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Klinkers and Tombeur explain why they find it necessary to start a dialogue on the desirability of a federal Europe. They broadly sketch the shortcomings of the European Union's current intergovernmental operating system. They explain why they put their dialogue in the form of the American Federalist Papers, a unique collection of writings from 1787-1788 relating to the draft of the Federal Constitution. Pro and anti-federalists are invited to follow and respond to this series of European Federalist Papers.

Since 1999 we, Leo Klinkers and Herbert Tombeur, have discussed the desirability of a federal Europe. We believe that the current intergovernmental governance of Europe - useful and necessary to establish the European Community in the 1950s - has exceeded its shelf-life by far. Now, in the second decade of the 21st century, this operating system is becoming increasingly damaging to the concept of a common Europe. The system has lost its instrumental function for creating European cohesion and cooperation; through its inherent nationalist interests ('own country first') it goes against its original concept. We must go beyond this system. No longer can we afford to linger in a State concept originating circa sixty years ago, a form of organization that is no longer a quiet possession for Europe, which since then has - internally - changed immensely. The continent urgently needs to adjust its form of Government to the rapid - albeit remote - changes in Asia, Africa and South America. Or rather, as the President of the former Soviet Union, Mikhail Gorbachev, once said: *"He who is too late is punished by life."*

The banking crisis, followed by the economic crisis, seems to offer a chance to reinvent a European Community in the form of a federal organization. Although

the resistance of the people against a federal Europe is manifest in many Member States, some top politicians in Europe seem to realize that the F-word cannot be circumvented for much longer. Without expressing in direct words the need for a political quantum leap - from intergovernmental to federal - in 2011-2012 European leaders are regularly expressing the need for more political 'integration', to provide a better basis for the established economic integration. However, they often use indirect, sometimes obscure words. What to say, for example, of a statement, made in 2011, by the Prime Minister of Luxembourg Jean-Claude Juncker - also Chairman of the Euro Group, a team of experts advising the EU Council of Ministers for economic and financial policy (Ecofin). In reaction to harsh societal criticism with regard to an indecisive Europe, unable to jointly take solid measures to base the Economic Union on a Political Union, he stated: *"We politicians know exactly what we should do, but if we would actually do this, we would lose the next elections."* A statement which is symptomatic of the European politicians' reluctance to openly advocate federalization - at the same time an indication of the inevitable: the federalization of Europe.

Of course there are politicians who without restraint advocate the European Union's federalization - for example, the former Prime Minister of Belgium, Guy Verhofstadt, now Member of the European Parliament; and Alexander Pechtold, former Minister for Administrative Reforms in the Netherlands, now leader of D66 in the Dutch Parliament. And there are - at this time (August 2012) - an increasing number of politicians advocating a Federation. However, they are at present outside the engine room where the controls of the governmental system are to be found. Thus, they are unable to create a lever to turn the intergovernmental system into a federal system.

Moreover, it would be incorrect to assume that only in the last two years, has the idea of a federal Europe been put - cautiously - on the European political agenda. Luuk van Middelaar describes in detail, in *Passage to Europe*, how - even long before the creation of the European Community in the early 1950s - philosophers and politicians put into words the need for a federal Europe. In a sense, then, in 1951 the Community began by leaning towards a Federal system, since the then created High Authority - responsible for the implementation of the common mining and steel manufacturing policies of the six participating States - possessed supranational jurisdiction. At least, this was the original idea in the proposal to set up such an Authority, based on the Schuman Plan of 1950, a plan with several federal aspects. In practice, this Authority was immediately controlled - even then, like the European Commission now - by the Council of Ministers; this Council only acquired its legitimate

decision-making power by the Treaty of Rome in 1957. On that occasion, the High Authority was abolished in favor of the creation of the European Commission, losing as the Executive Body of the Union its alleged supranational power.

But still, there were constant federal initiatives. More than once we have noticed attempts to adopt a fully federal system. That process stopped a few years ago, when, as of 2004, the actual decision-making power came in the hands of the European Council of Heads of State and Government. The decision-making - which due to this measure became increasingly driven by nationalistic tendencies - has split the thinking and acting in terms of one community so severely, that the externally incurred economic crisis has led to an internal economic crisis. With the façade of a long cherished European economic miracle disappearing, the cracks are now showing, along with the poor construction of the European House. That, and only that, is what motivates some politicians to approach the necessary reconstruction of that House with the help of a federal concept. Would that crisis not have occurred, then they would not consider giving up the European Council as the overarching power center - something they would and will absolutely lose within a federal organization, in favour of restoring the sovereignty of the Member States.

We are convinced that a Federation of Europe (some day) will come. The question is whether it will happen as an evolutionary process, taking many years, or in a revolutionary style, in the sense that a few new crises will force the responsible politicians to eventually realize what had not been done in 1992,

in the Treaty of Maastricht, namely to lay the foundations for a federal Europe.

Of course, a middle ground can be found, that of reason. The cause of the manifest resistance in many Member States - strongly fed by national parliamentarians who are aware that it is easy surfing on the waves of the populations' anxiety - is the lack of understanding of both the added value and the potential of a federal form of organization. Many politicians fuel the fear by characterizing a federal Europe as a juggernaut, a super State which will swallow national sovereignties and destroy regional cultures, habits and customs. This is entirely unfounded. It is the current intergovernmental control of Europe that is destroying these values by its inherent centrally imposed uniformity - which is to say, the policy that all communal decisions should be implemented in each individual Member State without exception. Conversely, it is exactly a Federation that preserves sovereignty for the associated States. If there is one thing that a federation protects and guarantees, then it is the sovereignty of the entities that form the Federation. Almost no one is aware of this. The 'ordinary citizen' is fooled by people who let their provincial electoral interests prevail above knowledge and insight in the functioning of a federal form of organization. In the following, we will present Papers to explain this situation, and in the course of these texts we will tackle a number of other fallacies, taboos and misconceptions regarding a federal Europe.

The idea to put our European Federalist Papers in the form of a dialogue, an exchange of views on a federal Europe, is based on the American Federalist

Papers. This is a series of 85 Papers written by Alexander Hamilton, James Madison and John Jay in 1787 and 1788 about the way in which the proposed Federal Constitution of the United States should be interpreted and why it should be accepted. These men are known as the founding fathers of the American Constitution. They wrote a majestic piece in political science, which serves as a fruitful source for many federalists. We will follow the form in which the Federalist Papers were written as much as possible. Why? The answer is simple: If you have to walk through a minefield it is wise to trace the footsteps of the person who safely reached the other side. In contemporary management terms: learn from best practices.

The Federalist Papers were written at the time of a serious crisis. North America knew, at that time, the organizational form of Government of a Confederation of States. From the Declaration of Independence (breaking the bonds with England) in 1776, thirteen States in North America formed a Confederation, slightly held together by a treaty under the title *Articles of Confederation*. Each State designed his own form of Government - a hodgepodge of very different models. After eleven years of performing as an independent State, and after many attempts to form a workable Confederation - without a superimposed authority above the States - the need arose to reflect thoroughly the strengthening of the commonality. This need was filled by a Convention of Philadelphia in the summer of 1787, producing a draft of a Federal Constitution. In September 1787 this was submitted to the American people with the intention of transforming the Confederation into a federal State based

on a Constitution. If nine of the then thirteen States would accept this design, the Federation would be a legal fact. However, the opposition proved strong. Thus it felt like a serious crisis in the survival of this recently acquired independency. The opposition was strongest in the State of New York, led by Governor George Clinton. To reverse this opposition, on October 27, 1787 Alexander Hamilton began a series of Papers in favor of the Federal Constitution, describing the advantages and disadvantages, the strengths and weaknesses, of a federal form of Government. Along with John Jay and James Madison, under the joint pseudonym 'Publius', he published until August 1788 no less than 85 Papers in the newspapers of New York. With success. The Federal Constitution was adopted in 1789. From that moment on the federal United States of America would gradually grow into the country that it is today.

We also know the sentiment of a crisis in present-day Europe. This can be worded in many different ways. We choose a quote from the Magazine Knack, by Rik van Cauwelaert, director of strategy: *"The current drama of the EU is that it is no longer carried by a binding idea. That binding idea was put forward and even funded, after the Second World War, by the US. But once the Cold War was settled, the European rulers believed the original project of Jean Monnet - an Atlantic community (...) - could be aborted. Today, the EU is a notional Union, with many intergovernmental wranglings, which only seems to exist to maintain the Eurosystem and the banks."*

Europe has to choose between perpetuating the current

intergovernmental cooperation or opting for a federal form of Government. Of course, there is also a third possibility: dissolution of the European Union, with each State going forward alone. However, this last perspective we consider unthinkable, since a return to State-nationalism could not survive in a world of increasing globalization. Or could it? The reality of the situation compels us to note that at the start of writing these European Federalist Papers, summer 2012, the chances of the European Union's survival are estimated at fifty-fifty. We will see.

It is remarkable that a serious crisis needs to occur before the errors inherent in the construction of the European building are being recognized. With some knowledge of political forms and history, in 1950 the European Coal and Steel Community's (ECSC) founding fathers could and should have chosen for a full federal organization: if one wants to preserve the Member States' sovereignty while at the same time uniting these States, then a federal construction is the only suitable form. This is no (party) political position, this is science. How is it possible that Europe, which has produced many political wise men and women in the course of more than twenty centuries, only at the start of the 21st century, is understanding what North America at the end of the 18th century already understood (hardly three centuries after its discovery by Columbus, and without a substantial amount of political sages): a Confederation creates a seeming sovereignty of the whole, a Federation is actually guaranteeing sovereignty of both participating States and of the whole. We will explain this position in these Papers.

The similarity with the crisis of America in the year 1787 served as the impetus to our year-long dissatisfaction regarding the European Union's governmental form to initiate these Papers. We feel legitimized to do so by a call from Robert A. Levine - former high official in the US Federal Government and best known of the *War Against Poverty* - in an article in the *New York Times* of 9 January 1999 under the title: "*What the EU Needs Is a Copy of 'The Federalist Papers'*". Well, here they are. In all modesty. Because we do not have a well-considered opinion about everything, let alone the level of reflection displayed by the authors of The Federalist Papers, we may ask other writers to assist us.

The political reality of 1787 did not have time for The Federalist Papers. However, during the intense debates they would gradually grow into a major stepping stone serving to cross the wild political river safely from the Confederal bank to the Federal bank. As a prestigious proposal for a Federal Constitution these Federalist Papers played their part, along many other publications, for a conclusive design of the Federal Constitution. The fame of this opus was established during the later history of the United States, gradually turning into one of the main sources for interpreting the Constitution.

Our Papers may drown in the sea of opinions about a federal Europe. And whether they will ever be a source for thinking about a federal Europe is a thought we do not contemplate at this moment. Expressing our own feeling of responsibility is the only motive to write what we believe. Silence is consent, a consent that implies accepting that intergovernmentalism will be leading Europe to its downfall. We do not want to

be complicit. Therefore we oppose to the intergovernmentalism supported by the ruling of the French scientist Henri Poincaré (1854-1912): "*Thinking must never be subjected, nor to a dogma, neither to a party nor to a passion nor to a prejudice, nor to anything, but only to the facts themselves, as subjecting to something means the end of all thinking.*"

Just as the American Federalist Papers, we number each of the European Federalist Papers. But unlike the Federalist Papers we won't choose a joint pseudonym. Each author's name is mentioned above the actual paper. We do this also to avoid a curious debate after the closure of The Federalist Papers: right before his death, Hamilton claimed to have written 63 of the 85 pieces, which was clearly incorrect. The people who took an interest in this topic, would debate for generations about the authorship of these American Papers. At present, there is more or less agreement on who wrote what. To give the reader insight into the development of our Papers throughout 2012, we have also indicated the month on each Paper.

We would like to publish our European Federalist papers in newspapers throughout the seventeen countries of the Eurozone (the States carrying the euro) - just as has been the case with the American Federalist Papers, which were published in the newspapers of New York City. However, this proved unfeasible. Therefore, we choose another low-threshold form of publishing: we will publish the Papers one by one, or in small cohesive groups, on this website. We will communicate the presence of those Papers by social media, in the hope that the readers - by forwarding our messages - will create an increasing

audience throughout Europe, and providing us with proposals for improving this line of thinking about federalizing Europe.

Finally, to stress the importance of Europe's federalization, we quote the final sentences written by Clinton Rossiter in the introduction of his February 15, 1961 edition of *The Federalist Papers*:

"And the message of The Federalist reads: no happiness without liberty, no liberty without self-government, no self-government without constitutionalism, no constitutionalism without morality - and none of these great goods without stability and order."

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The Hague (Netherlands) and Mortsel
(Belgium), August 2012