to similar breaches by third countries. For these reasons, the initiative announced by President Juncker is to be welcomed.

### 3. Conclusions

This brief analysis of the proposals advanced by President Juncker in his address and letter of intent leads to the conclusion that his institutional proposals have little chance of actually being implemented since they raise political and institutional problems that it would be difficult to overcome without a revision of the Treaties (serving to remove the restrictive clauses and incompatibilities present in the current provisions).

The only exception is the idea of creating a euro area budget line within the EU budget. However, this proposal is really only a different version of the creation of a financial instrument designed to support the eurozone countries already advocated in the European Commission's blueprint document of November 2012. The policy proposals, on the other hand, must be assessed differently as these, were they to be implemented, would represent a significant contribution to a relaunch of the European project (even though the creation of a binding instrument in the field of social policy — one that would allow European citizens to verify the added value of the European Union in the fight against unemployment and social exclusion — continues to be lacking). Therefore, the address by the President of the Commission cannot be regarded as “the last hurrah of an unrepentant federalist”,<sup>5</sup> but rather as Juncker's attempt to restore to the European Commission its “Monnetian” role as a legislative initiator and privileged interpreter of the European interest. Unfortunately, the most significant proposals put forward by Juncker have been overshadowed by the even more ambitious ones advanced by President Macron in his speech at the Sorbonne on 27 September. Since the French president's proposals, both institutional and relating to policy content, go beyond actions implementable under the current Treaty framework, and envisage a process centred around the next two rounds of European elections, they are far more ambitious than Juncker's. Indeed, geared at creating European sovereignty and altering the current institutional order, they include a separate budget for the euro area; a reduction in the number of commissioners; half of MEPs to be elected on transnational lists; the creation of a common intervention force and a common defence budget; and the creation of a common guard at the Union's external borders. President Juncker has recently responded by distributing, among the heads of state and government, a document<sup>6</sup> drawn up by The European Political Strategy Centre (the European Commission's in-house think tank), which underlines the significant convergence between the proposals advanced by the two leaders (“about 80 per cent” of Macron's proposals “are already proposed or foreseen in the European Commission's work programme” presented by Juncker) and points out that “some of

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<sup>5</sup> See the article by Riccardo Perissich, *Juncker's Last Hurrah*, 21/09/17 (<http://www.iaai.it/en/pubblicazioni/junkers-last-hurrah>).

<sup>6</sup> [http://g8fip1kplyr33r3krz5b97d1.wpengine.netdna-cdn.com/wp-content/uploads/2017/09/EPSC\\_TwoVisionsOneDirection.pdf](http://g8fip1kplyr33r3krz5b97d1.wpengine.netdna-cdn.com/wp-content/uploads/2017/09/EPSC_TwoVisionsOneDirection.pdf).

President Macron's proposals would require Treaty change and more far-reaching institutional innovation, therefore requiring significantly more time." However, as already explained, President Juncker's institutional proposals, too, would require modification of the Treaties in order to eliminate the safeguarding clauses and incompatibilities present in the provisions of the Lisbon Treaty.

## Viewpoints

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### **FEDERALISM VERSUS NATIONALISM: THE CASE OF CATALONIA**

European (and global) federalism came into being, as political forces, in the aftermath of World War II with the aim of overcoming nationalisms and uniting, in a common political project, the beleaguered nation-states of the Old Continent, and progressively the whole of mankind.

Today, this is still the aim of this political philosophy, for which the establishment of the European Union, even though it is not yet a fully federal polity, represents a crucial and historically important success.

However, nationalist tendencies have proved resilient in the West and around the world, and to some extent the imbalanced phenomenon of globalisation, with its lack of a strong social and political dimension, has had the effect of reviving and fuelling them. Thus, nationalism recently proved victorious, albeit by small margins, in the United Kingdom, with Brexit, and in the United States, with the election of Donald Trump, a media and business personality and vocal supporter of a strictly “America first” and anti-immigrant agenda.

Simply put, nationalism as a doctrine believes that culturally homogeneous or dominant communities must have their own, separate political organisation, in the form of a state, and that their exercise of sovereignty over the territories that fall within these states must be absolute.

These two nationalist dogmas are both problematic from the perspective of guaranteeing a peaceful international order. The first requires either a multiplication of the existing sovereign states, so that there are as many of them as there are identifiable cultural communities (in Europe this number could be as great as a hundred), or the suppression of cultural minorities, in situations where one particular nationalism is dominant over others in a given geographical space. It is a principle that has implications for the stability of the currently estab-

lished political states, while also making for complicated decision-making in inter-state affairs.

The second fosters wars, since the dogma of absolute sovereignty means that the state, as an entity, recognises no superior, with the result that a condition of anarchy reigns in relations between states. In short, the rule of force, instead of the rule of law, prevails.

Federalism, on the contrary, opposes both these nationalist dogmas. Sovereignty is not absolute, excepting perhaps a sovereignty exercised by the whole of mankind as one, in which case different cultural communities could belong to the same political organisation, provided they shared its values and principles. Federalism also recognises the right of autonomy for distinct cultural communities, and is thus opposed to the concept of dominant nationalisms within nation-states.

In any event, from a federalist point of view, even the notion of nation is quite problematic. Renan in his famous conference, ended up concluding that it cannot be defined by language, culture or history, but rather by the presence of a considerable number of people believing that they all belong to one.<sup>1</sup> Albertini seemed to deny the concept altogether.<sup>2</sup>

This is the reason why federalism aims to unite not nations, but rather democratic states, which constitute an objective construct, characterised by the existence of a political entity that has the monopoly on the use of force (power) within a given territory, and exercises it according to the rule of law. This applies regardless of whether the state comprises one nation (i.e. cultural community) or more than one. In actual fact, it would be more accurate to say that it is states that created national identities, through centralised education systems and military conscription, rather than the other way around.

The European Union represents the concrete realisation of this ideal: the old European nation-states, determined to avoid further wars in the continent, decided to pool their sovereignty in an increasing number of fields, effectively setting up a multilingual and multicultural political project, to the point that even a common European cultural conscience is now recognised.

The Catalan independence movement, supported by no more than 48 per cent of the electorate according to the outcome of the September 2015 regional poll, may be seen as yet another example of a na-

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<sup>1</sup> Ernest Renan, *Qu'est-ce qu'une nation?*, Clamecy, Mille et une nuits, 2010.

<sup>2</sup> Mario Albertini, *Nazionalismo e federalismo*, Bologna, Il Mulino, 1999.

tionalist backlash fostered by the economic and financial crisis and by the existence, in a substantial part of the population, of a strong sense of shared identity, which in this case is felt to be incompatible with Spanish citizenship.

The Catalan question, although complex and influenced by a diversity of factors, clearly revolves around the old questions of national identity and the redistribution of wealth,<sup>3</sup> quite apart from certain other conjunctural factors, such as the Spanish Constitutional Court's annulment, in 2010, of a number of articles of the revised Statute of Autonomy, which had been approved by popular referendum in the region.

Given that there has never been an independent Catalan state, the Catalan language (a Latin language closely related to Italian, French and Spanish) is the main foundation upon which Catalan nationalism has built the idea of the existence of a Catalan nation.<sup>4</sup> Historically, the ancient County of Barcelona joined the Kingdom of Aragon in the Middle Ages. Embracing Aragon, Valencia, the Balearic islands, and at some point even Sardinia and Sicily, this kingdom was much larger than present-day Catalonia. Then, through the marriage of Isabella and Ferdinand, it entered into a dynastic union with Castille. Even today Catalan is not spoken only in Catalonia, but also in Valencia and the Balearic islands.

Upon the adoption of the Spanish Constitution in 1978, Spain in fact became a federal state, the fourth most decentralised of the OECD countries. Since then, Catalonia has enjoyed self-government, having its own regional parliament endowed with exclusive legislative competencies in many fields, including education and culture.

Thus, there is no clear historical or legal basis for the exercise of external self-determination in Catalonia, since according to the United Nations a territory can legally secede from a state only in certain circumstances: military occupation, colonialism, cultural discrimination, or continued and massive human rights violations. With regard to this last scenario, in the wake of Kosovo, we talk of "remedial secession".

Aside from the successful construction of an exclusive national identity, with which around half of the population identifies, another factor driving the nationalist surge in Catalonia is the perception that

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<sup>3</sup> For an overview of the historical and economic claims of Catalan nationalism, see Josep Borrell, Francesc de Carreras *et al.*, *Escucha, Cataluña; Escucha, España*, Barcelona, Península, 2017.

<sup>4</sup> See Josep Borrell and Francesc de Carreras, *op. cit.*.

Catalonia is the victim of unfair wealth redistribution policies vis-à-vis other regions in Spain, regions that can be likened to richer territories in other parts of Europe (Veneto in Italy, Flanders in Belgium, etc.). Indeed, in 2012, the nationalist president of Catalonia, Artur Mas, launched a bid for independence after the central government rejected his claim that all taxes should be collectible by the region, which would then pay into the common national budget only the amount that it, in turn, would receive from it in transfers, thereby cancelling out any redistributive effect.

In 2014, the nationalist Catalan independence movement unilaterally organised an informal referendum, in which less than half of the electorate participated. In 2015, nationalist parties failed to achieve at least 50 per cent of the vote in the regional election, but they nonetheless continued to pursue their independence agenda. Finally, on 6 and 7 September 2017, the pro-independence majority in the Catalan parliament passed two unconstitutional bills that were taken as the legal basis for a self-determination referendum to be held on October 1st. Again, no more than 40 per cent of the electorate took part in what amounted to an unconstitutional referendum with no independent recount body, as the nationalists themselves admitted. On the basis of this so-called referendum, the regional parliament, in the absence of most of the opposition, declared independence on 27 October. On the same day, the Spanish Senate voted to suspend the region's autonomy, using as its legal basis, the mechanism of federal execution provided for in article 155 of the Constitution, which was copied from article 37 of the Fundamental Law of the German Federal Republic.

The Catalan pro-independence movement therefore appears to contradict several federalist principles, both in substance and in methodology.

First, the Catalan nation, as a cultural community, is already fully self-determined within Spain, and any grievances could and should be resolved politically and in full respect of the existing constitutional boundaries. It is very clear that the unilateralism that has characterised this nationalist movement is incompatible with the rule of law and the principle of territorial integrity, both key principles enshrined in the Treaty on the European Union (articles 2 and 4.2).

Second, federalism does not believe that every nation has the right to its own separate, fully sovereign political state, because this contradicts the principles upon which the concept of European federation rests: shared sovereignty and a multicultural polity.

Furthermore, European federalism could never endorse the indis-



criminate birth of new sovereign states in Europe, given that this would affect the strength and stability of the Union, and ultimately complicate its decision-making processes, assuming the Union were to survive the challenges of the emergence of nationalism within states, not only in Spain, but also elsewhere. It is not by chance that the Supreme Court of the United States declared the American federation “an indestructible Union of indestructible States”, thus enforcing the concept that the principle of territorial integrity works two ways, at both state and federal levels.

Third, demanding independence on the basis of claims, moreover grossly exaggerated by the nationalists,<sup>5</sup> of unfair redistribution of economic resources is tantamount to rejecting the solidarity principle, which is a fundamental value of both federalism and the European Union.

All in all, micro-nationalisms, whether in Spain or in any other member state, are a regressive and negative force for the European integration process and the pursuit of federal global governance. They pose a threat to the key federalist principles of supra-state sovereignty, multicultural political entities, solidarity and a stable international order, and in the case of Catalan nationalism, also to the rule of law and democratic statehood, which are the basis of any regional or global federation. If history has an end, in the ideological sense, it should be leading us towards a federation of free, democratic and liberal states, not in the direction of a proliferation of new nations conceived along narrowly linguistic or cultural lines.

For these reasons, regional nationalists should not be indulged or supported in Europe, still less so by European federalists.

*Domenec Ruiz Devesa*

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<sup>5</sup> See, in particular, Josep Borrell and Joan Llorach, *Las cuentas y los cuentos de la independencia*, Madrid, Catarata, 2015, and the book reviews with a federalist outlook by Pilar Llorente, *Economics and the Tall Tales of the Independence of Catalonia*, *The Federalist Debate*, 30, n. 1, (2017), and Domenec Ruiz Devesa, *Los mitos del nacionalismo y las cuentas de la independencia en Cataluña*, *Letra Internacional*, n. 122 (2016).

## Documents

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### **MONETARY UNION, POLITICAL UNION AND EUROPEAN SOVEREIGNTY**

The ongoing debate on the future of Europe is highlighting, increasingly clearly, the opposing positions of those who believe that EU reform is possible only within the wider (27-member) framework and those who instead maintain that it will take a vanguard of eurozone countries pressing ahead in the direction of political union. The latter envisage the creation of a two-tier Europe, one tier comprising the states choosing to participate solely in the single market, and the other those that are willing to surrender their sovereignty in order to create a federal core. This difference of outlook became particularly apparent following the outbreak of the global economic and financial crisis that, exposing the limitations of the current EU mechanisms, made it clear that the monetary union cannot survive unless responsibility for economic and budgetary policy is transferred to supranational level. In short, it put the issue of the transfer of sovereignty from national to European level firmly on the table. Until recent years, to openly support the process of European integration, one could simply advocate advancing by small steps, and the policy of strengthening the powers of the EU institutions through the instruments of the so-called Community method. Today, however, wanting more Europe clearly means something quite different: it means realising and accepting that only some of Europe's member states have agreed (by surrendering their monetary sovereignty) to share a common destiny, and that Europe will have no future at all unless at least some of them decide to unite in a political union, refusing to be held back by those countries that are not yet ready to take this step. It should also be understood that rejection of any solution that implies differentiation between the member states actually conceals a desire to remain anchored to the system of national sovereignties.

The people of Europe have a choice: they can accept the current situation, in which, due to the paralysis of the European institutions, it is increasingly often the member states that are making the key decisions for the future of our continent (through intergovernmental mechanisms that effectively institutionalise the dominance of the stronger and more powerful states over the weaker ones), or they can take on board the urgent need for a change of pace, and therefore a break with the existing balance, to allow the creation of a political core that is no longer underpinned by the current mechanisms, but instead has a federal character.

It is a difficult choice, because the inertia of the EU's current mechanisms and institutions is profound, and also because it is hard to accept that the gradual process that has made the European Union the most advanced international organisation in the world, and given the European people peace and prosperity, has run its course, and must now make way for a re-founding of the Union, based on a strong political will to break the existing mould.

The awareness that it would one day be necessary to make this choice was actually already present in federalist thought from the very birth of the Economic and Monetary Union, when, faced with the prospect of a European currency being put into circulation without the backing of a European political power, every effort was made to highlight the true role of a currency (as an instrument for exercising sovereignty) and to explain that the single currency would be unable to survive in the absence of a European government. It was stressed that the future eurozone states, or at least some of them, would need to take the lead in creating a federal core.

As a contribution to today's debate, we have decided to republish two of the numerous articles related to this topic that were originally published in our review in the 1990s and around the time of the launch of the Economic and Monetary Union. Both papers clearly set out the key aspects of today's debate, and thus highlight the link between currency and sovereignty, the inadequacy of the Community method, and the need for a break with the past to allow the creation of a federal core. They clearly explain the reasons for the EU's weakness and the path to follow in order to make Europe's citizens able, once again, to make the choices that will shape their destiny.

*The Federalist*

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

### *The Problems we Face.*

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

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

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\* This report was delivered at the Federal Committee of the European Union of Federalists (UEF), held in Brussels, 8-9th April 1995 and published on *The Federalist*, 37, no. 1 (1995).

as well as to the development of a consensus among public opinion, which is presently stifled by the lack of purpose of the political class and by the citizenry's insufficient knowledge of what is at stake.

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

### *Monetary Union and Political Union.*

The motivations for monetary union and for the institutional reform of the Union had different origins. The former was essentially dictated by the need to eliminate the final and most serious obstacle to the functioning of the single market; the latter by the inherent dangers of en-

largement and by the need to face up to them in order not to condemn the Community venture to failure. Nevertheless they are closely connected. The link between them has caused some people, including both friends and enemies of the European ideal, to argue that the creation of a true European government is a pre-condition of monetary union. Such people maintain, with good reason, that a currency is one of the essential instruments for the exercise of sovereignty. It would follow from this that there can be no single currency without political union, so that the creation of the latter should in all events accompany or precede the establishment of monetary union.

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

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

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

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

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

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

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

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

*The Politico-Institutional Minimum.*

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

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



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

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

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

discreet procedures of diplomacy. It goes without saying that these considerations do not diminish the role that can be played in some key stages of the Union's constituent process by inter-parliamentary meetings (the "Assizes"), in which national and European MPs participate together, and where the national MPs would have the decisive function of involving the national political forces in the constituent process, and through them, their citizens.

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

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

The creation of monetary union would in any case reinforce the process, even in the presence of institutional policies of an intergovernmental nature. The fact remains that in the medium term, beyond this important but provisional step, the only effective institutional response to the challenge of enlargement is *the creation of a genuine em-*

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

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

### *The Federal Core.*

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

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

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

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

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

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

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

### *Possible Strategies.*

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

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

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

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

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

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

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

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

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

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

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

*Francesco Rossolillo*



## EUROPE AFTER NICE\*

Since the Maastricht Treaty came into force, the European Union has shown itself to be incapable, as far as the reforming of its institutions is concerned, of moving any closer to its aim of achieving the progressive building of a more perfect union. Until the introduction of the single currency on January 1<sup>st</sup> 1999, this is something that went largely unnoticed, the reason being that the efforts of politicians and the attention of commentators were focused instead on the problem of bringing national budgets and the main instruments of public finance into line with the criteria established by the treaty. But once these aims had been achieved, it became obvious that not only were there no longer any ambitious targets left on the horizon for which to strive (targets like that of the European currency), but Europe's summits had become incapable of agreeing even on minor reforms that might improve marginally the ordinary running of the Union's institutions. And the resulting situation of stalemate has never been more glaringly obvious than at the European Council in Nice.

This situation has come to light in an extremely delicate phase within the process of European unification. Enlargement of the Union is now not only certain but also imminent. There is a widespread realisation among many of those in power in Europe — with the obvious exception of some who would consciously like to see the Union watered down into a free trade area — that the institutional structure of the Union, which with its present fifteen-member framework is already on the brink of collapse and of total decision-making paralysis, would not be able to withstand the impact of enlargement to twenty, twenty-five or thirty members, and that it will need, before any enlargement occurs, to undergo some form of deepening. But no government figure, with the partial exception of the German foreign minister, has managed to address this need with a concrete project. It is thus in a state of confusion that

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the European Union is preparing to embark on this latest adventure (the entry of the countries of the central and eastern part of the continent) — a state of confusion that cannot be concealed even in part either by fanciful diversions like the Charter of Fundamental Rights and the European Security and Defence Identity, or by purely verbal expedients that, like the “Federation of Nation-States”, set out to reconcile the illusion of change with the *de facto* maintenance of the *status quo*.

The truth, as far as the process of European unification is concerned, is that the time for drawing closer to the final objective is now over, leaving the Union’s holders of power faced with a decisive choice: to take the final step and create a European federal state, which means renouncing sovereignty in the national setting in order to recreate it in a vaster ambit, or to follow an involitional path destined to lead to the dissolution of the Union. Meanwhile the idea that the present situation can be prolonged indefinitely represents the most unrealistic position of all. What the wait-and-see strategy actually betrays is resignation to the view that all we can do is sit back and watch the European endeavour flounder. In the absence of a great shared project, the very countries that have always been, from the very start, the driving force behind the process of European unification — France and Germany — are condemned to fall into the trap of mutual rivalry and mistrust, and Nice provided proof of this. Indeed, without a common project, the interests keen to see Germany establishing and consolidating a position of hegemony over the countries of central-eastern Europe — even, if necessary, breaking free from the restrictions that its membership of the Union places on it — would, with the passage of time, inevitably grow stronger. Looking around, nationalist, tribalist, xenophobic and authoritarian forces are at work everywhere, albeit in different forms. It is clear then that time is not on Europe’s side. The process of the unification of the continent must advance in order not to go backwards. But today, the only way it can do this is by making the federal leap forwards.

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As enlargement has become an increasingly imminent prospect, a second problem within the process of European unification has come to the fore. It is a problem that has been evolving for some time and can now no longer be escaped. We are talking about the fact that — due both to the virtual impossibility of reaching important decisions unanimously in assemblies in which today fifteen (and tomorrow twenty or

more) sovereign states are represented, and to the different depths of European consciousness in the different states of the Union — the objective of creating a European federal state can now only be pursued within a smaller territorial framework than that of the present Union, to say nothing of an enlarged Union. The problem, in other words, is that of building a *federal core*. To advocate the creation of a federal core is not to maintain that there exists a will in some of the Union's governments (but not in others) to unite the various states with a federal bond. This will, in fact, exists in none of the states. Instead, to advocate the creation of a federal core is to appreciate that there does exist in some states — i.e., in those most deeply involved in the process, those where public opinion is more open to the idea of European political unity and where those in power have a hazy, but nevertheless real, sense of the contradictions that are generated by the incapacity of the current institutional order to reach effective decisions and by the absence of Europe on the international scene — the *possibility* that, in the right circumstances, this will could in a reasonably short space of time be generated. At the same time, it means appreciating that this possibility does not exist in other states. In other words, in the present situation, a project to found a six-, seven- or eight-member federation could, albeit with difficulty, succeed, while the founding of a federation with fifteen (or twenty, or twenty-five) members would be simply impossible.

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We are thus faced with the need to tackle two extremely difficult problems contemporaneously. That of creating a federal state is, in itself, more difficult than any of the other problems that the governments have had to face in the course of the process so far, because while the achievement of objectives like the ECSC, the EEC, the direct election of the European Parliament, the single market and the single currency served to shore up the sovereignty of the nation-states, which would have been thrown into crisis without the emergence of increasingly deep forms of European cooperation, the creation of a federation actually implies the *abandonment* of this sovereignty. Equally difficult, however, is the problem of realising this objective in a narrower setting than that of the Union, because it means *changing the political framework* within which the next phase of the process will, if it is to have a federal outcome, have to unfold. This implies the loss of what might have been regarded as the centrality of the European institutions and of their role as the main interlocutors and points of reference of federal-

ists in their struggle. At this point, it is important to recall that in earlier stages too (leaving aside the federalists' role as the Hegelian mole) it was always the *entente* between the French and German governments — with occasional, but important, contributions from certain leading Italian statesmen — that represented the driving force behind the process of European unification. But while this driving force was once able to operate within the framework of the European Community and later of the European Union, the time has now come to face up to the difficult task of creating a new framework.

Moreover, these are two problems that are indissolubly linked. And it is because of this that attempts to divide them and to tackle them in isolation are destined to lead to nothing. Consequently, to pose the problem of the founding of a European federation without posing at the same time that of the federal core — which is implicitly to give credence to the idea that a project for federal union can today be proposed and have a chance of success in the framework of the Union's current fifteen, or future twenty or twenty-five, members — is so obviously devoid of any basis in reality that it seems inconceivable that any energies can be mobilised on the strength of it. On the other hand, to pose the problem of a core group of states without endowing the same with a federal content, in other words, to believe that a group of states can establish an efficient form of internal cooperation without forgoing the intergovernmental method, would be tantamount to renewing, within the framework of the six, seven or eight members of the core, an approach that federalists have rejected from the outset and that has even lost all credibility in the eyes of those who once believed in it. This, at best, would give rise to the creation, within the Union, of a sort of directorate that would be not only unacceptable to the countries not included in it, but also, rather like the present Union, devoid of decision-making capacity and subject to no form of democratic control.

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But what are the conditions in which, within a group of countries, the will to create a federal core can develop? What does appear inconceivable is that a European federation, whatever its initial geographical configuration, might be born of a clear and calm realisation, on the part of those in power, of the objective need to renounce national sovereignties and create the conditions for the restoration of sovereignty in a wider setting. The fact is that for as long as the lives of the people of Europe continue to be characterised by a high level of prosperity and a

reasonable degree of freedom and security, its governing class is simply not going to be prepared to abandon the safe and traditional method of intergovernmental compromise for solving problems, and to find it within itself to express the strong will that is needed in order to impose a traumatic solution like that of the renunciation of sovereignty. This will, then, can be born only under the effect of popular pressure; the latter, in turn, is a force that can be unleashed, also thanks to the action of a conscious vanguard, only in a situation of crisis, in the same way as all the most important advances of the process of European unification until Maastricht were born of crisis situations. But in this case, the crisis will be different in two regards from those that have gone before. First of all, it will be a crisis that can only be solved through the foundation of a federal state, and thus at the cost of the abandonment of sovereignty at national level, and as a result it will bring into play much more deeply rooted interests, and much more dogged resistance than in the past. Second, it will be a crisis that will not manifest itself with the same degree of intensity in all the states of a Union that has now become too large and too variegated for this to occur. It will be much more marked in those states that, linked together by closer bonds of interdependence — consolidated by decades of shared experience, by a closer convergence of interests and by a greater maturation in public opinion of the European idea — will regard themselves as faced with a stark choice: to *federate or perish*; while it could even fail to manifest itself at all in the countries that are less deeply involved in the process of European unification, countries like Great Britain whose special links with the United States could constitute an alternative to the European Union. Thus, while a strong will to achieve federal unification might emerge in the former countries, in the others the determination to hold on to national sovereignty would remain unshaken. These latter countries will fight tooth and nail to prevent the birth of the federal core and to bring the process back within the ambit of the Union's institutions. Therefore, in order for the federal core to come about, the determination of the countries that favour it will have to be strong enough to overcome this resistance, even if this means denouncing the Treaties.

Many find it hard to accept that crises and splits are the price to be paid for the advance of history, and of political history in particular. But this is indeed the case. The easy way, the way of compromise, is today leading Europe towards enlargement in the absence of reform and, as a result, towards a further weakening of its already depleted institutions; it is a way that will lead to the dissolution of the Union and to crises far

more serious than any that would accompany the denunciation of the Treaties, or the mere threat to denounce them. In Europe today it is necessary to divide in order to unite. But it is essential that any splits that do occur are shown for what they really are, in other words, as the essential prerequisite that will allow the process to be re-launched through the replacement of the intergovernmental method with the federal one and the consequent creation of the essential basis for the establishment of a Pan-European federation; furthermore, every institutional proposal advanced within this setting will have to be presented clearly as non negotiable as regards its content but, at the same time, as open to all the countries willing to accept it, as well as reconcilable with the preservation, on the part of those that feel unable to accept it, of the *acquis communautaire*.

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The eventual creation of a federal core will be based on a decision reached by a certain number of European governments, gathered around the central duo of France and Germany. It will not, as explained earlier, be a decision taken in a vacuum, but will instead represent the culmination of an initiative undertaken by a few leaders who will have developed a keen awareness of the gravity of the historical moment; it will be a decision reached in a climate of emergency and as the result of the pressure of public opinion in favour of it; the latter will, in turn, have grown up and developed as a result of the political agitation and of the permanent presence within the territory of a conscious vanguard. It will have to result in the conferment, on an assembly that represents democratically the citizens of the countries belonging to the federal core, of a mandate to draw up the federal constitution that will regulate the working of its institutions and define the values by which they will be guided. But *the decision to found the new state* will still rest with the governments as it is they that are the ultimate holders of power in the states involved in the process and they that are the only subjects that can legitimately carry out the formal act of transferring the state's sovereignty. That the crisis could escalate to a point at which the governments are completely deprived of power is certainly not beyond the realm of possibility. But such a development would be tantamount to the establishment of a situation of anarchy that would be the prelude not to the birth of a federal state but, in all probability, to the micronationalistic fragmentation of the continent.

This is a topic that needs to be discussed in depth in federalist circles, because in this setting it would, as a result of federalists' funda-

mental objection to the intergovernmental method, be easy to overlook the fact that some governments will in fact have a role to play in the culminating stage of the process, just as they have had in all its crucial moments in the past. It is a fact that the intergovernmental method, in the running of the European Community first and of the European Union subsequently, is, and has always been, ineffective and non democratic, and has done nothing other than reflect the confederal nature of these entities. It is also true that it is, and always has been, in periods of *normality*, totally unable to reform their institutional structure. It is not by chance that governments are the places in which sovereignty manifests itself most strongly and thus that they are the subjects naturally entrusted with the task of defending it. But it is precisely because of this that they are also the only subjects that can, in an emergency situation, take the decision to relinquish sovereignty. After all, the reaching of an intergovernmental agreement has been a crucial step of every advance made, in exceptional moments, by the European institutions. And the step will be all the more crucial when the advance in question is the founding of a federal core.

In any case, it would be mistaken to think that the nature of the process might change just by entrusting the task of reaching decisions on the fate of the Union to bodies in which other subjects are included as well as the governments. A “convention” that brings together, alongside the governments, representatives of the European Parliament, of the national parliaments, and of the European Commission — like the one which drew up the Charter of Fundamental Rights, or the one which, according to the Nice agreement, will by 2004 produce a document that defines more clearly the relative responsibilities of the European institutions, the nation-states and the regions — may serve as a form of make-believe, but it does not alter the decision-making process nor the real nature of the power relations.

This is not to say, of course, that the action conducted in all the other settings, like the federalist endeavour to generate popular consensus, to orient it and prepare to mobilise it, is not essential — quite the contrary. But what is really important is the ability to distinguish between those whose task it is to pave the way for the future, to express needs and aspirations and to organise the application of pressure, and those who will, instead, be called upon to make the formal decisions. And it is crucial that each of these plays its designated part.

## ABOUT THE AUTHORS

FRANCESCO BATTEGAZZORRE, Associate Professor in Political Science, University of Pavia.

SERGIO FABBRINI, Director of the Luiss School of Government and Professor of Political Science and International Relations, LUISS “Guido Carli” University, Rome, leader writer of *Il Sole 24 Ore*.

LUCA LIONELLO, member of the National Board of the Movimento federalista europeo and of the Federal Committee of the Union of European Federalists, post-doctoral fellow in European Union Law, Università cattolica del Sacro Cuore, Milano.

SERGIO PISTONE, Honorary member of the Bureau Exécutif of the Union of European Federalists and member of the National Board of the Movimento federalista europeo, former Professor of History of European Integration, University of Turin.

PAOLO PONZANO, member of the Central Committee of the Movimento federalista europeo, professor of European Governance and History of European Integration, European College, Parma.

GIULIA ROSSOLILLO, member of the Central Committee of the Movimento federalista europeo and of the Federal Committee of the Union of European Federalists, Professor of European Union Law, University of Pavia.

DOMENEC RUIZ DEVESA, Vice-President of the Spanish Union of European Federalists, member of the Bureau Exécutif of the Union of European Federalists.

LUISA TRUMELLINI, member of the Bureau Exécutif of the European Union of Federalists and National Secretary of the Movimento federalista europeo.

GIOVANNI VIGO, member of the Movimento federalista europeo, former Professor of History of Economy, University of Pavia.



