

THE BRITISH FEDERALIST TRADITION AND THE EUROPEAN UNION: REFORM OR DISSOLUTION

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The European institutions, conceived as future bodies of a democratic state, do not yet have a fully democratic character. As a matter of fact, the decisions on which the fate of the European peoples depends are made by the Council of Ministers or by the European heads of state and government, which lack adequate democratic control. Within the framework of the European Union the Council embodies the confederal principle, while the Parliament embodies the federal one.

Being the only legitimised seat of democratic power, European governments represent the fundamental means of European unification and also the obstacles to its attainment, because they are inclined to reject a genuine European federation involving an irreversible transfer of substantial parts of their sovereignty to a supranational authority. In fact they are only likely to favour a type of unification which does not involve the irrevocable transfer of power.

Pressure on governments and political parties in favour of European unification were exercised by movements which were independent, able to provoke an action that governments would not, otherwise, take readily on their own. The basic features of such movements were: a) they were not political parties, but organisations aimed at uniting all supporters of a European federation, irrespective of their political beliefs or social background. Seeking national power to achieve European unification a political party would be fatally weakened by intending to transfer to supranational institutions substantial parts of the national power, for which it would be competing; b) They were supranational organisations uniting all supporters of European unification beyond their national allegiance, so as to imbue them with a supranational loyalty and enable them to organise political action at European level; c) They were seeking to establish direct influence on public opinion, outside national electoral campaigns, which would help it to exert effective pressure on the European policies of governments.

The existence of movements with these characteristics represented, however, merely a subjective condition for effective action. There was also a need for objective conditions, such as those provided by crises within national political systems. During periods of relative stability of national political systems, when governments appear able to deal with the principal political, economic or social problems, the movements for European unification were unable to influence national governments effectively, because public opinion tended to support the latter and their policies. Only at times of acute crisis, when governments were unable to cope with the pressure of events, public opinion was able to support a European policy. At such times those movements were able to mobilise support for European solutions and persuade governments in favour of them. Such crises were supposed to arise since we are living during a historically critical stage for the nation-states which, after periods of relative and apparent stability, are subject to intense crises of their political systems. There were only two possible ways to fill the power vacuum created by the existence of a European context along with a national one: either by starting with a European government of a federal nature, or by moving towards this federal goal with a step by step convergence of the national policies of the different countries.

During these period of crisis a 'moderate' school (identified in the action of Jean Monnet) supported a functionalist approach, whilst a 'radical' school (identified in the action of Altiero Spinelli) suggested to initiate a constituent democratic procedure under which the ultimate responsibility for proposing the nature of the European institutions would be entrusted to the representatives of public opinion, and whose draft of the European Constitution will then be directly submitted for ratification to the appropriate constitutional organs of the member-states, without being subjected to prior diplomatic negotiations. The concept of a constituent European assembly was patterned by the leaders of the 'radical' school on the way the first federal Constitution in history was drawn up, namely that of the American Constitution, worked out by the Philadelphia Convention in 1787. This constituent stand stemmed from the belief that the functional approach to European unification would not achieve profound and irreversible unity. In the long run it appears impossible to integrate selected sectors of national activity without a federalist constitutional framework from the very start. By refusing to start with a supranational authority of a democratic character the principle of the national veto was, in fact, inevitably retained (even with a formal acceptance of majority voting). This would deprive European institutions of the capacity to overcome special interests that arise from the exercise of unfettered national sovereignty, and to ensure the supremacy of the common European interest.

As objective historical circumstances force national governments to face the need for supranational unification, whilst they resist giving up their sovereignty, it was inevitable that they followed the functionalist approach that postpones indefinitely the establishment of an authentic supranational authority. Functional institutions established by the unanimous decisions of national governments have shown themselves to be weak and incapable of acting decisively at critical moments when particularly grave problems face them. As a consequence, positive results obtained in more favorable circumstances tend to be compromised or abandoned in times of crisis.

The 'radical' school twice nearly succeeded in initiating the democratic constituent procedure: with the *ad hoc* Assembly in 1952 and with the Draft Treaty in 1984. These two attempts, which were so nearly crowned with success, have, in spite of their failure, made a decisive contribution in furthering the process of European integration. The failure of the European Political Community in the 1950s provided the premises for the Treaty of Rome. Similarly the Single European Act, however inadequate, nevertheless represents a major step forward, because by its commitment to complete the internal market has generated expectations and energies which are forcing governments to examine even more advanced solutions. As frequently asserted by President of the Commission, Delors, this was made possible by the EP Draft Treaty.

All this is well known. Less well known is the fact that both Monnet and Spinelli much own to the British federalist tradition for their conversion to federalism.

In early June 1940 Monnet was the President of the Anglo-French Coordinating Committee and exercised a crucial role in the origins of the Churchill proposal of "indissoluble union" to France. The fact that the British Government and the Foreign Office paid serious attention to the project shows, beyond the role by Jean Monnet, also the increasing strength which the idea of an European federation gained in Great Britain in the year leading up to and the early part of the Second World War. During the period between Munich and the fell of France, a large and powerful literature was produced by a number of distinguished representatives of

liberal and socialist thought. The catalyst of federalist ideas widespread in British society had been the Federal Union, the first federalist movement organised on a popular basis, created in the Autumn of 1938 by three young men, Charles Kimber, Derek Rawnsley and Patrick Ransome. The contribution of Federal Union to the development of federalism in Britain and Europe was to express and organise the beginning of a new political behaviour: the aim of the political struggle was no longer the conquest of national power but the building of a supranational institution, a federation (not a league) of nations. With Federal Union, European federation was no longer an 'idea of reason', but the first step of a historical process: the overcoming of the nation-state, i.e. the modern political formula which institutionalized the political division of mankind. Federal Union represents therefore the incarnation of the federal idea into a movement and as such it represents also its first and decisive step in human history.

Altiero Spinelli too, is in debt to the British federalist tradition. The most influential and dynamic starting-point of federalist resistance was the island of Ventotene, off the coast of Naples, where Altiero Spinelli and Ernesto Rossi were confined as anti-fascist militants. At the beginning of 1939, Luigi Einaudi (later to become President of the Italian Republic), who was then Professor of Economics at the University of Turin and one of the very few liberal intellectuals to whom the fascists accorded a certain freedom of speech, sent Rossi some books by British federalists, which he had received from Federal Union.

The literature produced by Federal Union was, therefore, seminal to the draft of the *Manifesto di Ventotene*, a basic text for the formulation of a federalist strategy for the political struggle. The birth in 1943 in Milan, of the *Movimento Federalista Europeo*, continued the political battle of the Federal Union, in part by producing a clearer strategy, and could create a new type of political behaviour, showing that it could be supported by an increasing number of militants. The reversal of the priorities (i.e. the political struggle was designed not to obtain national, but European power) gave Spinelli the theoretical categories to overcome the achievements of the British federalists, who could not regard federalism as a priority political choice, and considered it accessory — even if fundamental — to the concepts of liberalism, democracy and socialism.

There is a real danger that the European Union risks being delegitimised by the current democratic deficit. Such a deficit is not simply the effect of the limited role that democratic representation plays within the institutional machinery of the Union, but of a certain insensitivity of national leaders, and politicians in general, to the complexities of constitutional politics. The 'constitutionalisation' of the European Union has entered the scene through the back door, by the progressive creation of a single 'legal order' *ex proprio vigore* (i.e. a coherent, systematic body of legal norms with autonomous validity, coincident to a territorially bounded social and political entity), mainly intended to prop up the establishment of a common economic zone. Since the Rome Treaties, the European Court of Justice played, in fact, a major role of 'constitutionalization', i.e. of transforming the treaties into a 'material constitution'. This process had a direct influence on i) regional integration; ii) the institutionalization of norms; iii) the institutional growth and expansion; iv) ensuring the effectiveness of law; v) the establishment and maintenance of boundaries; and vi) the creation of social solidarity.

The completion of the process of European integration towards a democratic political union appears to be no longer just an issue among others, but the fundamental question of our time,

that from which it depends a more advanced realization of democracy beyond the nation state or its defeat. The process of democratisation of the European Union could be compared with the transition from absolute monarchy to parliamentary democracy, which took place in Europe from the XVIII to the XIXth century. As a matter of fact, the European Parliament appears to be the agency of the Union's democratic transformation, developing the tendency to affirm a new principle of legitimacy – international democracy – along with the old legitimacy, which rests on the established powers.