



The Federalist Debate

Papers on Federalism
in Europe and the World

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European Elections. A Comment

Lucio Levi

The results of the European Parliament elections indicate a widespread increase in nationalist, populist and eurosceptic political forces. The far-right has made significant gains especially in France and Germany. In France, the Rassemblement national led by Marine Le Pen was supported by 31.37% of voters, with more than double the votes of Macron's Renaissance party, thus making it the strongest political party in France. In Germany, the Alternative für Deutschland, the far-right party openly sympathetic to Nazism, has become the second most voted party with 15.90% of the votes, ahead of the Social Democratic Party of the Federal Chancellor Scholtz and the first in all five Länder of Eastern Germany.

But this significant success was not enough for the far-right political forces to win a majority in the European Parliament. Democratic political forces still have a clear majority in the European Parliament. The coalition of People's, Socialist and Liberal parties, which has governed the EU since the first direct elections of the European Parliament in 1979, is confirmed and has, for the moment, no alternative. But this outcome will not lead to an undisputed dominant role in the European Parliament. It should be kept in mind that at the European level there is no party discipline that guarantees unity and cohesion among party members. This means that the traditional coalition of parties of the centre may not be enough to ensure a stable majority in the European Parliament. Hence the negotiations to expand the majority to the left through the inclusion of the Greens or to the right through the inclusion of the Conservative group (ECR) or a part of it.

On the other hand, the European elections have marked a historical novelty: the Franco-German engine has halted. The breakdown of the Franco-German Axis in European integration has destroyed a crucial source of cohesion, stability and guidance in European policy. Of course, negotiations for top positions in the EU are underway. Giorgia Meloni is the only leader of an EU government to have confirmed and even increased her position in the European elections. Therefore, she may be tempted to accelerate her march towards a top role in the EU. She has accepted the Atlantic and European options and is in the most favourable position to influence the formation of a larger majority in support of the new European Commission. The result of the European elections in Eastern Germany, where (especially in Saxony and Thuringia) AfD received 31% of the votes, has called into question the theory of "cordon sanitaire", endorsed by Angela Merkel, which aims to exclude the extreme right and the extreme left from governing coalitions. Moreover, we must not forget that behind the growth of the far right there is an international factor, namely Russia and Putin, who holds the EU responsible for the collapse of the Soviet Union. To thwart the EU, Putin has fought against the primacy of the West, overthrowing the global order and the rules governing international relations through the use of military aggression and violence. Furthermore, Russia is responsible for disinformation activities, interference in the electoral process and other hybrid destabilisation activities to exert its influence over Europe's position on the war in Ukraine.

The EU is facing many existential challenges: environmental and digital transitions, migration, inequalities, reform of institutions, etc. Furthermore, the ongoing conflicts (in Ukraine and that between Israel and Hamas) pose a significant challenge to the EU's ability to pursue its federalist principles. War diverts available resources away from long-term goals like deeper integration. This is why stopping wars should be the top priority in the EU's international strategy.

Europe suffers from a flaw since its origin: the European integration process, started during the Cold War, when the world was divided between the Western and the Soviet blocs. The

division of labour in the Western bloc assigned the protection of Europe to the US military, while the EU focused on economic integration. Following the defeats in Vietnam, Iraq and Afghanistan, the US has been planning to withdraw from Europe, but the EU lacks the means to protect itself from threats and aggressions from emerging empires. The idea that political and military unification would automatically follow economic integration turned out to be a pure illusion. A new system of government for the Union is needed, which allows us to face the dangers of a radically changed world. The EU should have its own foreign and security policy to be able to speak with one voice in the world.

Turin Manifesto for European Defence. Towards a European System of Common Defence

Oreste Gallo, Francesco Mazzaferro, Domenico Moro, Antonio Padoa Schioppa and Stefano Rossi

This document deals with the establishment and characteristics of European defence from a federal perspective¹. Its aim is both to respond to the immediate political needs of the war in Ukraine (section 1), and to explore three broader questions: how to build a political and institutional framework for common defence actions, effectively constituting a de facto European defence government and paving the way to a European Defence Union (section 2); how to create a European System of Common Defence as the core of the European Defence Union (section 3); and how the political and institutional model proposed here reflects a specific characteristic of federal statehood, namely the duality of defence systems (section 4). Section 1 focuses on the current situation in 2024; section 2 outlines the framework for action of the next European legislature (2024-2029); section 3 proposes the new institutional framework which should be approved by the end of the next legislature, i.e., by 2029, and implemented in the following decade; section 4 provides the theoretical underpinnings that apply to all the stages described above.

1. The urgencies of 2024

Faced with unprecedented global geopolitical instability, Europe is set for a challenging 2024. From a security perspective, Europe is subject to the military threat of Russian neo-imperialism at a time when American attention to the defence of Europe is waning. In concrete terms, after having resisted the Russian invasion for two years, Ukraine is

running out of ammunition, armaments, and men. This is also because the US Congress (the largest supplier of ammunition) is unable to release funding to Ukraine for domestic electoral reasons, while Europe (which confirms and strengthens its financial aid) does not have sufficient industrial capacity to fill the gap. In Washington, the American election campaign reveals the strength of old isolationist instincts, compounded by the anti-NATO and anti-EU rhetoric of Donald Trump, who is leading in the polls. Even in Europe, the degree of consensus on the steps to be taken to defend Ukraine is at risk, as revealed by the controversy following Emmanuel Macron's statements at the end of the summit of European leaders he convened on 26 February in Paris. Part of the differences between European leaders – and, in particular, between Macron and Scholz – can be explained by the electoral needs of the upcoming European elections on 9 June. But there is more.

By declaring that the actions of Europe in defence of Ukraine should have no limits and that the sending of ground troops in the future cannot be ruled out, Macron projects into the present the fear that Europe, in a few months, will be faced with a new irremediable reality: Ukrainian armed forces are overwhelmed and much of the country is occupied; Zelensky and his government are in exile or only manage to control some western regions of the country, while a puppet government is installed in Kiev; last but not least, Putin is ready to declare Russia's annexation of territories in other parts of the region. According

to many interpreters and commentators, Macron has in mind the precedent of the Munich Conference that gave the green light to Hitler's expansionism in 1938. Should these fears materialise, Macron's concerns would be entirely justified. From a European perspective, such a scenario would threaten the very existence of the European Union. The inability to guarantee the security of a future Member State, and by extension, parts of its own territory, would cast serious doubt on the Union's ability to function effectively and fulfil its purpose.

By ruling out the sending of troops and denying Ukraine the German Taurus long-range missiles, Scholz projects another fear into the present, a fear that stems from the following scenario: Russia, faced with European intervention 'on the ground', considers European states to be co-belligerents and attacks their troops both in Ukraine and in their home countries; the situation escalates into a spiral of war events; followed by the expansion of the war across the entire continent; the Europeans find themselves involved in a high-intensity war without US support and must face a nuclear military power alone; and finally, the people of Europe population rebel and delegitimise governments and institutions. According to many interpreters and commentators, Scholz had in mind the precedent of the assassination of Archduke Franz Ferdinand in June 1914, which was followed by events that led perhaps unintentionally to the outbreak of the First World War. Scholz's fear of this scenario materialising would also be justified. From a European point of view, this outcome too would pose risks to the survival of the European Union, since many anti-European political movements, particularly widespread in recent years in much of the Union, would blame Europe for their countries' involvement in a potentially nuclear war.

The dispute between Macron and Scholz

during this acute crisis phase has significantly undermined the credibility of the European Union. If Macron's objective was to create 'strategic ambiguity' about how and when Europe would intervene, the method chosen and the reactions elicited have had the opposite effect, reinforcing Putin's belief that - although NATO is fully operational, as demonstrated by the large-scale joint training manoeuvres underway in recent months - Europe lacks the political will to act against Russia in Ukraine, especially without US involvement. Likewise, if Scholz's aim was primarily to reassure the Germans that their territory will never be at risk of attack, whatever the outcome of Putin's aggression in Ukraine, this hope is now weaker after his statements, because Putin is moving towards regaining strength and territorial control of the Russian Empire and the Soviet Union, starting with the Baltics, and he is convinced that Europe will let him do so in the event of American disengagement.

The spectacle of public dispute between the two largest countries of the Union reveals the risks of political fragmentation and institutional disintegration. The dream that Putin has been cultivating for at least a decade, namely the disintegration of the European Union and the reconstitution of a Russian system of power that incorporates in one way or another a large part of the Slavic world, could soon come true without the Russian President having to continue to use force beyond Ukraine.

How can Ukraine and Europe be saved from Putin's aims without endangering peace on the continent? Following the public dispute, the first steps towards reconciliation took place on 15 March in Berlin, as part of a meeting in the form of the Weimar Triangle between Macron, Scholz and the Polish Prime Minister, Donald Tusk. During the press conference, a joint initiative of the three countries was announced, to be extended to the European

Union, to ensure the delivery of more long-range weapons. However, it is essential to realise that even an increase in military and financial aid from the European side (which is necessary) does not guarantee Ukraine's security, after Putin secured a blank cheque by killing his only credible political rival, manipulating elections and getting himself elected by an 87% majority on a war agenda. Many observers now expect the re-elected Russian president to further escalate the invasion, announcing a shift from a special military operation to a patriotic war. After all, Putin does not recognise Ukraine's historical right to exist as a state independent of Russia.

It is therefore necessary for the EU to think innovatively about an immediate solution that permanently prevents Putin from winning the war. The institutional elements of this solution are:

- (i) the EU Member States agree to use force to prevent the territorial collapse of a future Member State, also in light of the mutual defence clause included in Article 42 of the Treaty on European Union (based, *inter alia*, on strengthening international security);
- (ii) Member States will then send a European expeditionary force to ensure Ukraine's territorial security whenever necessary, starting in 2024 (this occurs outside the procedures established by the treaties, and on a voluntary basis);
- (iii) the European Union recognises that not all Member States are ready for these actions, but it nevertheless endorses their initiative, supporting those who participate, for example, in terms of joint financing; and
- (iv) all commitments already undertaken by the Union (in particular regarding the financing and transfer of arms to Ukraine) are fully respected.

2. Laying the foundations for European defence during the next legislative term (2024-2029)

At the time of writing, it is impossible to predict whether there will be sufficient political consensus to implement the proposal included in section 1. Will the European Union make a quantum leap in its ability to take security decisions when faced with the risk of a Ukrainian military reversal? It is to be hoped that, despite the complexity of the procedures following the June elections, Europe will not remain paralysed.

The political framework that will emerge from the European elections will in any case be the one that will define the conditions for the foundations of European defence. This section considers, first, the question of the necessary public consensus that will have to accompany the process of the *de facto* birth of a European Defence Union. Second, it describes the existing forms of military cooperation on which such a Union in the making can be based without the need for immediate Treaty reform. However, this reform remains inevitable in the medium term (and is discussed in section 3).

* * *

When we refer to the necessary consensus of public opinion - the first theme of this section - we do not expect that, as a prerequisite for implementing common defence actions, public squares in Europe will be filled with citizens clamouring for Europe to take to the military field to protect their security. Rather, we understand that, in the European framework, as in any democratic system, it is and remains essential that defence policy is subject to the direction and consensus of political majorities and that there are mechanisms for controlling and verifying the use of force through common actions. Without these tools, there is a risk of a

serious disconnect between policy and public opinion. This divergence can only make it impossible, in the medium term, for the Union to play an effective role in defending its own security. In this sense, it is desirable to hold a public debate on defence among the political forces competing in the European election campaign in spring 2024.

Joint European action is possible if there is a common political will at both European and national parliamentary and governmental levels. A common institutional framework is crucial to translate this political will into consistent initiatives. Broad public consensus on the purpose and justification for using military force is required to establish a link between political will and common action. In the European context, this also means ensuring that this public consensus is as homogeneous as possible among the Member States that want to join forces. In practice, formulating common political will necessitate close collaboration between institutions of the Union and those of the Member States.

For European institutions and public opinion to align on the purposes and methods of the use of force, there needs to be a shared understanding of the necessity for action and the priorities at stake. This perception requires a democratic debate involving political forces and civil society. During the last parliamentary term (2019-2024), the European Union proceeded in this direction. Notably, the Council (21 March 2022) and the European Council (24-25 March 2022) adopted the 'Strategic Compass for Security and Defence', and the Conference on the Future of Europe, held between May 2021 and May 2022, emphasised European defence in its conclusions.

However, it is only with the start of the electoral campaign for the European elections in June 2024 that the question of defence has been

placed at the centre of the European political debate, as evidenced by the multiple positions taken by politicians of different backgrounds and nationalities, both at government level and within the EU institutions. A combination of two already discussed developments enabled these expressions of political will to be manifested: the perception that Putin's army could prevail on the battlefields of Ukraine and the fear that Donald Trump could win the next presidential elections in the United States. In the worst-case scenario, Europe could soon be exposed to the 'de facto' convergence of Putin and Trump's policies, to the detriment of Europe.

The recent congress of the European People's Party (7-8 March 2024) illustrates the new centrality of the defence question in Europe. But proposals on the need to establish a European Defence Union have also surfaced in recent weeks from many members of the European Socialist Party, Renew Europe and the Greens. At the same time, at a more institutional level, on 5 March, the European Commission approved the first European Defence Industrial Strategy.

The proposals – put forward so far during the European election campaign – include, among other things, the appointment of a European Defence Commissioner, the establishment of a Council of Defence Ministers and a specific Parliamentary Defence Committee within the European Parliament. It is crucial that, in the field of defence, the political role and public visibility of all three European institutions (Commission, Parliament and Council) are strengthened during the next parliamentary term so that a 'de facto governance' function of the European defence capability can be initiated.

One of the tasks of the upcoming European legislature will be to continue the political reflection started during the election campaign,

ensuring that there is sufficient political consensus around the proposals. The world order is in fact facing a decline in multilateral cooperation, which puts Europe's ability to remedy the disorder in its neighbouring regions through diplomatic and commercial means alone in serious difficulty. Thus, weakening the European Union's ability to address instability in its neighbourhood:

- the Middle East (with the conflict in Gaza between Israel and Hamas, but also with the actions of the Yemeni Shiite rebels against commercial traffic in the Red Sea and the unresolved problems in Lebanon and Syria);
- West and sub-Saharan Africa (with the expulsion of UN and European troops from Mali, Benin and Burkina Faso, where it is now Russia that supports the local military regimes against the ongoing attempt by Islamist militias to create caliphates, and the weakening of institutions in Chad); and
- northern Africa (with the perpetuation of civil war in Libya, the failure of the Arab Springs in Tunisia and Egypt, and the risk of increased migratory movements).

All this will require a complex effort on the part of Europe and its governments during the next parliamentary term: it will be necessary to devise common policies for long-term development, but also for the control and orderly management of migratory movements and, when necessary, to counter security threats. The European Union and its Member States (including Italy) have important common interests with all neighbouring regions, but these are at risk due to a lack of security.

* * *

In this second part of the second section, we explain that the European Union already

possesses the institutional framework to launch military operations, contingent upon consensus in society and sufficient political unity among Member States. These instruments are available to a 'de facto government' of European defence and can be used to immediately convert popular and political consensus into action.

- As already mentioned, Article 42 of the Treaty on European Union includes a mutual defence clause. It states that if an EU Member State suffers armed aggression on its territory, the other Member States are obliged to provide it with aid and assistance with all the means at their disposal. This mutual defence obligation is binding on all Member States.
- The Treaty rules also provide for procedures (such as constructive abstention in Article 31.1 TEU, structured cooperation in Article 46.1 and 46.2 TEU) which facilitate joint actions, if there is a broad majority of Member States ready to pool their human and material resources.
- The European Union has an EU Military Committee (EUMC), and an EU Military Staff (EUMS). In the event of a crisis, the Military Committee takes over the management of military activities and issues instructions to the EU Military Staff.
- The two structures must be strengthened. Their role could be made politically and institutionally even stronger if the Military Committee and the Military Staff were placed directly under the High Representative (or alternatively the European Council) instead of the current predominantly administrative seat within the Council. It is also crucial to expand resources. The European Military Staff has 200 people, the NATO Military Staff has 6,800 people.
- The 'Strategic Compass' approved by the European Council contains a

commitment to create a corps of 5,000 operational personnel by 2030, which would constitute the first core of armed forces' personnel mandated and recruited directly by the EU, and not of personnel made available by the Member States.

- Outside the framework of the treaties, the Eurocorps offers an immediately operational instrument (with 1,000 Military Staff) if a consensus is reached among the Member States that signed the Strasbourg Treaty as 'Framework States': Belgium, France, Germany, Luxembourg, Spain and Poland. As has happened in the past with agreements concluded outside the EU (Schengen, European Space Agency), the medium-term success of these decentralised endeavours much depends on whether they can be anchored in EU policies. A further strengthening could come from the decision of the five associated states (Austria, Greece, Italy, Romania and Turkey) to participate fully in the structure. A 'Turin' manifesto cannot help but forcefully plead that Italy becomes a full member of the Strasbourg Treaty. Italy should also promote the integration of Eurocorps into the Union's legal framework, which is possible even without amending the EU treaties.

With these institutional instruments, the European Union would contribute to the military defence of its own territory (together with NATO and the armies of the Member States), strengthening the executive military missions that are already the responsibility of the Union and also intervening in missions outside its borders. As discussed below, given sufficient political will, there is nothing to prevent the de facto creation of a European Defence Union within the existing framework of the European treaties.

3. Creating a 'Common European Defence System'

The considerations and proposals in Section 2 apply as preliminaries to those in Section 3. The history of European integration has seen several multi-phase institutional processes, in which the deepening of policies and the construction of institutions were based on defining more ambitious objectives to tackle emerging crises.

One might ask why the creation of a 'European System of Common Defence', i.e., a permanent and institutionalised framework based on constitutional norms, is only proposed here at the end of the process. Based on the experience of other European integration processes, it is true that reaching an agreement by 2029 means seeing its full implementation only 10 years later. Others argue that European defence can only be achieved through the reform of existing treaties, which must therefore precede the process, and that the priority is to review them according to the procedure for initiating a convention.

Support for a progressive approach based on the existing institutional framework rests on these arguments:

- *Timing.* We find ourselves in a situation of great instability that must be remedied with existing tools. It is an emergency that cannot be avoided. Waiting for the outcome of a treaty change at the current stage is equivalent to evading the European Union's historic task of guaranteeing its future.
- *The risks.* Experience shows that the creation of a federal European Defence Union will not be an easy task. The transition will be difficult for some Member States. It is too risky to attempt this under the present circumstances, considering the potential for defeat (as happened with the European Defence

- Community in 1954 and with the European Constitution in 2005).
- *Political will.* More than the improvement of the institutional framework, what matters is a consensus on what needs to be done. It is necessary to demonstrate that there is a common political will, which the EU has not always managed to forge, as seen in the Balkan wars in the last decade of the previous century.
 - *The precedents of the birth of other federations.* If we look at the federalist precedent of the birth of the United States of America, we realise that compared to the current EU, the thirteen American colonies had a far weaker institutional framework prior to declaring their independence and war on Great Britain.

This does not mean that only the launch of a 'European System of Common Defence' would provide a complete and stable institutional structure to the European Defence Union. This could happen based on an overall amendment to the existing treaties, or perhaps, more likely, through the conclusion of a new treaty among those who are willing. In the latter case, the additional treaty could assign new control functions to existing European institutions vis-à-vis its signatories. This can be explained by the likelihood that, at the beginning, the system would not include all Member States. Following the same dynamics as other policies, however, it is likely that the 'hard core' will strengthen to eventually include all or almost all of the Union.

At the heart of the 'European System of Common Defence' there would be a 'European Rapid Deployment Force'. It would report institutionally to the President of the European Council, receive political guidance from the President of the Commission and be held accountable to both the Council of Ministers and the European Parliament (the Parliament would be the only legislative chamber which would

express trust or confidence in the Commission). Such a structure, similar to a 28th EU army, was proposed by an SPD working group in the Bundestag in October 2020.

Furthermore, the Common European Defence System would also include the armies of the Member States. According to the procedures requiring the consent of the Council of Ministers and Parliament, the European Rapid Deployment Force could request additional contributions from Member States' armies to carry out joint missions.

We still need to think about the size, the legal structure, the political and military articulation with NATO, etc., but some principles can be proposed. The European Rapid Deployment Force would be ready to defend the entire territory of the Union, while the national armies would have defensive responsibilities of their respective territories, but would exercise permanently with the European defence force, would be equipped with fully interoperable systems and would be capable of going into action for larger missions under the control of the European military command. One could think, for example, of regional and functional specialisations, whereby some national armies, if necessary, would assume specific auxiliary tasks related to air or naval missions, cyber or space warfare. France would have the military function of ensuring nuclear deterrence, also taking into account that many Member States are signatories of the Nuclear Non-Proliferation Treaty. But decisions on the European use of nuclear weapons would be an integral part of the European institutional framework.

4. Defence and the federal state model

Everything proposed in the previous sections, whether it refers to the actions needed in 2024 or describes the final architecture of the European Defence Union, is inspired by the

principle that defence should not be an exclusive competence of the Union. In fact, a European System of Common Defence is established, with a European Rapid Deployment Force at its centre, but the competences of the national armies are maintained, within the framework of the European System of Common Defence. The national armed forces remain in place; they continue to have a national mandate and are obviously further bound by the constitutional obligations of their own legal systems. In theory, it cannot be ruled out that they could go to war separately from the other components of the Common European Defence System. Only under exceptional conditions, and with the agreement of Parliament and the Council, would they be called upon to contribute to joint military actions, for example, in implementation of Article 42 of the EU Treaty. However, a gradual harmonisation of weapon systems, training and training practices, etc., is necessary to allow them to operate together, albeit exceptionally, under the twelve-star flag.

This configuration does not mean a 'unitary' solution, with a single army, would technically not be feasible. Rather, it is a conscious result of the duality (both political and institutional) that characterises European statehood.

In political terms, even when it achieves the configuration of a complete European federation, the Union will in fact remain characterised by a double democratic legitimacy, at the national and European levels, which is both rooted in the history of the continent and characteristic of federal systems. There are areas where consensus has been reached to establish exclusive competence. In other (and equally important)

areas, competence will remain shared. Finally, in still other areas, national, regional, or local competences will prevail over European ones. In the area of defence, this complexity will have to be considered. The European federal people that the European Defence Union will protect are in fact a composite people, living in territories exposed to diverse threats of different origins, without a common military history (and indeed with a past of dramatic internal conflict).

In the defence field, the political legitimacy of the European Union will depend on its ability to respond to common challenges with common instruments, and to specific challenges with specific instruments. This dual model, created at the time of the foundation of the United States at the end of the 18th century and consolidated across the Atlantic in the following centuries until the world wars led to an almost complete centralisation of the American armed forces, is the model that can better inspire the structural features of the European Union and therefore promises greater consensus in the exercise of the arduous task, in the coming decades, of defending Europe in a phase of growing global political instability.

Document drafted by a working group consisting of members of the Turin section of the European Union of Federalists: Oreste Gallo, Francesco Mazzaferro, Domenico Moro, Antonio Padoa Schioppa and Stefano Rossi (all in a private capacity, unrelated to their current affiliations).

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¹ The text was closed on 20 March 2024.

Proposals for a Truce in Ukraine

Antonio Padoa Schioppa

Russia's attack on Ukraine and the admirable response of a people determined to defend their freedom – a freedom and sovereignty guaranteed internationally and signed in 1994 by Russia itself – provoked a reaction from the West that in other circumstances would have been unthinkable. The vast disparity in size and power between the aggressor and the attacked, combined with the US and Europe's self-imposed restrictions to avoid a wider and possibly nuclear war – as threatened by the aggressor – limited the attack's scale. However, this did not prevent significant human cost and devastation over the past two years.

The main reason that leads us at this point to reflect on the opportunity to attempt a suspension of hostilities and a truce in the ongoing war in Ukraine lies in the prediction, shared by many observers, that the continuation of the fighting will not lead in the near future to reconquering the territories occupied by Russia, but only, in the best case scenario, to the freezing of the current situation on the ground.

Reclaiming the regions of Zaporizhia and Kherson (and even more so those of Donetsk, Luhansk and Crimea) would necessitate a full-scale war led by the West, involving tens or perhaps hundreds of thousands of soldiers. This is an unthinkable scenario for both the USA and the European Union (EU), even if the intervention does not (as it should not, under any circumstances) cross into the territory of Russia, as it could trigger a direct confrontation and a world war.

Given the possibility of renewed Russian

offensives towards Odessa or Kiev, or beyond the current frontlines, Europe and the US face a critical decision. To prevent the collapse of Ukraine, significantly increased military aid, including potentially troop deployments, might be necessary to protect remaining Ukrainian territory. However, there is currently no consensus on the matter within the EU, and the US is against it. In other words, in a year from now the situation on the ground will, as already mentioned, at best be the same as at present, and at worst further escalated to the detriment of Ukraine, with possible human losses. This is why the proposal for a truce, followed by negotiations between the involved parties, with the support of the UN, appears reasonable.

In such a case, one might ask what would convince Russia to stop its offensive now. The answer is: Russia would try in the negotiations not only to obtain recognition of its conquests in Crimea, Donetsk and Luhansk, but also of Kherson and Zaporizhia. Obviously, Ukraine will be opposed, and the negotiations – with a truce in force – will at this point continue or fail. A series of UN-monitored referendums, on terms yet to be agreed, could offer a path forward.

The EU could propose a truce, but an agreement to that end, ideally unanimous or in any case involving the Union's larger countries (France, Germany, Italy, Poland, Spain), should be reached. Here below we present a few possibilities.

If and until an agreement to suspend the war is reached, the European Union (at least the

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governments of France, Germany, Italy, Poland and whoever else will join) should declare:

- their maximum level of commitment to supplying weapons to Ukraine (the agreement of 15 March 2024 between Macron, Scholz and Tusk, to be approved by the European Council);
- the possible deployment of a contingent of European troops to defend the free Ukrainian territory, if Russia attacks the territory on the Black Sea and Odessa, or the areas liberated by Kiev in 2022-23. This measure could be initiated by a few European states but would require the consent of a majority of the entire Union.

In the event that there is an agreement on the ceasefire proposed by the EU, the positions at the opening of negotiations could be:

- (on the part of Russia): agreement on the new borders of Ukraine, which coincide with the current frontline;
- (on the part of Europe and the West): commitment to withdraw to the 2014 borders, before the conquest of Crimea; then negotiations on the basis of referendums in Crimea, Donetsk, Luhansk, Zaporizhia and Kherson; commitment to respect the outcome of the referendums; and guarantee of UN intervention, including through NATO.

Scenarios following the ceasefire as a foundation for a peace agreement:

- Russia's commitment to withdraw to the borders of February 24, 2022, within a few weeks, and then negotiations on the basis of internationally monitored referendums in Crimea, Donetsk, Luhansk (under Russian occupation), and Zaporizhia and Kherson (possibly liberated);
- Russia's commitment to respect the

outcome of the referendums with a guarantee, in the event of future attacks, of UN intervention, including through NATO (the West); in the referendums, the proposed choices will be: the return to Ukrainian sovereignty, the establishment of independent republics, or the annexation to Russia;

- mutual guarantees on Russian minorities in Ukraine and on Ukrainian minorities in Russia;
- Ukraine's accession to the European Union, including its integration into the common defence framework, but excluding NATO membership;
- suspension of sanctions upon the signing of multilateral agreements (the involved parties, the EU, the UN);
- agreement on the reconstruction of Ukraine, mainly with funding from the EU, but also with contribution from Russia.

The key point in this hypothesis is that Russia agrees to withdraw from Zaporizhia and Kherson *before* the referendums. If Russia proposes to hold referendums in these two provinces as it did in Crimea, Donetsk, and Luhansk, while still under occupation, then the outcome would be probably obvious. A compromise could perhaps be reached by deciding that, even if under occupation, the referendums in the two provinces will take place under effective international control.

This does not imply any renunciation or slowing down of the process (finally started) towards establishing a robust common European defence that is essential for the Union's security, which has been lacking for some time. History demonstrates that failing to achieve this goal could ultimately result in the loss of our freedom too.

Oppenheimer on Ending the Nuclear Arms Race

Joseph Preston Baratta

J. Robert Oppenheimer, father of the atomic bomb, has been the subject recently of an important book, film, Oscars, and public discussion. It is understandable that attention should begin with the horrors of Hiroshima and Nagasaki, American policy to hasten the end of World War II, and Oppenheimer's almost Faustian bargain with the U.S. government to use the new quantum physics to make a bomb ahead of Nazi Germany. Next came the controversy over his involvement with the Communist Party of the USA during the Great Depression, and finally his trial, managed by Lewis Strauss of the U.S. Atomic Energy Commission, over his security clearance by 1953. That led to his disbarment from the government.

But what is most important for the future is his proposals to avoid a nuclear arms race. When that failed, all that was left was deterrence, the threat of retaliation. Recent statements by Vladimir Putin and Kim Jong Un remind us of how fragile is deterrence. Nuclear war, begun by accident or deliberate policy to defend the state, and perhaps limited at first to tactical use or a strategic demonstration, still portends the ultimate catastrophe.

From 1945 to 1949, Oppenheimer opposed development of the H-bomb, supported the international control of atomic energy, and advocated "world government in the field of nuclear weapons." In the film, Lewis Straus has a throw-away line mocking him for advocating world government. What did Oppenheimer mean by "world government"? And could that be key to a return to policies of disarmament?

J. Robert Oppenheimer was an advisor to Bernard Baruch, who presented the historic U.S. plan for the international control of atomic energy to the new United Nations Atomic Energy Commission on 14 June 1946. Baruch dissented from the preliminary Acheson-Lilienthal plan because it provided only for an early warning system in case a state began to rearm. He wanted some way to enforce international control and even abolish all war. Oppenheimer gave Baruch a clear briefing on the world governmental implications of an effective plan. There could be "no prevention of war unless international law could apply to the citizens of nations, as federal law does to those of states," he said. What was needed was "an appropriate delegation of national sovereignty," a "world government in the field of atomic energy." He followed up with a speech in Pittsburgh on 16 May 1946 (reprinted in the *New York Times Magazine* in June 1946) and another speech in Washington to military and foreign service officers on 17 September 1947 (reprinted in *Foreign Affairs* in January 1948). Articles in the *Bulletin of the Atomic Scientists* complemented these public statements.

What is most significant to me, as a historian of the world federalist movement, is that Oppenheimer couched all his arguments for a "partial renunciation of sovereignty," for "international law applying to the citizens of nations," in terms that would be acceptable to official policy of the United States, which at the time was committed to finding some novel way to control atomic energy before other nations developed their own weapons. He sought an official plan, led by the United

States, that did not ask the U.S.A. to undertake a revolutionary project to establish world democracy. Oppenheimer thought the proposed Atomic Development Authority could be made effective without immediate reform of the new United Nations Organization, especially of Article 27(3) of the U.N. Charter, which defines the veto powers of the five permanent members. He never supported scrapping the Charter, or establishing a world state, or having recourse to the sovereignty of the peoples of the world, which were common to extreme proposals of world government at the time. The alternative of world government to policies of containment and deterrence was lost by the Korean War of 1950, continuing to at least the collapse of the Soviet Union in 1991.

Oppenheimer thought that the Atomic Development Authority could be vested with "sovereign" powers over just atomic energy, that would not be subject to the U.N. Security Council veto. It would draw the international community of scientists, with their traditions of openness and rationality, to serve humanity in the new organization. Something like Los Alamos during the war years. "A commitment made in one field," he wrote, "can be extended to others."

If this is to happen, the Development Authority will have to have a healthy life of its own; it will have to flourish, to be technically strong, to be useful to mankind, to have a staff and an organization and way of life in which there is some pride, and some cause for pride. This would not be possible if there were nothing of value to do with atomic energy. This would not be possible if the prevention of atomic armament were its only concern, if all other activity was technically so separable and separate from atomic armament that it could remain in national hands. In the long struggle to find a way of reconciling

national and international sovereignty, the peaceful applications of atomic energy can only be a help. It is perhaps doubtful that we should have a federal government had not those functions that could not safely nor effectively be carried out by the States had a certain importance for the people of this country.

While Baruch and his team were examining the Acheson-Lilienthal proposal and inquiring it, there were not some more effective kind of international control than an early warning system, they heard Oppenheimer's proposal of world government in the narrow field of the Atomic Development Authority. At a joint meeting in the Blair-Lee house in mid-May 1946, Dean Acheson, undersecretary of state, retorted that there were only two ways to go further than the Lilienthal board – *collective security*, in which all nations would bind themselves by treaty to go to war against a violator, and "*world government*," which would treat all wars as civil wars. The first meant little, and the second not a "damned thing," he said. Later, Acheson explained his contempt for world government. "He said that any organization, any government, is based on the emotional, spiritual acceptance of it by 95% of the people. When you have 20% of the people who are not going along, the government just does not work.... This is true in our own country with our strikes and labor difficulties.... It has been true with the British in Ireland, and [in] Palestine, [and] in India."

Oppenheimer, in his 1947 address, called his goal a "dynamic approach to security." There was no consideration of his ideas of an ADA staffed with international scientists, for that provided no international powers to keep the peace, short of threats of war, as in the subsequent doctrine of deterrence. The upshot was that Baruch found State extremely reluctant to reconsider its Acheson-Lilienthal

proposal. This fact would have disastrous consequences on the subsequent negotiations.

Oppenheimer fell back on remaining efforts, at the height of his prestige, to persuade the U.S. government not to decide to develop the H-bomb. That was narrowly lost by General Advisory Committee report of 9 November 1949, as Kai Bird and Martin Sherwin recount in *American Prometheus*. President Truman announced the new policy of developing the H-bomb on 31 January 1950, a tragic outcome.

Something of Oppenheimer's ideas for disarmament survived in the proposals for comprehensive disarmament and systemic reform of the U.N. Charter in Grenville Clark and Louis B. Sohn's *World Peace through World Law* of 1958. Again, they banked on the United States' supreme interest in peace. Clark and Sohn made the General Assembly democratically representative of the peoples of the world. They made the Assembly primarily responsible for the maintenance of peace and security. They assumed that responsible people from participating countries could be elected to the Assembly. They would abolish the Security Council with its veto. In its place they made the Council an Executive Council of the world laws enacted by the Assembly. A careful ten-year, step-wise plan would abolish all military forces and ultimately secure a disarmed world. The world government (though they avoided the term) would gradually acquire a monopoly of force, marked by a new World Peace Force, individually recruited and hence loyal to the union, alone equipped with arms.

To deal with the problem of the current inadequacy of international law, Clark and Sohn provided for two new organs: a World Conciliation Board and a World Equity Tribunal. They would settle by law political disputes, like the Israeli-Palestinian crisis, which they took up as an explanatory example. (They could as

well have taken up the whole Cold War as an example.) Those organs would supply what is lacking in the current International Court of Justice, which is limited to legal disputes, like the interpretation of a treaty. What was needed were new institutions to deal with political disputes.

The World Equity Tribunal would be composed of fifteen persons "whose character, experience, and reputation would furnish the best assurance of impartiality and breadth of view." They would be elected for life by the General Assembly, as "representatives of the principal judicial tribunals and legal associations, and of leading academic, scientific, economic, and religious organizations," drawn from lists of nominees by committees in national states. The fifteen would have jurisdiction under voluntary agreements or, in the hardest cases without regard to agreement of those involved, if in the judgment of three fifths of the representatives in the General Assembly, the Tribunal should go ahead to make a "reasonable, just and fair" recommendation. That recommendation would then become binding, if approved by a four-fifths majority of the General Assembly. That would be overwhelming public sentiment, hard for a recalcitrant state to resist. In the worst case, it would be enforced by economic and military sanctions, ultimately by the U.N. Peace Force.

The Clark-Sohn plan had some influence on the McCloy-Zorin agreements in 1961, when the United States was preparing to deploy the Minuteman ICBM. The Soviets counter-proposed what became "general and complete disarmament under effective international control." That led—through the Cuban missile crisis, the assassination of Kennedy, and the beginnings of the Vietnam War—to the unravelling of the whole dream. As Herman Kahn (*On Thermonuclear War*) said, books like Clark and Sohn's were no longer being read in the defense establishment. Deterrence was the doctrine of the day.

Rosika Schwimmer, Feminist and Pacifist, Co-founder of the First Campaign for World Government*

Silvia Romano

A brilliant and open-minded personality, multilingual and naturally “stranger to any nationalism”, Rosika Schwimmer is personally committed to the feminist cause, helping to found in 1903 the major national and international feminist organization in her country of origin, Hungary, where she holds positions of responsibility. Driven by the urgent need to take action to prevent war at all costs and ensure lasting peace, she works on the link between pacifism and feminism, and she takes part in the creation of the Women’s International League for Peace and Freedom (WILPF) in 1915, of which she was a member of the board of directors. When World War II approached, and at a time when most of feminists put aside the advocacy for peace, Rosika Schwimmer persisted in her efforts, co-founding with Lola Maverick Lloyd, the first Campaign for World Government, aimed at achieving a democratic, non-military World Federation.

A leading figure in the feminist movement

Born on 11 September 1877 in Budapest (Austria-Hungary) in a middle-class Jewish family, Rosika Schwimmer was the eldest of three children.

She briefly attended primary school in Budapest and, after her family moved to Transylvania, she was educated in a convent. After graduating from State school in 1891, she studied music and languages in Szabadka

(now Subotica). She spoke English, French, German and Hungarian and could read Dutch, Italian, Norwegian and Swedish. From 1893 to 1894, she attended evening classes at a business school, until her father’s bankruptcy forced the family to return to Budapest.

Faced with economic issues, she began taking short-term jobs as accountant and correspondence clerk. In 1897, she began working for the *Nőtisztviselők Országos Egyesülete (National Association of Office Women)*, and became its president in 1901. Having experienced first-hand the difficulty of finding a decently paid job, at a time when women were discouraged from seeking economic independence, she decided to study the issue, collecting data to compile statistics. She therefore wrote to the Ministry of Trade to obtain data on women’s employment and sought out archived copies of *Nemzeti Nőnevelés (Women’s National Education)*, the most important magazine of the time that analysed the condition of women in education and work.

In order to compare the situation in Hungary and elsewhere, Schwimmer contacted various international feminist organisations to gather statistics on women’s working conditions in other countries. Through this correspondence, she came into contact with influential figures in the international women’s movement, such as Aletta Jacobs, Marie Lang and Adelheid Popp.

At the end of 1901, Schwimmer started working as a journalist. She wrote for *Export Review* and *Lloyd's News Agency*, and became a regular contributor to international feminist magazines. Thanks to her work as a translator, books such as *Women and Economics* by Charlotte Perkins Gilman have been published in Hungarian.

In 1903, together with Mariska Gárdos, Schwimmer founded the *Magyarországi Munkásnő Egyesület (Association of Hungarian Women Workers)*, the first national women's organisation, of which she later became the president. The following year, she was invited, as press representative, to speak on the working conditions of female industrial workers in Hungary at the inaugural conference of the International Alliance of Women (IAW). There, she met many leading feminists acting at international level, including the American suffragist and founder of the IAW, Carrie Chapman Catt.

Once back, Schwimmer and Vilma Glücklich co-founded the *Feministák Egyesülete (Hungarian Feminist Association)*, which was joined by other feminists such as Eugénia Miskolczy Meller. The association's mission was to promote gender equality in all aspects of women's lives, including education, employment, access to birth control, women's emancipation and inheritance rights, and the fight against child labour. In 1907, to counter the unfavourable treatment given to the Feminist Association by media, they founded the magazine *A Nő és a Társadalom (Women and Society)*, with Rosika Schwimmer as editor-in-chief¹.

In 1913, together with the Hungarian Feminist Association, Schwimmer helped to organise the Seventh Congress of the International Woman Suffrage Alliance (IWSA), held in Budapest from 15 to 21 June. This was the first event of its kind to be held

in Austria-Hungary, attracting around 3,000 international delegates.

Feminism for pacifism

Attending the Universal Peace Congress in The Hague in August 1913, reinforced her interest in pacifism, already nurtured since an early age through the influence of her maternal uncle Leopold Katscher, a well-known writer and pacifist.

During the same years, she travelled extensively in Europe to give lectures, and worked as a correspondent for various European newspapers. As a result of her international visibility, she was invited to become press secretary of the International Woman Suffrage Alliance (IWSA), which led her to move to London. When the First World War broke out, she started campaigning to end hostilities. In this context, she decided to resign from her position in the IWSA, fearing that her nationality would cause problems for the women's movement and for her own ability to continue campaigning for peace.

Branded an enemy alien, in 1914 Schwimmer left the United Kingdom and went to the United States with the intention of lobbying to end the war. Since then, she spoke in 22 different States, urging women to engage in diplomatic mediation.

In 1915, she helped in the creation of the Woman's Peace Party and became the organisation's secretary.

The same year, the biennial IWSA conference was postponed because of the war and suffragists decided to organise a congress in the Netherlands, as a neutral nation, to discuss the principles of international peace. At the International Women's Congress, held in The Hague from 28 April, Rosika Schwimmer and Julia Grace Wales, a Canadian academic,

proposed to move forward by planning a « conference of neutral nations » with the aim of starting negotiations to end World War and restore peace. The conference saw the creation of the Women's International Committee for Permanent Peace, which later became the Women's International League for Peace and Freedom (WILPF), with Rosika Schwimmer chosen as one of its board members.

After the conference closure on 3 May 1915, Rosika Schwimmer, Jane Addams and Aletta Jacobs, along with Chrystal Macmillan, Emily Greene Balch, Mien van Wulfften Palthe and other suffragettes, formed two women's delegations in charge of meeting European Heads of State over the following months. Despite the misgivings about the effectiveness of creating a mediation body, the foreign ministers agreed to participate, or at least not to prevent, the creation of an assembly of neutrals, on the condition that other nations agreed, and that the American President Woodrow Wilson took the initiative. However, in the middle of the war, President Wilson refused to take action.

Once back in the United States, Schwimmer perceived a change in the general feeling among feminists, as many of them feared that pacifism would harm the cause of suffrage. Her disappointment with most of her fellow feminists, including Carrie Chapman Catt, led her later to leave the LIFPL a few years later in 1927.

Determined to continue lobbying for a mediation conference, Schwimmer felt that if politicians and feminists did not act, it would be up to individuals to work to end the war. She hence decided to join other pacifists on the Peace Ship, chartered by the American businessman Henry Ford. As the vessel arrived in Norway on 18 December 1915 with no precise plan for ending the war and

no strong leadership from Ford, the initiative was left without any follow-up. However, this experience costed Schwimmer not only the mockery and hostility of the press, but also the suspicion that she was a German spy or a Bolshevik agent because of her Hungarian origins. Despite that, she persisted for several months, until health problems forced her to resign from the mission in March 1916.

She remained in Europe until the end of the war, and in 1918 returned to Hungary, which had become independent. During the short government of Mihály Károlyi (November 1918 – August 1919), Rosika Schwimmer was appointed ambassador to Switzerland, becoming one of the first women ambassadors in the world. In February 1919, in Berne, she organised a peace conference for the Women's International Committee for Permanent Peace; however, she was recalled to her post a few days before the communist coup d'état in March.

In 1920, Schwimmer moved to Vienna where she lived as a refugee, supported financially by her friend Lola Maverick Lloyd, until she obtained the permission to emigrate to the United States in 1921.

She renounced her Hungarian nationality and arrived in the United States on 26 August 1921, initially settling in Winnetka, near Chicago, with Lola Maverick Lloyd. When she wanted to resume her career as a journalist and lecturer, Schwimmer realised that she had been blacklisted because of her involvement in feminist and pacifist organisations, which were considered subversive and dangerous to national security.

In 1924, Schwimmer applied to become a naturalised American citizen. Her application was rejected because she refused to declare herself ready to take up arms to defend her

country (it should be noted that women were not called upon to fight, and that this was a purely rhetorical question). She appealed unsuccessfully, and in 1929 the Supreme Court ruled on her case in *United States vs. Schwimmer*. Far from giving up her ideals, during one of the hearings she declared: « *I am totally alien to nationalism, I have only the cosmic consciousness of belonging to the human family* ». *She will remain stateless for the rest of her life and will work to raise awareness of the situation of stateless people.*

«How can we start practical action to establish world peace now?»

In the early 1930s, she moved to New York, where she lived with her sister Franciska and her secretary Edith Wynner. She founded the World Center for Women's Archives with Mary Ritter Beard in 1935, with the aim of documenting the achievements of influential women, in order to provide references for the study of women's history.

In 1937, she was awarded an honorary prize for world peace created ad hoc for her by a group coordinated by Lola Maverick Lloyd, which included influential figures such as Albert Einstein, feminists Sylvia Pankhurst, Emily Greene Balch, Harriot Stanton Blatch, writers Romain Rolland and Ignazio Silone, the mayor of New York Fiorello La Guardia, German feminists Anita Augspurg, Lida Gustava Heymann and others.

At the award ceremony on 4 December 1937 at the Waldorf-Astoria Hotel in New York, the creation of the Campaign for World Government (CWG) was announced. The word "campaign" was chosen to emphasise the non-bureaucratic, agile and militant nature of the CWG. The CWG is not intended to be a "membership organisation"; it will remain a small vanguard group, even as it expands, with a membership of between 150 and 200 in

the US and around the world². The CWG had two offices, the national in Chicago and the international in New York, headed respectively by Lloyd and Schwimmer, both with the title of international co-chairmen.

The founding document of the CWG is a pamphlet co-signed by Schwimmer and Lloyd, entitled *Chaos, War or a New World Order? - What we must do to establish the all-inclusive non-military, democratic federation of nations*. The core of the project took up an earlier proposal drawn up by Schwimmer and Lloyd in 1924. The text was intended as a genuine action plan « for all those who agree that we must stop theorizing about peace and put the best existing theories into practice. It offers an answer to the question: How can we begin to take concrete action to establish peace in the world, right now?», and sets out «the preliminary steps necessary for a representative World Convention to draft the best possible constitution for an inclusive, non-military, democratic Federation of Nations»³. The members of the World Constitutional Convention should have been elected by the people, according to a uniform electoral system developed by a commission of international experts.

The new Constitution should provide for the immediate admission into the federation of all existing states on an equal footing, and not as in the League of Nations, where the great powers enjoy privileges as permanent members of the Security Council. All members would have the same number of representatives, ten, in the World Parliament. The latter, which then expressed the executive body or executive council, was also to be elected directly by the people⁴.

Elected representatives from the States would vote individually, not as a block, free to form groups or parties « along lines of opinion, not lines of geography », similarly to what we

today call «transnational lists». World citizens would have the rights and duties recognised by the States in which they reside, as well as citizenship rights guaranteed by the Federal government.

Each representative would be able to speak his or her mother tongue and respect the calendar of his or her country or religion⁵.

Although the proposed constitution differed in several respects from that of the United States (it made no provision for bicameralism or presidentialism), the inspiration of the American federal model was evident, as was, to a lesser extent, that of the Swiss model. Schwimmer's ideal was in fact the formation of the « United States of the World », organised on the basis of the constitution of the United States of America. As in the case of the United States, the federal government should have direct authority over individual citizens and not just, as in confederations or leagues, over the member States⁶.

As far as the division of powers is concerned, the world government would deal with relations and matters of common interest between States, leaving State governments with full authority over national matters. States would be free and independent and enjoy "unlimited national sovereignty" - except «where their interdependence requires federal regulation» or «where [their sovereignty] conflicts with the common good of the world». Finally, in the name of interdependence and global well-being, it would become possible, indeed necessary, to manage almost everything collectively. «Federal commissions» would be responsible for managing the conversion to a peace economy through genuine economic planning. Other commissions would be responsible for dismantling customs, creating a common monetary system and integrating air, sea and land transport systems. Finally,

the Federal government would communicate directly with citizens by telegraph, telephone and radio, and operate a centralised radio station⁷. And still, questions remained, such as : how could adequate education and health systems be guaranteed everywhere? Who would be responsible for abolishing the death penalty?⁸

Although the project was inspired by the American model, Schwimmer and Lloyd's CWG asserted an approach that was neither American-centric nor Eurocentric, but anti-colonial and universal. Schwimmer explained this exhaustively when the journalist Clarence K. Streit published its *Union Now* (1938). Streit, faced with the collapse of the League of Nations and the rise of totalitarianism in Europe, proposed the formation of a "Federal Union", or even a federation of North Atlantic democracies. The Federal Union would have included the democratic countries, North America and Europe, together with their colonies and the white dominions of the British Empire⁹.

Schwimmer responded to Streit with her *Union Now – For Peace or War* (1939)¹⁰, a pamphlet in which she denounced the danger inherent in his project. For her, the union of the democracies, corresponding to the geopolitical heart of contemporary imperialism, would have been perceived by the other countries as an act of hostility, domination and power politics¹¹, and would have pushed them to unite and turn into an opposing front. Therefore, instead of being the first step towards the desired world federation, it would have divided the world into two blocks and given rise to the cruelest conflicts.

After the Second World War, the CWG split into two groups under the leadership of the two branches in New York and Chicago. However, they participated, independently

but often converging, in transatlantic federalist movements that focused on grassroots constitutional initiative (the so-called grassroots or people's convention movements, which criticised the United Nations as an instrument of governments rather than citizens, as they had done with the League of Nations, and which were sometimes behind the creation of the United Nations¹²¹³)

Nominated for the Nobel Peace Prize in 1948, Rosika Schwimmer died of pneumonia on 3 August 1948 in New York, before the Committee anyways decided not to award it that year.

*Published in French in the magazine *Fédéchoses - pour le Fédéralisme* (edited by Presse Fédéraliste), this article belongs to the column *FédéFemmes*, devoted to portraits of female federalism activists who were great thinkers ahead of their time, writers, philosophers, politicians, members of anti-fascist resistance whose stories are little known. Besides their role in federalism, these women share a common distinctive character, their commitment to the feminist cause. In fact, many of them played key roles in leading feminist organisations at national and at international level, they founded and edited magazines on feminist issues, wrote and advocated for women's rights.

¹ In 1913, the magazine changed its name to *A Nø The Woman*).

² Arnaldo Testi, *Alle origini di una utopia pacifista transnazionale: Rosika Schwimmer e la fondazione della Campaign for World Government (1937-1938)*, in *Genesis: rivista della Società Italiana delle Storie*. A.VIII - N. 2: *Femminismi senza frontiere*, Ed.Viella 2009, p. 66.

³ Lola Maverick Lloyd, Rosika Schwimmer, *Chaos, War or a New World Order?*, second draft, May 1938, published by *Campaign for World Government*, 166 West Jackson Boulevard, Chicago, Illinois, p.3.

⁴ *Ibidem* p.4.

⁵ *Ibidem* p.5.

⁶ A. Testi, *op. cit.*, p.78.

⁷ L. M. Lloyd, R. Schwimmer, *op. cit.* pp. 5-6.

⁸ A. Testi, *op. cit.*, p.79.

⁹ Clarence K. Streit, *Union Now: A Proposal for a Federal Union of the Democracies of the North Atlantic*, New York, Harper, 1938, pp. 31-35, in A. Testi, *op. cit.* p. 80.

¹⁰ Rosika Schwimmer, *Union Now-For Peace or War? The Danger in the Plan of Clarence Streit*, Chicago, CWG, 1939.

¹¹ *Similar criticisms to those put forward by Rosika Schwimmer were expressed by George Orwell in his article Not Counting Niggers*, published in July 1939. Orwell emphasised the colonialist nature of Streit's North Atlantic project, which would only reinforce the imperialist logics on which the world order was based, and which had led to war and discrimination against non-white populations: "what sense would it make, even if successful, to bring down the Hitler system in order to stabilise something far greater and, in its own way, just as bad?"

¹² *Ibidem* p.68.

¹³ For an in-depth look at the genesis and development of the world federalist movements, see Jean Francis Billion, *The World Federalist Movements from 1945 to 1954 and European Integration*, in *The Federalist*, Year XXXIII, 1991, Number 1 - p.28, available here: https://www.thefederalist.eu/site/index.php/en/es-says/1892-the-world-federalist-movements-from-1945-to-1954-and-european-integration#_edn4

Is Federalism Inevitable? (Part 2)

Jean-François Drevet

Chapter 2. When will the transition to the EU end?

By recalling, in the experiences of those three countries (United States, Australia, Switzerland), the similarities of their confederal models with that of the EU, we wanted to show to what extent the difficulties we experience today are not new, and what solutions were found for them. However, more than half a century after the signing of the Treaty of Rome, we have not yet seen the end of what was, in the United States and Switzerland, a period of transition. It does not appear in Europe anything similar to the pressure exerted in Philadelphia and Berne to shift the institutional system towards a federation, more or less strongly structured.

As we are unable to move forward with new treaties, could the Australian path to federalization without significant amendments to the Constitution be feasible? It would involve a tax revolution, currently thwarted by the rule of unanimity.

A number of converging signs have emerged in recent years, notably the "Next Generation EU"¹ recovery plan, which brings two major innovations: the possibility for the EU to borrow, and the implementation of new own resources to repay the debts. Thus, European spending could reach 4% of GDP, a credible critical mass, but still much lower than the American federal budget (17% of GDP). This progress is also sustainable since the repayment of the loans will take place between 2027 and 2054.

The illusions of sovereignty

In the monetary and financial domain, the effects of the 2008 crisis fueled doubts about the sustainability of the single currency. Despite the commendable efforts made by the European Central Bank (ECB), the management of the euro, the level of coordination between the 19 member countries has remained below what is necessary to guarantee citizens the security of their deposits and the relaunch of the economy.

Well before the war in Ukraine, it was possible to note the trend in the deterioration of the EU's security, which is the product of both the aggressive behavior in its neighborhood and its strategic recklessness. Since the end of the Cold War, never has Europe, which did not want to have enemies, been confronted with so many threats. If the instability of the Middle East and the eastern Mediterranean basin is nothing new, the spread of radical Islamism in Saharan and sub-Saharan Africa has placed several million km² out of control, letting armed groups proliferate. As for the efforts made to stabilize the Eastern Partnership countries (Belarus, Ukraine, Moldavia, Georgia, Armenia and Azerbaijan), they came up against the "nuisance capacity" of Russia, which Europe wanted to make her partner and which asserted itself instead as a hostile and aggressive power, even before its invasion of Ukraine.

The central question is that of the sharing of sovereignty between the States and the supranational level. It has been debated since the origins of European construction and has taken on a new dimension as the EU's field of action has expanded. It is more sensitive today because it touches the issue of national

competences. In theory, many continue to defend a Westphalian conception of the unlimited sovereignty of States. In reality, each of them has already agreed to significant limitations, in order to find solutions to problems that they could not solve in isolation.

National authorities are quick to mobilize when they believe, rightly or wrongly, that they are threatened, because it is difficult to justify relinquishments of sovereignty, often denounced as capitulations by dissenting parties. In addition, it is electorally profitable to mobilize public opinion by claiming to defend the nation against encroachments from “foreigners”, particularly if it is the EU. On the other hand, the opposite political discourse, the calling to responsibility and more simply the reminding of certain realities is not an easy one.

It is true that even among the “small ones” who are now the most numerous countries in the EU, sovereignty remains a sensitive subject: those who have had it for a long time are very afraid of giving it up: the Danes voted against Maastricht and are keen to keep their currency, although it is in reality strongly linked to the euro. Those who had never had it before or have recently regained it are not the least susceptible: thus, Slovenia blocked the entire accession negotiation of its Croatian neighbor over an obscure matter of delimitation of its maritime space. The maintenance of the rule of unanimity, of one commissioner per Member State (while the latter is in principle completely independent of its country of origin) reflects these concerns.

Since the end of the Second World War, Europeans have lost most of their military sovereignty. If it was still possible to wage a few wars alone (Portugal in Africa, the United Kingdom in the Falklands), membership of NATO for some, or of the Warsaw Pact for others, was much more than an “alliance”. Today, no Member State could undertake a

military expedition of any importance on its own, should it have the desire to do so. We saw this in the Sahel, where the French army called on its European and African partners for support.

With the creation of the single currency and the crises that followed, much stricter constraints than the devaluations of the past were imposed. Until now, they have been preferred to a return to national currencies. The most indebted countries, notably Greece, made the decisive choice to remain in the Eurozone, despite its strong constraints. In fact, euro zone governments now have only limited room for action to carry out their economic and budgetary policies and this is not about to change.

With the increase of migrations and conflicts on the periphery of Europe, the control of flows has also become beyond the reach of States. Maintaining security, the first duty of governments, depends on their capacity for cooperation.

“Small” states know that they actually enjoy only a reduced sovereignty. They have understood that it is the membership of the EU which gives them greater freedom of action. This has long been the opinion of Luxembourg and Belgium. Other countries like Ireland, Finland and Cyprus believe that the EU protects them against a neighbor that is too powerful or aggressive. And the rule of unanimity allows them “to punch over their weight” and even abuse their resulting veto power more and more often, as Poland and Hungary show.

As for the “big ones”, they still wallow in nostalgia for their past greatness. When you have a permanent seat in the United Nations Security Council (like France), a preponderant economic weight (like Germany) or a large population (Italy, Spain and Poland) you still have some of the attributes of power, which should not, however, create any illusion.

Should there still be any doubt, Brexit showed

where the sovereignist ambitions lead. However, there was no shortage of warning signs: the sudden depreciation of the pound during the monetary crisis of 1992, the accentuation of dependence on the United States (the fact that it was voluntary does not reduce its importance). Although leaving the EU has not yet revealed all of its negative consequences, we can already clearly see that the British government's room for action has not been increased. The electoral slogan of "taking back control" is nothing more than a costly illusion. More than other events, Brexit is a full-scale test of "the cost of non-Europe"².

The sleepwalkers

Several years of crisis in the Eurozone have shown the shortcomings of its governance, both at the level of each government taken individually and in their joint action within the framework of the Eurogroup, where it has proven impossible to make the European general interest prevail. From what the media report, everyone defends what they believe to be their national interest, and sometimes only that of their large financial corporations. It is thanks to its independence that the ECB was able to go beyond its prerogatives in dealing with the crisis. The result is welcome, but it is not necessarily democratic; the ECB is a technocratic structure, where the citizen is not represented.

At the level of diplomatic action, the cacophony is profound, because there is no common perception of the threat. This was particularly clear in the face of Russia, before the aggression against Ukraine opened the eyes of those in power. If the temptation of the former satellites of the USSR was to overestimate it, it was the opposite in the West, where they failed to realize, at least for some time, that the Kremlin was no longer a strategic partner, but an adversary. Isolated by its authoritarian drift, Viktor Orban's Hungary is still seeking special arrangements with Moscow.

From the point of view of the means, although military budgets are on the rise again, their overall effectiveness is reduced by the lack of coordination. The armies of the majority of European countries are designed to defend their national territory and not even all of them are able to do so: faced with the Russian or Turkish threat, it will not be those of the Baltic countries, Greece or the Cypriot national Guard who would be able to act effectively. As for operations to be carried out in more distant theaters (Sahel, the Middle East), they will need the special forces available only in France and the United Kingdom (but the latter has become a non-EU country), provided that these countries are really capable of providing them.

In terms of internal security, Europe suffers from a double deficiency, both in the analysis of risks and in the mobilization of the means necessary to deal with them; it lacks in both lucidity and capacity. Despite terrorist alerts, the EU Member States have long continued to act in isolation, although, faced with transnational threats, the diversity of European legal frameworks greatly reduces the effectiveness of their specialized services. As we saw in 2015, the "every man for himself" approach provided opportunities to terrorists. Faced with these increasingly serious threats, national governments were caught off guard by sometimes predictable crises, and have only agreed on partial and short-sighted measures. This attitude was clearly highlighted by a report by the External Affairs Committee of the House of Lords, which compared them to the "sleepwalkers" who allowed the First World War to break out³. Although the comparison only concerns their attitude towards the Ukrainian crisis, it could be extended to other security issues facing the EU.

Is the dilemma solved?

In order not to overcharge the governments, it

should be pointed out that these weaknesses, which are not new, have only recently taken on a worrying dimension. Indeed, during the first half century of the European construction, the deficiencies had neither the same severity nor such damaging consequences.

At the time of the creation of the common market, the Bretton Woods monetary system provided the developed world with a solid and sufficiently flexible framework to make the inevitable adjustments. The circulation of capital and exchanges were highly regulated, and that was sufficient for the management of monetary transactions. It is the general floating of currencies, the free movement of capital, combined with the construction of the single market, which made the monetary union necessary. If a more solid management mechanism had been proposed, that union perhaps would have never seen the light, considering the strength of the opposition to it, particularly in Germany. But it is high time now to give it an organization commensurate with the risks involved.

By entrusting the care of its external security to NATO and indeed to the United States, Europe has subscribed a good “value for money” insurance, which has enabled it to limit its military spending for four decades, and to enjoy a reliable protection. As this is no longer the case today, an integrated diplomatic and military instrument has become necessary; its construction involves harsh revisions, that the largest member states have not yet decided to make.

With great recklessness, arms exporters continue to sell them to countries that can use them against Europe (Turkey, the Middle East). After the criticisms leveled by Donald Trump, questions were raised about the credibility of Article 5 of the NATO Treaty, and the value of the insurance policy taken out in Washington. Since then, the war in Ukraine has shown that the United States, by providing effective assistance to an invaded country, although not a member of NATO, remains the ultimate guarantor of the security of the West. After decades of neutralism, the turnaround of Sweden and Finland, fresh members of the Alliance, shows the extent of the turnaround.

Coordinated in principle by a senior official of the European Council, internal security problems are always the responsibility of each Member State, depending on the information it is able to obtain or exchange and on its own procedures. But since the end of the Cold War, the rise of transnational armed groups has created a quite different context. Denmark, which has been the subject of recurring threats due to its refusal to prosecute the authors of the “Mohammed caricatures”, is now realizing the disadvantages of its self-exclusion from the European policy of Freedom, Security, Justice. Not only did its refusal not increase its independence, but it decreased its security. Even Switzerland realized that its isolation was a source of weakness: no longer able to manage the flow of asylum seekers, particularly those who had been rejected by the EU, it found it more advantageous to enter the “Schengen space”.

Ed. Note: The article will continue (Part 3) in the next issue.

¹ See the analysis by Catherine Vieilledent, *The European Recovery Plan, a historic breakthrough, we cannot live for long below our means*, [in French] in *Futuribles* n°441, March-April 2021, pp.85-94.

² The notion of “the cost of non-Europe” dates back to the 1980s, when the Albert-Ball and Cecchini reports of 1983 and 1988 brought this idea into ordinary political usage. These reports have sought to estimate the significant potential economic benefits of achieving a single market, quantifying the disadvantages of segmenting national markets.

³ Christopher Clark, *The Sleepwalkers: How Europe went to war in 1914*, Penguin, 2013

The Rule of Law in the EU

Catherine Vieilledent

Respecting the Rule of law has become a problem in the EU, as results from the tense dialogue between the Union and some Member States who have challenged the European values in the past few years. A dismantling of democratic institutions is at work in these countries in order to control justice and put a gag on dissenting voices. Worse still, some of them threaten to block key decisions on the European budget and aid to Ukraine. The article looks back at the recent developments that led the European Union to reaffirm its values and uphold them in front of internal attacks. It reviews the response and the legal innovations the EU had to resort to, stressing the fact that rule of law is no mere formal commitment of the Member states. Last, the article attempts to draw the lessons for the future, with a view to the Union's political and geopolitical interests, while European elections are near, enlargement is looming and national-populist one-upmanship is on the rise.

Rule of law is one of the values listed in Article 2 TEU¹, together with democracy, freedom and respect for human rights, and further codified in the EU Charter of Fundamental Rights. As regards human rights, the treaties (Article 6(3) TEU) close any supposed gap between the Union's law (they are defined as "general principles of the Union's law"), the European Convention for the protection of human rights and "the constitutional traditions common to the Member States". A recent addition to this array of principles was made with Article 2 of Regulation 2090/2020, which describes in detail the legal and institutional parameters of the rule of law, which "includes the principles of legality implying a transparent, accountable,

democratic and pluralistic law-making process; legal certainty; prohibition of arbitrariness of the executive powers; effective judicial protection, including access to justice, by independent and impartial courts, also as regards fundamental rights; separation of powers; and non-discrimination and equality before the law. The rule of law shall be understood having regard to the other Union values and principles enshrined in Article 2 TEU".

These common standards, however, seem no longer to be taken for granted and the EU's long commitment to rule of law and common values has recently been tested from within. Though candidate countries cannot ignore what they commit to², the newly elected Hungarian and Polish governments from 2010/2015 questioned the Union's competence on these matters, leading to an open confrontation in 2018. Both governments took successive measures to disable internal and external checks and balances, hiding behind the alleged primacy of the national constitution (as interpreted by a constitutional court they controlled). In Hungary, with the Fidesz party in power, the government adopted successive reforms, first on the media (with the creation of a control body composed of party members), then on justice (changing the retirement age of judges), on the authority in charge of protecting personal data and finally on foreign influences (aiming at private higher education institutions). Each time Hungary was condemned, it retreated and went on to another reform.

The Polish government, after the PiS conservative party took power in 2015, targeted

the judicial system and freedom of opinion. The Court, in a ruling of July 2021³, considered that the Polish reforms, and the disciplinary chamber of the constitutional tribunal infringed on several treaty articles, among which Article 19(1)⁴. It held that a judicial system that does not comply with the rule of law and that fails to guarantee the independence of justice is a risk for the Union, and with regard to the protection of financial interests Poland was sentenced to a penalty of 1 million euros per day until it changed its laws on the judicial system, which it refused to pay. Once condemned, Poland took to frontal attacks on the primacy of EU law (it wanted preliminary questions from national judges to be abolished), claiming the Polish constitution was supreme⁵, and refuted the Court of Justice's authority. Two months later, the European Commission launched infringement proceedings. In February 2023, the Commission lodged another appeal to the Court, following rulings by the Polish constitutional tribunal that challenged the primacy of EU law.

Faced with repeated provocations, the European Union reacted with a combination of existing and innovative instruments: besides launching a raft of infringement proceedings, as we have seen above, it wielded threats of political sanctions under Article 7 TUE, introduced new budgetary conditionality rules, and an embedded mechanism to monitor rule of law⁶. In parallel to infringement proceedings, the Commission activated Article 7 TEU⁷ on the proposal of the European Parliament: against Poland in December 2017, against Hungary in September 2018. The purpose of Article 7 is to determine a clear risk of a serious breach of the values referred in Article 2 TEU, a decision made by the Council with four fifths of the Member states not including the country concerned, and possibly followed by recommendations to the Member state. The second step involves a sanctions mechanism which can

be triggered if the European Council concurs by unanimity (minus one) on the existence of a serious and persistent breach of Article 2, leading to the suspension of membership rights for the country concerned. However, the sanction mechanism did not go through in the European Council, because Poland and Hungary supported each other to defeat unanimity, and because of political pressures: in November 2020, just as the European Council was reaching final consensus, the two countries blocked the decision on the multiannual financial framework and on the recovery plan (*NextGenEU*).

Such obstructionism, blackmail and blocks to the EU decision-making, including on essential issues, jeopardized the EU mechanisms of cooperation and solidarity that enable the EU to operate key processes and defend its interests in times of peril. An innovative instrument was devised at the time, and that was Regulation 2020/2092⁸ based on a simple principle: should a country infringe on rule of law and democracy, the Union could decide suspending the various financial aids it receives. The purpose was twofold: apply financial penalties on the Member states that infringe rule of law on the one hand, and on the other avoid the misuse of the European budget. The European Commission triggered the new procedure, based on the observation of a confirmed infringement of rule of law, jeopardizing the sound management of European funds. It could also trigger it in a preventive manner, in case there was a clear and serious risk of such violations. Once penalties were proposed, it was up to the Council to adopt the corresponding measures by qualified majority within a month.

Poland and Hungary challenged the regulation, claiming that it contradicted the principle of conferred competences (Articles 4 and 5 TEU), that the Union acted without

competence and that the national judge was therefore entitled to invalidate ensuing actions. Poland went on to advocate the political and constitutional identity of the Member states and “constitutional pluralism”, in contradiction with the primacy of EU law and the exclusive competence of the European Court of Justice for the interpretation of EU law. The Court of Justice in February 2022⁹ dismissed the actions of Hungary and Poland, defending the adequacy of the legal base, the scope of conferred competences and the principle of legal security. It confirmed that the regulation complies with the principles of subsidiarity and proportionality and that infringements of the rule of law endanger, or risk endangering, in a sufficiently direct way the sound management of the EU budget or the protection of financial interests. In March 2022, the European Commission adopted the guidelines on the general regime of budgetary conditionality and the Regulation applied from 1 January 2021 as foreseen.

The conditionality proceeding applied to Hungary in April 2022 focused on issues such as the transparency of public procurement, conflicts of interest and suspected corruption. In addition, the Commission proposed that the Recovery Plan should include milestones regarding reforms to be conducted by the Member states on a variety of subjects, in particular the operation of justice. This was approved, meaning that the Member states which did not comply with these milestones could not receive payments from the EU budget. As regards Hungary, though its national plan had been validated in December 2022, it did not receive the €5.8 billion, pending reforms, nor €6.3 billion in cohesion funds. No conditionality proceeding was launched against Poland but, though the national plan had been approved in June 2022 by the Council, payment of some 35.4 billion euros was suspended till reforms were adopted,

as in the Hungarian case. In retaliation, the Hungarian government in December 2023 threatened to block enlargement negotiations, the decision on the €50 billion facility for Ukraine and the midterm review of the Multi-annual Financial Framework. In February 2024, Hungary relapsed and both aid to Ukraine and the MFF midterm review were approved by the European Council. As for Poland, the elections held in October 2023 led to a change of political majority, that paved the way for a new attitude on rule of law.

In addition to the budgetary conditionality mechanism and new rules in the management of the Recovery plan, the Commission introduced a new rule of law governance mechanism, based on annual rule of law reports (since 2021), dialogue and exchange of information with the Member States, national parliaments, civil society and stakeholders, input from the EU Justice scoreboard¹⁰, and feeding into the European Semester yearly cycle. Considerations on the justice system, corruption framework, media freedom and pluralism and institutional balance were embedded in the Country specific recommendations for all the Member States. This enhanced European semester amounts to a mainstreaming of rule of law in the main EU budgetary and macroeconomic instruments.

What lessons can be drawn from the long confrontation between the European Commission, as the EU’s executive arm in charge of the budget and safeguarding EU law, and some rebellious Member states since 2017/2018? On the positive side, the judicial confrontation with the national courts has resulted in clarification of the relevance of rule of law by the European Court of Justice in its landmark ruling of February 2022 and the clearing of objections on behalf of national identity. The European Union has shown a real determination to uphold its values,

and demonstrated a remarkable capacity to innovate and devise powerful deterrence, in spite of the stalemate of unanimity under Article 7 which remains a lasting governance issue. Rule of law has now become a fully embedded, horizontal mechanism in financial procedures (in and off budget), based on a continuous monitoring of progress. Though the guerrilla war is not over.

On the less positive side, as the former Head of the Legal Service explained recently¹¹, there is a risk of contagion which needs to be addressed promptly: first the existing backsliding in Hungary, Poland and Slovakia, but also with a view to the coming enlargement. Few among

the candidate countries are democracies with a consolidated tradition of respecting human rights and rule of law. An early warning system and a mechanism to immediately suspend the participation of Member states was suggested, where rule of law is not respected. These steps could be critical for the EU's external action¹² and the credibility of conditionality rules applying in these fields. Under rising geopolitical hazards, could the EU afford benign neglect of values inside, and, on the other hand, insist on its external partners' effective compliance with rule of law? Consistency is a determining line for the EU's external action in the regional and global environment.

¹ Article 2 TEU: «The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.»

² Article 49(1) TEU: "Any European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union". This is part of the accession criteria established by the EU at the European Council meeting in Copenhagen in 1993.

³ CJEU, 15 July 2021, Case C-791/19, Commission / Republic of Poland, ECLI:EU:C:2021:596 (EUR-Lex-62019CJ0791).

⁴ "Member States shall provide remedies sufficient to ensure effective legal protection in the fields covered by Union law." <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12016M019>

⁵ Judgement of the Polish Constitutional Tribunal of 7 October 2021, Ref. No. K_3/21 DZIENNIK USTAW 2021 R. POZ. 1852.

⁶ Communication from the Commission, COM(2020) 790 of 3 December 2020 (European Democracy Action Plan).

⁷ The provision was introduced in the Treaty of Amsterdam in 1997 and further enhanced with a preventive dimension by the Nice treaty of 2000.

⁸ Regulation (EU, Euratom) 2020/2092 of the European Parliament and of the Council of 16 December 2020 on a general regime of conditionality for the protection of the Union budget (J.O.L. 4331, 22 December 2020, pp. 1-10).

⁹ Cases C-156/21 Hungary/European Parliament and Council and C-157/21 Republic of Poland/ European Parliament and Council of 16 February 2022, . ECLI:EU:C:2022:97

¹⁰ Based on an annual report providing comparable data on the independence, quality and efficiency of national justice systems.

¹¹ Conference of 20 February 2024, organized in Brussels by UEF Group Europe and Graspe. Luis Romero Requena was head of the Legal Service of the Commission from 2009 to 2020.

¹² Article 21 TEU.

Getting to Know the Spinelli Draft

Pier Virgilio Dastoli

On 14 February 1984, after two years of work in committees and in the Chamber, the first elected European Parliament approved by a large majority (237 yes, thirty-one no and forty three abstentions) the “Draft Treaty establishing the European Union”, thus concluding with a success - unexpected for some - the initiative launched by nine MEPs who had responded to a letter-appeal by the federalist leader Altiero Spinelli and who came from all the political groups of the Assembly.

Contrary to a widely-held opinion, the European Parliament’s project did not limit itself to the question of reforming the institutional system introduced in 1957 with the Treaties of Rome, but tackled all the problems of a Community founded on the idea – which proved to be wrong – that integration would gradually move from the market dimension to the economic and political dimension, according to the will, affirmed by the governments in Rome, to create “an ever closer union”.

This was not the case because the project for a European defence community had failed in 1954; the objective of an economic and monetary union with a single currency had been shattered in the early 1970s; the Communities were absent and silent on all international scenarios in a world still divided by the Iron Curtain, but already showing obvious cracks in the East; the Communities’ budget was unable to respond to the growing internal inequalities, despite the emergence of a modest regional policy; the European industrial system was incapable of reacting effectively to the challenges of global competitiveness, even though a common policy of research and new

technologies were beginning to pay attention to the environment; and the problem of world hunger had become increasingly serious.

The European system, which in Jean Monnet’s initial logic should have been based on the central role of the Community public administration, had progressively and ineffectively divided itself into Community, para-Community and intergovernmental structures, and was unable to decide on its own destiny, also due to the marginal role the European Parliament had and the progressive marginalization of the European Commission, after the “heroic” phase of the Hallstein presidency.

In the view of the European Parliament, which had decided to play a leadership role despite the Treaty but counting on the strength of the citizen’s mandate, the challenges of the 1980s – which could not be effectively addressed by either the Community system, the *Europe à la carte*, or the Europe of intergovernmental cooperation, or the Europe of the Franco-German leadership, and ultimately by an essentially confederal system – were making evident the need for a European economic policy aiming to develop a genuine monetary union, a society policy (Willy Brandt’s *Gesellschaftspolitik*), a North-South policy, foreign policy and in particular the relations with the United States and NATO, the prospect of the enlargement of the Communities towards the north and south of the Continent, with the prospect that one day the borders could be opened up towards central Europe, and last but not least a European fiscal policy to finance common policies, breaking up the

Council's obstructionism and inability to make decisions.

In order to achieve all this – and those who read us can easily compare the situation in the 1980s with the Europe of the 21st century –, the idea of the majority of MEPs in the first legislature was that it was necessary to go beyond the treaties, but that it would be a dangerous illusion to rely on a “constitutional gradualism”, that is, asking governments to amend – inevitably with unanimous agreements in the Council and the unanimity of national ratifications – this or that article of the Treaties of Rome.

In fact, at the beginning of the constitutional adventure of the first European Parliament, three different positions were opposed in the political groups, as they are opposed today among the European political forces and among the pro-Europeans:

- 1- the conservative idea that the full potential of the existing treaties could still be exploited, and that the underlying problem was one of political will (or rather, the lack thereof), through which the dynamism inherent in the Community method could be restored
- 2- the apparently pragmatic idea that it would be possible to introduce amendments to the existing treaties, in order to extend the limited competences attributed to the European Economic Communities; to apply, where necessary, the principle of majority voting in the Council, thus overcoming the Luxembourg compromise or, today, the ineffective *passerelle* clause; to strengthen intergovernmental cooperation in international relations, and to recognise the elected European Parliament's legislative and budgetary powers, alongside the Council, while accepting the principle that the governments would remain the “owners of the treaties”

- 3- the idea, which then prevailed in the Committee on Institutional Affairs and then in the Chamber, that the only pragmatic way for the Communities to determine their own destiny was to draw up a new treaty, redefining the objectives of European integration within the framework of a reform based on the search for effectiveness, while respecting democracy.

The final text of the European Parliament's draft – first drafted and approved on 14 September 1983 in the form of a political report, and then on 14 February 1984 in the form of a “draft treaty establishing the European Union”, to which contributed the work of four influential lawyers (Capotorti, Hilf, Jacqué and Jacobs) – was the fruit of a democratic compromise between Christian popularism, socialist (and Italian communist) internationalism, liberal cosmopolitanism (and Italian radicalism), but also the pro-European pragmatism of the British conservatives.

Leaving to the reading of the 1984 Draft the political, legal, and cultural curiosity of discovering the relevance today of the initiative of the first elected Parliament, in the context of today's debate on the future of Europe, we would like to draw the attention of our readers to two decisions taken on that 14 February that made it possible to assemble a large majority in the Chamber:

- the treaty would be a “project” to be brought to the consideration of the national parliaments, and, based on their comments, the Parliament elected in 1984 would debate, draft and adopt a final text, to be submitted for national ratifications, thus avoiding the obstacle of an intergovernmental conference
- if the agreement of a majority of the member States whose populations represented two-thirds of the total population of the European Communities was reached, the treaty would not come into force immediately, but the

governments of the States that had ratified it would meet immediately, and decide on the procedures and the date of its entry into force; they had to decide also on the relations with the States that had not given their agreement.

We are convinced that the next European Parliament, building on the results of the Conference on the Future of Europe, shall adopt the method chosen by the assembly on 14 February 1984, so that the Union shall be able to take its destiny into its own hands.

The UN Report on Inequalities and Climate Crisis at the Global Level

The commitments made with the 2030 Agenda for Sustainable Development have not been respected. The UNDP, a UN organization, presented the global situation in its Human Development Report 2023-24 entitled: *“Breaking the Gridlock: Reimagining Cooperation in a Polarized World”*.

The report denounces how people’s discomfort has increased due to the worsening of the dangers associated with the climate crisis, and the increase in poverty and inequalities. Even leaving aside the crisis induced by the pandemic, the Human Development Index (HDI), which measures the level of well-being on a global scale, signals a strong regression.

The number of people who are stressed, scared, worried about the spread of conflicts, and worried about the belief that they do not have control over the decisions that concern them and their future, has increased.

This discomfort is reflected in the support for democratic systems. From the beginning of the 1990s to 2021, the percentage of the world population that had a positive opinion towards democracy was 90%. But in recent years, approval for authoritarian and anti-democratic leaders has increased by 50%. The report highlights how, by focusing on cooperation, it would be possible to counter this trend and combat political polarization. It would be necessary, on the one hand, to make a decisive commitment towards the construction and financing of “a global architecture of public and digital goods”, and, on the other hand, to promote the participation of civil society in “public affairs”: the only legitimation capable of renewing democracy. (g.b.)

Matteotti: from Socialist Internationalism to the United States of Europe

Fulvio Gambotto

At 4.30pm on 10 June 1924, Giacomo Matteotti left his house in Rome, heading for the library of the Chamber of Deputies, probably to work on a speech he planned to deliver the following day. While he was walking along Lungotevere Arnaldo da Brescia, he was attacked by five men, members of Mussolini's "political police" (the so-called "Fascist Cheka") and, despite his resistance, forced into a black Lancia Trikappa car. Inside the car, the struggle continued. Matteotti managed to kick out the rear window of the car and throw out his parliamentary identity card. From that moment on, there was no news of him. His body was not found until two months later (16 August) in the countryside North of Rome. The crime made a huge impact all over Italy and put Mussolini's government into difficulty. For a moment, the history of Italy might have taken a different turn. However, the brutal killing of its proudest and most intransigent opposer provided Fascism with a shortcut to the phase of "open-faced dictatorship".

The sequence of events relating to his abduction, his ferocious murder and what followed, have become so much associated with the memory of Matteotti that they almost overshadow the memory of his tireless activity, his commitment both in local and national government and his discerning analysis of the international political scene of his time. That analysis led him, in his defense of the interests of the working classes, to denounce nationalism and war; nationalism, because "it is not limited to promoting the development of a nation [...] but is founded far more on material strength and capacity

to dominate and exploit other populations"¹, and war, because it is an undertaking promoted by the bourgeoisie, which "only wants to put its own dominance into the place of another bourgeoisie. [...] The bourgeoisie may well choose to gamble its whole life on a question of fatherland, since the price at stake is its whole dominion; but the working classes can only find in it a hierarchy of dominations which is, perhaps, not worth giving their lives for"². Matteotti came to the conclusion that the only solution was that of the United States of Europe, thus following in the footsteps of some of the major theorists of European federalism.

Matteotti's aversion to war was already evident in 1911 at the time of Italy's invasion of Libya, when he organized several demonstrations of protest. He was also very critical of the declarations of triumph which followed the occupation of Libya: "It is not true that Italy is more feared and respected after this war [...] This war has been a real disaster for Italy"³.

He was even more vehement in his campaign against Italy entering the Great War, maintaining that war is "a cynical competition between bourgeois interests" destined to lacerate the international relations between diverse populations – "Whichever side wins, there will be a defeated population which will prepare its comeback for the future and therefore other wars"⁴ – and above all, interrupt the development and growth of the proletariat. He described himself as embittered by the proletariat itself in its trend to become what he termed "drunk with nationalism", deceived by false propaganda:

*"Tragically, political education is still a myth. The mob prefers to fall in love with those like Mussolini, because they chop the air with a sharper cut"*⁵. When it became more apparent that the country would become involved in the war, Matteotti reached the point of envisioning a general insurrection, despite remaining convinced of his reformist position - *"as a good reformer I have never denied the possibility and necessity of revolutions"*⁶. As he explained: *"I am very worried at this time about the possibility that Italy will enter the war, and I am examining and discussing whether it might not be better for us to arouse an insurgence"*, *"The thought of those who are killing is terrible, and it seems to me that an insurrection would be justified if the intention is [...] to throw Italy into a war with Austria tomorrow"*⁷.

On the question of Italy's involvement in the war he got into direct controversy with Mussolini, who was still at that time editor of *"Avanti!"*: on the subject of Mussolini's conversion, expressed in the article *"From absolute neutrality to active and operative neutrality"* (18 October), Matteotti responds with a sort of deed of accusation, with the title *"Mussoliniana"*: *"this will not surprise anyone who has observed that many so-called revolutionaries are simply impulsive characters, [...] capable of claiming as absolute dogma, for every place and time, what they will deny ten minutes later"*⁸. He underlined, even referring to certain elements of his own party (for example Turati, a neutralist right up to the outbreak of war, but who then acknowledged that *"it would be hateful and outrageous not to co-operate for victory, now that the war is being waged"*), the necessity of keeping a position of *"absolute" neutrality, "at any cost"*.

These declarations against the war cost him dear: he was tried and condemned to thirty days arrest for *"seditious outcries"* and *"defeatism"* (the sentence was revoked by the Court of

Appeal), and despite unlimited exoneration for health reasons (tuberculosis, from which his two brothers had died, and because of which he had previously been declared unfit), he was called up for service, but not to the front. Since he was defined *"a stubborn, violent agitator, capable of causing harm on any occasion of national interest"*⁹, he was sent to Sicily, from September 1916 until July 1919.

When he returned to civilian life, he was not slow to express his criticism of the war that had just ended, which he considered a catastrophe which had resolved neither the national problems nor the social ones, but had simply caused vast destruction of men and wealth. He was intolerant of the celebrations of victory, all of a nationalist nature. On the question of the celebration of the 4 November, *"anniversary of the Victory"*, he tried to convince Filippo Turati and Claudio Treves not to take part in the commemoration ceremony - *"it is understandable that a victorious defense should be exalted; but not a victory that, for another proletariat, ends up with defeat and oppression"*¹⁰. Furthermore, he suggests contrasting the exaltation of the *"unknown soldier"* as a war hero with the interpretation of the *"unknown soldier"* as an innocent victim of the barbarity of war, as *"one who died for a world without war"*.

He was also highly critical of the peace treaties - *"Today they would like us to run to Vienna, or Berlin, or who-knows-where, to trample, to triumph, and they would willingly do exactly what the Germans did at the time"*¹¹. Matteotti was especially concerned about the economic and political consequences, after reading J. M. Keynes, J. A. Hobson, G. Cassel, F. A. Vanderlip, grasping intuitively and with great lucidity what the effects of the *"Carthaginian peace"* imposed on Germany will be. *"The indemnity should be reduced to the real capacities of the Reich, so that the payments will not last beyond the present generation, because the future generations*

will try, with every means they have, even with war, to relieve themselves from obligations that are iniquitous and extraneous to their mentality"¹². Thus Matteotti understood with great clarity that the humiliation of Germany would provoke resentment in the German people, and that this would have fatal consequences. He expressed similar considerations after the French and Belgian occupation of the Ruhr: "Nothing will be achieved through this [...], but instead new hatred will be ignited between one nation and another, new obstacles to achieving balance and reconstruction, and renewed danger of war"¹³. With this in mind, in February 1923, he drafted, along with the secretaries of the socialist parties in France, Belgium, Germany and the United Kingdom, an appeal to the League of Nations, in which they requested a drastic revision of the iniquitous economic measures imposed on Germany. And in May of the same year, for the event of the Congress in Hamburg convened to rebuild the Socialist International (in which, however, he will be unable to take part, having been deprived of his passport), he drafted an organic plan for the reparations of war and debts among allies, to be put before the respective governments.

For Matteotti, the role of the Socialist International was that of creating a condition of solidarity among working populations, convinced as he was of the common destiny of European workers: "Socialism starts with the unhappy reality of the worker [...] and operates to relieve him and to lead him towards economic and intellectual improvement. [...] It therefore strives to make him the man who lives, brother, not wolf, with men, in a better way, for solidarity and justice"¹⁴. He believed the International should seek or favour initiatives capable of "settling every conflict among peoples" and bring them closer, "with peaceful bonds". In other words, therefore, to contrast every manifestation of nationalism, even when it is concealed in the word "Patria" ("Fatherland"), given that "Those

who claim to have the monopoly of the Nation are usually the exponents of restricted business or military groups, ready to compromise the real interests of all the workers and manufacturers of their country, in order to hazard their luck in an adventure, at the expense of the State"¹⁵. In the same way: "with every contrast with enemy's nationalisms there arises a continuous justification for amassing offensive weapons and arms of war"¹⁶; whereas to strive for peaceful cohabitation of the nations, and "to achieve solidarity and organized workers' strength the world-over, the way is to bring war to a halt, and impede conflicts forever"¹⁷. Towards this aim he hoped for "the creation of a real League of Nations and, more immediately, of the United States of Europe, to replace nationalist fragmentation in an infinite number of small, turbulent, rival States"¹⁸. Matteotti did not go as far as condemning nations as obsolete structures – "the nation is a geographical and historical reality, an economic and political reality, in which we live and grow"¹⁹ –; nevertheless, he felt the need for profound reforms: "Socialism, even in the context of the nation, exists in a situation analogous to its relationship with capital. It must at the same time operate towards reforming the regime [...] while striving and co-operating to maintain the heritage of prosperity, development and progress of the Nation"²⁰. Such reforms would only be possible through the awareness of a common destiny of the working classes, as we read in one of his last speeches to the House: "We ardently urge [...] for the formation of the United States of Europe; not to be put off ideally until after the achievement of socialism, but to be hurried through, because that formation will constitute [...] recognition and brotherhood among the diverse workers of all nations, eliminating many apparently national deviations and contrasts, which are actually essentially capitalistic" (19 May 1923).

In an age like the present, characterized by the return of national rhetoric, from regurgitations of extreme nationalism to the logic of war

as the only solution, the lesson of Giacomo Matteotti, even a hundred years after his assassination, is extraordinarily topical. We might dare hope that, along with his words of accusation against fascism, pronounced in the House on 30 April 1924, there may be an echo of these words too: *“from constant observation and direct experience, the real causes of conflicts between Nations are almost invariably the*

exaggerations of nationalism, the degeneration of the spirit of defense into that of aggression, and the obscure contrast of capitalisms; the consequences are an increase in the suffering and impoverishment of the workers whether on the winning or the losing side, sowing the seeds of new causes of conflict...” And there must surely be the basis for a *“steadfast international action in opposition to conflicts and war”*.

¹ Directive of the Unitary Socialist Party, April 1923.

² *“La Lotta”*, 10 October 1914. *“La Lotta”* was the weekly newspaper of the Polesine Socialist Party, published between 1899 and 1924 (except during the Great war).

³ *“Corriere del Polesine”*, 28 November 1912. *“Corriere del Polesine”* was a daily newspaper printed in Rovigo from 1890 to 1927; it reported on the interests of local landowners.

⁴ *“La Lotta”*, 8 May 1915.

⁵ *“La Lotta”*, 24 October 1914.

⁶ *“Critica sociale”*, 1 February 1915. *“Critica sociale”* was the Italian Socialist Party magazine, founded in 1891 by Anna Kulishoff and Filippo Turati; it was suppressed in 1926.

⁷ Letters to Velia, September 1914.

⁸ *“La Lotta”*, 24 October 1914

⁹ Telegram from the Supreme Command to the Ministry of the Interior, 12 July 1916.

¹⁰ Letter to Turati, November 1923.

¹¹ Letter to Velia, November 1918.

¹² *“La Giustizia”*, 9 December 1922. *“La Giustizia”* was a weekly magazine and then, from 1904, a daily newspaper with socialist leanings, founded in 1886 by Camillo Prampolini; from October 1922 it became the official voice of the Unitary Socialist Party.

¹³ *“La Brianza Lavoratrice”*, 19 January 1923. *“La Brianza Lavoratrice”* was the weekly magazine of the Monza Socialist Party founded in 1898.

¹⁴ Directive of the Unitary Socialist Party, April 1923.

¹⁵ *“La Brianza Lavoratrice”*, 19 January 1923.

¹⁶ Directive of the Unitary Socialist Party, April 1923.

¹⁷ *Ibidem*

¹⁸ *Ibidem*

¹⁹ *Ibidem*

²⁰ *Ibidem*

Federalism as a Key Factor of Constitutional Identity of Bosnia and Herzegovina

Aleksa Nikolić

Abstract. In this brief article, the author explores the issue of the (non)existence of the constitutional identity of Bosnia and Herzegovina. After a brief theoretical analysis of the concept of constitutional identity, the author identifies criteria for defining it in Bosnia and Herzegovina. In essence, the constitutional identity of BiH is composed of two entities (Republika Srpska and the Federation of Bosnia and Herzegovina) as well as three constituent nations (Serbs, Croats, and Bosniaks) and Others. In other words, the constitutional identity of Bosnia and Herzegovina comprises territorial federalism (entities) and non-territorial federalism (constituent peoples and others). Subsequently, the author examines whether the concept of constitutional identity is applied in BiH through the prism of analyzing the composition of the Constitutional Court of Bosnia and Herzegovina, drawing certain conclusions in this regard.

What is constitutional identity? A Theoretical approach

“Latterly, during his presentation on the topic “National Constitutional Identity in front of the European Union” at an international scientific conference held at the University of Belgrade, Faculty of Law, at the end of May 2022, Professor of Constitutional Law from Sorbonne, Bertrand Mathieu, initiated a debate on constitutional identity and its understanding in Europe. After asserting that the main component of Greece’s constitutional identity is the Orthodox Church, Mathieu received a question from the audience: “What is the main component of Serbia’s constitutional identity?” He responded: “Probably Kosovo... and maybe the European Union (EU) ... after all, assess it yourselves, that’s why there are referendums.” (Nikolić 2024).”

It seems that the question of constitutional identity is far more complex and multifaceted than Bertrand Mathieu’s initial response might suggest. It cannot be simplified to such an extent, as various factors and indicators must be taken into account – not only legal but also

political, sociological, historical, cultural, and so on... Only such an approach, even though it is often criticized in academia as subjective and unbalanced, is capable of revealing what lies “behind the Constitution,” or which “forces” influence its creator.

So, what is constitutional identity? The most prominent scholars in Constitutional law and Political Science worldwide have attempted to “decipher” what the best, most accurate, and most righteous definition of constitutional identity would be. Naturally, each of them arrived at a different conclusion, as their approaches and methodologies varied. For Michael Rosenfeld (2012), the concepts of constitutional identity range from focusing on the actual characteristics and provisions of the constitution – the system of power or the form of government in a specific case – to the relationships between the constitution and other relevant identities, such as national, religious, and ideological. Gary Jeffrey Jacobsohn (2010) thinks along similar lines, though his own definition of constitutional

identity includes another crucial element – history. “The constitution acquires identity through experience,” he says, as it “represents the past of a state as well as the determination of society to overcome that past.” At last, authors like Pietro Faraguna (2017) consider that constitutional identity “serves as a cognitive tool to recognize the identity of a constitution despite all transformations, modifications and amendment that occurred in a given constitutional experience – *constitutional identity despite differences*. In this sense, for example, a constitution may remain the “same” as the one originally adopted, despite several amendments and interpretative transformations. Its self may not change, despite all textual and interpretative differences brought by decades or centuries of constitutional experience.”

Professors of Constitutional Law at the University of Belgrade Faculty of Law have attempted to define this theoretical question that has puzzled renowned figures in Constitutional law and political science for decades. Scholars like Tanasije Marinković note that constitutional identity consists of basic constitutional values and can be uncovered through the analysis of old historical constitutions, as certain legal norms remain in force even if they were not explicitly written in a constitution. Vladan Petrov “discovers” constitutional identity in the constitutional text, defining it as a collection of “general and specific constitutional principles, as well as constitutional values.” In other words, it is the “constitutional core” of a state, the foundation upon which the constitutional model of a state rests.

Constitutional identity of Bosnia and Herzegovina. A Practical approach.

If we consider constitutional identity as a set of fundamental constitutional values contained in the constitution of a country, the question arises: what constitutes the constitutional

identity of Bosnia and Herzegovina (if it exists at all)? In a very simplified manner, it seems to be the “binding fabric” from which Bosnia and Herzegovina is woven – the existence of two entities (Republika Srpska, RS, and the Federation of Bosnia and Herzegovina, FBiH) and three constituent peoples (Serbs, Croats and Bosniaks) (see *Dayton Constitution of BiH*, Preamble and Art. I/3). The existence of entities with full, original powers, as well as guaranteeing the rights of constituent nations, is the only guarantee for the survival of post-Dayton Bosnia and Herzegovina. Therefore, the constitutional identity of Bosnia and Herzegovina consists of Republika Srpska (RS) and the Federation of Bosnia and Herzegovina (FBiH), which are also (some of the) signatories of the Dayton Peace Agreement, as well as Serbs, Croats, and Bosniaks as constituent peoples in Bosnia and Herzegovina, along with the Others, according to the earlier judgments of the European Court of Human Rights (ECtHR) dictate.¹ In other words, the constitutional identity of BiH consists of elements of territorial (RS and FBiH) and non-territorial federalism (Serbs, Croats, Bosniaks and Others).

Constitutional identity and Constitutional Court of BiH. Requiem for a Dream?

If we perceive constitutional identity as a set of fundamental constitutional values contained in the constitution of a country, the question arises: why isn’t the Constitutional Court of Bosnia and Herzegovina composed of those who best represent the constitutional identity of BiH? Why doesn’t the Constitutional Court of BiH embody the constitutional identity of the country - representatives of RS and the FBiH from the ranks of all three constituent peoples (Serbs, Croats, and Bosniaks), as well as Others (as earlier judgments of the European Court of Human Rights (ECtHR) dictate), but includes international judges? The answer to this question only partially “lies” in the constitutional text itself. The

Constitution of BiH in Article VI/1 stipulates that the Constitutional Court of BiH consists of nine members – four appointed by the FBiH and two by RS. The remaining three members are appointed by the President of the ECtHR, following consultations with the Presidency of BiH. However, this decision-making method has been causing a crisis in BiH from the beginning, often leading to the overvoting of Serbs and Croats, as well as unconstitutional and anti-Dayton actions. This has culminated in the last two years with the adoption of the Law on Non-Implementation of Decisions of the Constitutional Court of BiH in Republika Srpska, as well as the departure of Serbian judges from the Constitutional Court of BiH. The Constitutional Court of Bosnia and Herzegovina is currently lacking one judge from the Croatian ethnic group, and, by 2026, all “domestic” judges are expected to retire, leaving only foreign judges in its composition. What is the legitimacy of an institution where only judges from Germany, Switzerland, and Albania are present instead of “domestic” judges? Is there any country in the world where the guardian of the constitution is a “foreigner”? This absurdity should be addressed by changing the method of selection and composition of judges in the Constitutional Court of Bosnia and Herzegovina. This has been repeatedly emphasized as an obligation of Bosnia and Herzegovina towards the EU, especially now that Bosnia and Herzegovina has been given the green light to start negotiations with the EU (see Key Priority No.

4, European Commission Report 2023, SWD (2023) 691 final). Mischievous politicians in BiH argue that such activity would constitute an unconstitutional move, demonstrating a fundamental lack of understanding of their own state’s constitution. The Constitution of BiH in Article VI/4 allows the Parliamentary Assembly of BiH, five years after the first appointment of foreign judges, to legislate a different method of selecting these three judges. Therefore, the Constitution of BiH itself provides the possibility of protecting the constitutional identity of BiH by placing within legal frameworks the possibility of changing the method of selection and composition of the Constitutional Court of BiH.

It seems that in Bosnia and Herzegovina, there are attempts to change the constitutional architecture of the country – its foundations are being altered, which could lead to the collapse of the structure itself. However, for it to survive, it is necessary to return to strengthening its foundations, and that means respecting the Dayton Constitution of BiH. In this way, the constitutional identity of Bosnia and Herzegovina, consisting of Republika Srpska and the Federation of Bosnia and Herzegovina, along with all their Daytonian competencies, including the three constituent peoples and Others in BiH, is preserved. Only such Bosnia and Herzegovina fulfills the fundamental values of the EU outlined in Article 2 of the Treaty on European Union (TEU), and only such Bosnia and Herzegovina has a future in the EU.

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The Milei Phenomenon

Fernando Iglesias

It is quite complicated to talk about the Milei phenomenon, which has very local characteristics, to a European public. We always start with an inevitable confusion. Seen from Europe, Milei is the Argentine counterpart of Bolsonaro, Trump, Orban and so on. False friends, they say in linguistics. This way of seeing things, based on the left-right distinction that belongs to civil and democratically consolidated societies, does not take into account the Latin American reality, nor, even less, the Argentine one, which has always been very peculiar. Using the left-right scheme to understand the Milei phenomenon is like trying to orient yourself in the Amazon with a map of the Manhattan subway.

I will try to say it briefly and brutally, hoping not to offend anyone: Argentina is not New York, but Sicily. And Sicily before Falcone. The central distinction, therefore, is not between right and left, but between those who are with the mafia and those who are against the mafia. The mafia, of course, is Peronism, which arrived in 1945 in a country that was the ninth richest in the world and had the most advanced social legislation and public education in Latin America, and much of Europe; in eighty years it has destroyed the country with the invaluable help of its complementary ally-enemy, also born from the armed forces: the Military Party. In 1945, Italians, Spaniards and Europeans in general were migrating to the Argentina before Perón. Today, their grandchildren flee to the countries abandoned by their ancestors, looking for a place to live like normal people.

The Milei phenomenon must be understood in this perspective; he may resemble Trump and

Bolsonaro in his way of speaking, but he has no power to carry out a reactionary program.

You cannot understand Milei without understanding this, or without observing that in these last twenty years of Kirchner-style Peronism all Latin American countries – except us – have made great steps forward. With right-wing governments and left-wing governments, but without conniving with mafias in command. Greater production, less poverty, net progress in health and public education, single-digit inflation. Here, despite the very favorable international context, we are far behind. Thus, talking of center-left politics in referring to the last Peronist cycle is just a joke. The economy is destroyed. There is no petrol in a country that has the second largest reserves of non-conventional gas and oil in the world. The Central Bank is in the red; public debt is the highest ever, under that government. And, above all, there has been a 211% inflation in 2023, and five million more indigent people in just four years. All this, while they sing the hymn to Perón, a great admirer of the *Duce* and leader of the workers... Is this possibly centre-left?

From the resulting malaise, Milei comes out. The Milei phenomenon is to be understood in this perspective: he may resemble in his way of speaking Trump and Bolsonaro, but from an operational point of view he has no power to carry out a reactionary program. Trump has the Republican Party with him. Bolsonaro has the evangelists, the consolidated Brazilian right and the army. Milei has almost no party. Milei has nothing except the vote of 56% of Argentines. His is the government with the lowest parliamentary power in Argentine

Comments

history, and depends heavily on allies whose democratic and republican tradition is beyond question; and with that so faint a following he has to face the largest economic crisis in our history, full of dramatic episodes. A hyperinflationary crisis is now very likely, with potentially devastating social consequences. Therefore, the problem of the Milei government is not that he has too much power and could change for the worse, but that he has too little power for changing a nationalist and corporate economic model, which must be changed lest the country explodes.

The same goes for international relations. Of course, during the campaign Milei made statements against the UN and its 2030 Agenda, promised to leave the Mercosur, and drew up a Bolsonaro-style program. But in practice, since the Foreign Minister Diana Mondino has been in government, everything has proceeded reasonably. Indeed, much better than with the previous government, which made great speeches but ended up being an ally of Putin ("the door is open to Russia in Latin America", Fernandez promised Putin two weeks before the invasion), so much so that it left the country to China with loans and concessions for public works, further damaging the Mercosur and putting it at risk of breaking up; blocking the European Union-Mercosur agreement; and being the active supporter in the region of the Iranian regime and the worst Latin American dictatorships: Venezuela and Cuba.

Milei's international program, however, is perfectly in line with a progressive and federalist vision. First of all: full support to the European Union-Mercosur agreement, whose approval, prepared by the Macri government, would be an enormous positive example of an alliance between two models of regional integration, and would constitute the largest

common market in the world. Mondino also resumed negotiations to incorporate Argentina into the OECD, started by the Macri government and interrupted by the Peronist Fernandez for obvious reasons: the transparency of administrative practices that Argentina should guarantee to the OECD is against the central interest of the Peronist mafia: appropriating state funds, as has been done during this twenty-year period, the most corrupt in our history.

Furthermore, Milei's Argentina is also resuming contacts with all countries and all continental blocs in the world, including NAFTA and the Trans-Pacific Partnership (TPP). The goal of a country that takes the side of international law and is in favor of an economy open to the world (as Argentina was before Peronism) is part of Milei government's program. And, given the result of the protectionism of recent years, which has made Argentina (along with Venezuela) the only Latin American country that has suffered setbacks, I cannot agree more.

As a Spinellian that I am, I love facts more than speeches. For this reason I believe that, without excluding problems deriving from an at least complex personality as Milei's, or possible accidents along the way, Argentina's international situation can only improve. There is no need of magic, just common sense: Peronism has set the bar so low that it is difficult to do worse. Guarantees? None. As an Italian cosmopolitan friend of mine said when I confided to him my ideas, full of optimism and hope: "*chi vivrà vedrà*" [only time will tell]. In fact, history remains open, but the past and its facts cannot be changed. If I understand correctly, it is from the facts - and not from desires and ideological schemes, that have nothing to do with reality - that we must start from. Let's try.

“Promotion of Inclusive and Effective International Tax Cooperation” Resolution at the UN: Is It a Turning Point?

Claudia D’Antonio, Soumaia Bouchbika

The resolution A/RES/77/244, titled “Promotion of Inclusive and Effective International Tax Cooperation at the United Nations”, and presented by the African Group during the United Nations Assembly session held in November 2023, passed with 125 votes in favour, 48 votes against and 9 abstentions. Among the ones who voted against are the United States, the European Union and Japan.

The proposal – which calls for a reform of the global tax architecture and aims at making actual fiscal rules more equitable and inclusive – has been saluted by many as a turning point for the role of African countries in UN affairs. The resolution not only resonates with one of the goals established in the African Union (AU) Agenda 2063 – that is to say, the reinforcement of tax systems and the pursuit of tax equity –, but would also advance the achievement of the UN sustainable development goals.

Moreover, the proposal is expected to bring relevant advantages, especially to developing countries which, according to H.E. Tijjani Muhammad-Bande, Permanent Representative of Nigeria, would have “a greater ability to mobilize domestic resources, directly fuelling development projects and social welfare programs”.

According to data collected by the International Monetary Fund, the enhancement of

international tax cooperation would result in the significant reduction of tax evasion, as well as illicit financial flows (IFF), which so far have divested African countries of considerable amounts of funds. Specifically, UNCTAD (United Nations Conference on Trade and Development) researchers have shown that each year a capital flight of about 90 billion dollars in the form of IFF, which accounts for 4% of the GDP of Africa, is recorded. The resolution directly targets affiliates of multinational corporations, which under current fiscal treaties are considered as if they were separate entities and, due to the fact that they are often registered in fiscal havens, they do not have to pay taxes in the countries they operate in.

Although discussed for over a decade among the OECD (Organization for Economic Cooperation and Development) members, the proposal for the creation of a global fiscal treaty did not produce significant results. One of the main opposers of the proposal is the European Union, which leans towards a rather flexible approach implying a “non-binding multilateral agenda”. However, this attitude is at odds with a resolution of the European Parliament stating the need for a UN convention to fight tax fraud and illicit financial flows. It is precisely the failure of the developed countries to elaborate a plan to reshape the fiscal architecture that pushed the African group – supported by superpowers like Russia and China – to take initiative within the UN.

Comments

Even though the path to redefine the tax architecture and ensure its fairness is going to be complex and challenging, this resolution represents a beacon of hope. It is no coincidence that the impetus for drafting a tax resolution came from African countries: as a matter of fact, they are the ones most affected by tax evasion and illicit financial flows, that exceed development aid, as Euractiv reports. Heralded as a historical turning point, the resolution is not only expected to bring unprecedented benefits

to Africa, but also represents a first step towards equity and inclusivity within the UN.

Indeed, this proposal challenges the actual balance of power, which have hitherto granted countries of the global North supremacy in fiscal matters. In so doing, the UN would finally become a truly universal and democratic institution, ensuring all countries the ability to express their voice especially with regards to such an urgent matter.

The Decline of Democracy According to Two Research Centres

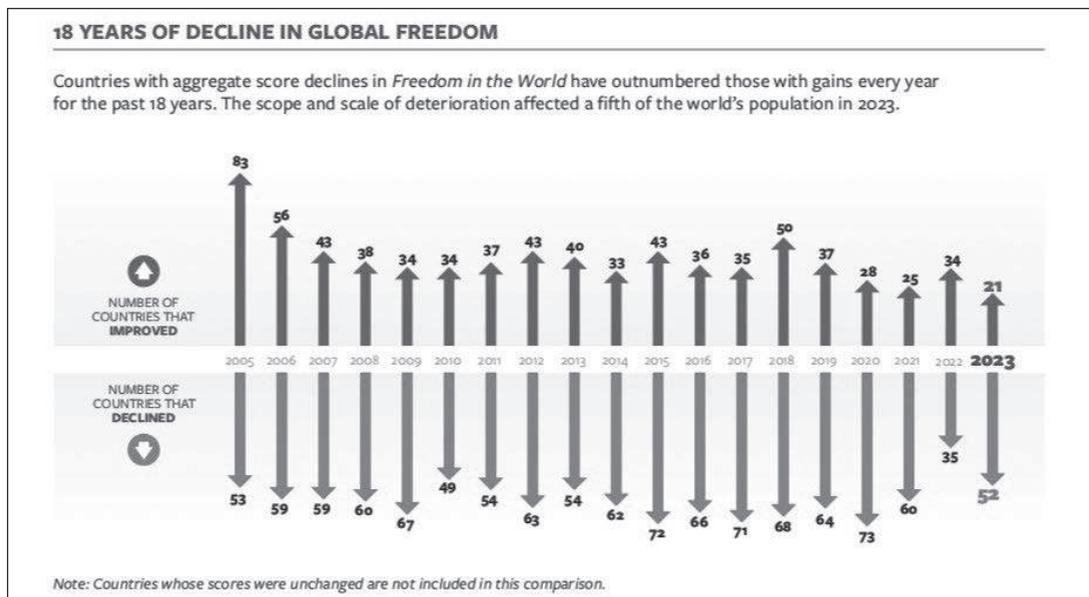
Rodrigo Lima

Since 1973, Freedom House has published its annual report that assesses the level of political rights and civil liberties around the world, gathering data and information from around 210 countries and territories.

The “Freedom in the World 2024” report¹ was released on February 29th, titled “*The Mounting Damage of Flawed Elections and Armed Conflict*”. According to the report, 2023 marked the 18th consecutive year of global freedom decline, with a worrying rate of deterioration. Political rights and civil liberties were undermined in 52 countries, affecting one-fifth of the world’s population, while only 21 showed improvements. The downturn in rights

and freedom was mostly due to attacks on pluralism, with flawed elections and armed conflicts being the main causes, as the title suggests.

The manipulation of elections contributed to the decline of freedom scores in 26 countries and took various forms. Incumbents attempted to control electoral competition, hinder their political opponents, or prevent them from assuming power after the election day in countries such as Cambodia, Guatemala, Poland, Turkey, and Zimbabwe. Elections were disrupted by violent criminal organizations in Ecuador, and military coups occurred in Niger and Gabon.



Number of countries that improved or declined since 2005. Source: Freedom in the World 2024, p. 2

Borderless Debate: The Retreat of Democracy in the Word

Additionally, 2023 witnessed new episodes of shocking conflicts, such as the one in the Gaza Strip between Hamas and Israel, the military offensive of Azerbaijan in Nagorno-Karabakh, and ongoing conflicts like Russia's full invasion of Ukraine and civil wars in Myanmar and Sudan.

According to data released on Freedom House's website, out of the 210 countries and territories covered in the report, there are now 84 rated as free (2023: 85), 59 as partly free (2023: 58) and 67 as not free (2023: 67). Furthermore, the organization based in Washington D.C. rated 110 out of 195 countries as "electoral democracies", the same figure as in the previous year. In 2022, the number stood at 115.

Regional trends

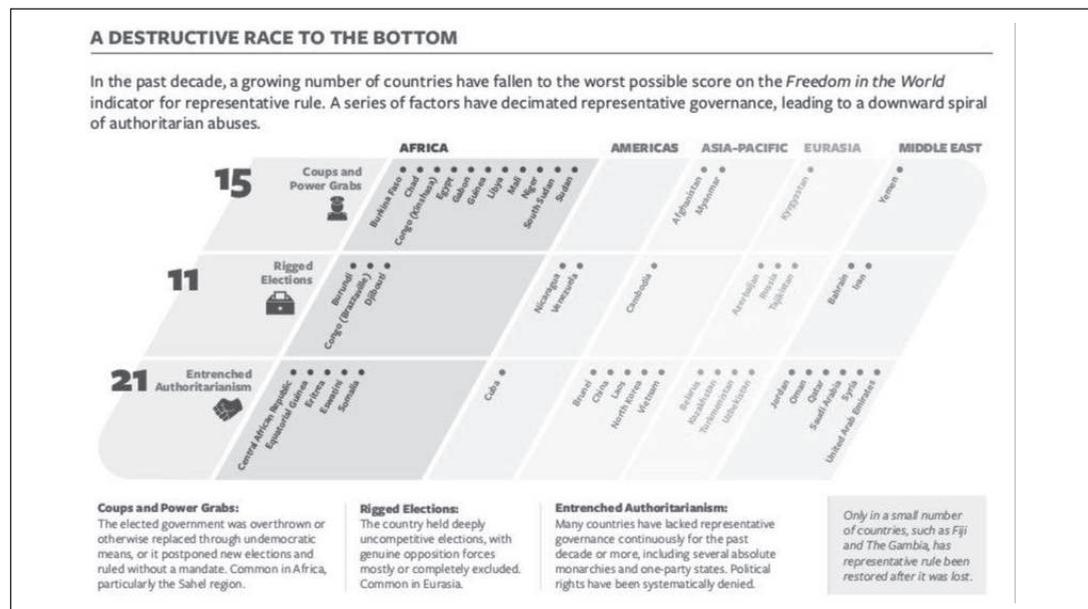
The decline in global freedom occurred across the six regions highlighted by the report. Africa experienced a decline in freedom scores for the 10th consecutive year, with coups and flawed elections being prominent. Elections in Nigeria, Zimbabwe, and Madagascar faced

accusations of electoral fraud and episodes of political violence. Conflicts in Sudan and the Democratic Republic of the Congo were characterized by human rights abuses and the wave of coups continued in the continent in Niger and Gabon.

In the Americas, no country showed improvements in freedom, with nine recording score declines.

The negative trend was driven by political repression and increases in criminal violence. Ecuador, for example, transitioned from Free to Partly Free due to a significant rise in violent crime perpetrated by organized criminal groups.

The deterioration of freedom in the Asia-Pacific region was marked by efforts to undermine pluralism and political opposition, such as the exclusion of pro-democracy candidates from district elections in Hong Kong, and the opposition's boycott of an electoral campaign in Bangladesh.



Worst rated "Not Free" countries in the last decade sorted by region. Source: Freedom in the World 2024, p. 11.

Eurasia witnessed a dramatic decline in freedom in 2023, characterized by the conflict in Nagorno-Karabakh and increased repression in Russia during the second year of the full-scale Russian war against Ukraine. Nagorno-Karabakh experienced the largest decline in freedom in 2023, transitioning from Partly Free to Not Free, after a blockade and military offensive by the Azerbaijani regime led to the capitulation of its separatist government and the de-facto expulsion of its ethnic Armenian population.

In Europe, the freest region in the world, freedom declined due to worsening government performance, marked by growing concerns regarding corruption and lack of transparency.

Finally, in the Middle East, the region with the least freedom in the world, hosting 90% of its population in countries and territories categorized as Not Free, the already repressive status quo was deepened by the conflict in Gaza. This conflict contributed to an overall decline in freedom for Israel, Gaza, and the Middle East in general in 2023.

Positive events

Despite the overall decrease in global freedom during 2023, some positive developments occurred. For instance, Liberia successfully conducted unassisted elections, and progress was made with regard to LGBT+ rights in several African countries, despite setbacks in others. Fiji experienced the world's largest score improvement in the Asia-Pacific region, due to a smooth transfer of power after elections in late 2022, leaving behind an autocratic legacy.

Citizens and elected governments in Eurasia took steps to distance themselves from Moscow's authoritarian influence, with countries like Moldova and Armenia leading the way. Poland's newly elected government is promoting an important reform agenda, which may reverse a decade-long decline in

democracy, and multiple advances in LGBT+ legislation were made in Europe.

Despite the negative trends that create an unfavourable environment for democracy, especially during the most important electoral year² in human history, there is still room for hope. The report is not only descriptive, but draws some policy recommendations to face the escalation in the decline of freedom. The report emphasizes that "by drawing strength from diversity, protecting dissent, and building international coalitions to support their norms and values, democratic forces can still reverse the long decline in global freedom".

The V-Dem Institute based in Gothenburg in Sweden has presented its annual report on the state of global democracy for the 8th consecutive year, gathering information from 202 countries and measuring over 600 different attributes of democracy. The report has become one of the most prominent sources in the state of democracy around the world.

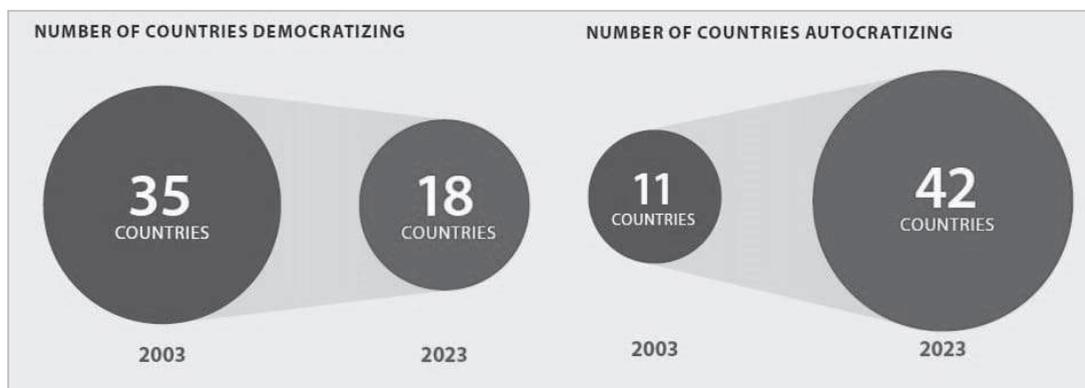
The V-Dem Democracy Report 2024, titled "*Democracy Winning and Losing at the Ballot*", highlights the continuity of an autocratic trend in the world, noted by previous reports from V-Dem and other organizations such as Freedom House, the Economist Intelligence Unit or International IDEA. According to V-Dem, the share of the world's population living in autocratic countries since 2009 has exceeded the proportion of those living in democratic countries, with 71% of the world's population or 5.7 billion people currently living in autocracies. This constitutes a 48% increase compared to ten years ago.

According to the report, autocratic trends in 2023 were ongoing in 42 countries, home to 35% of the world's population, while democratic trends were taking place in 18 countries, hosting only 5% of the world's population.

Borderless Debate: The Retreat of Democracy in the Word

Sorted by regime types identified by V-Dem in 2023, 32 countries in the world were considered liberal democracies, 59 electoral democracies, 55 electoral autocracies and 33

closed autocracies. Compared to 2022, there was little change in this regard, except that the number of electoral democracies stood at 58 and that of electoral autocracies at 56.



The autocratization wave in numbers. Source: V-Dem Democracy Report 2024, p. 7.

Within this global trend, the level of democracy was experiencing a particular decline in Eastern Europe and Asia. The level of democracy enjoyed by the average person in Eastern Europe has fallen to levels similar to those of 1990, before the collapse of the Soviet Union, V-Dem finds. Notable examples include Russia and Belarus, which stand out as examples of autocratic consolidation, while Hungary, Serbia, Croatia, and Romania lead the autocratic trend in the region. In Asia, the level of democracy is steeply declining, with the levels of liberal democracy reverting back to those of 1975, led by the remarkable and relevant case of democratic deterioration in India.

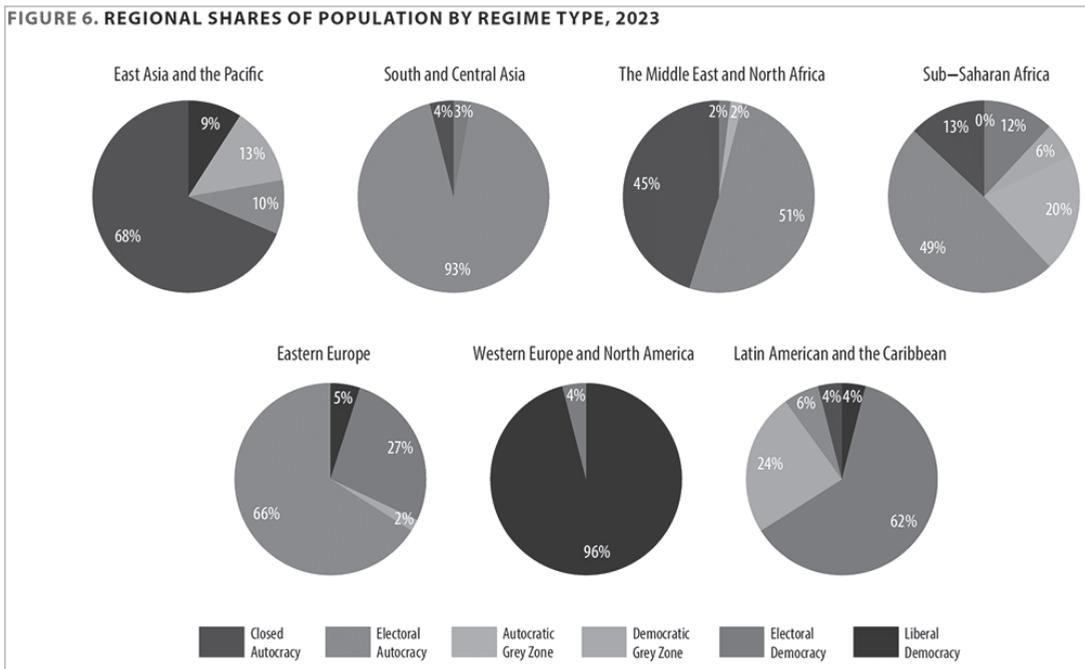
Conversely, the case of Latin-America stands out, as the level of democracy enjoyed by the average person in this region increased in the past year. The major contribution towards this change were the recent democratic improvements in Brazil, in addition to those in smaller countries like Bolivia or Honduras. However, it is important to note that the region stands out because a large country is democratizing, while more smaller countries are autocratizing.

Regarding other regions in the world, Sub-Saharan Africa's democracy levels are equivalent to those around the year 2000. In East Asia and the Pacific, the Middle East and North Africa, and Western Europe and North America, the levels of democracy remain stable for the last two years, although there are declines in the population-weighted data over the past decade.

Freedom of expression and elections

From all the components of democracy identified and analyzed by V-Dem, all of them are getting worse in more countries than where they are improving, with freedom of expression and elections being the most affected ones. Freedom of expression "remains the worst-affected component of democracy, and is worsening in 35 countries in 2023", V-Dem reports; this includes media freedom, freedom of citizens to discuss political issues, and freedom of academic and cultural expression. This component is the most targeted by aspiring autocrats, with the indicator of government censorship of the media as the number one declining indicator in 2023. Among the governments which are the worst offenders in this category we can find El Salvador, India and Mauritius.

FIGURE 6. REGIONAL SHARES OF POPULATION BY REGIME TYPE, 2023



Regional shares of population by regime type, 2023. Source: V-Dem Democracy Report 2024, p. 7.

Clean elections, a core institution of democracy which used to be relatively unaffected, appears now in the V-Dem report as the second worst affected component, “deteriorating in 23 countries and improving in twelve”. The indicator of free and fair elections is suffering the biggest decline within this component, deteriorating in 35 countries in 2023, in comparison with 30 in 2022 and 16 in 2019. Bangladesh, Egypt, and Venezuela are prominent examples where the most recent elections were significantly less free and fair.

What Comes Next?

The V-Dem report dedicates a chapter to the challenges and hopes for democracy in 2024. Five countries are identified as “near misses of autocratization,” indicating signs of democratic deterioration that could lead to an autocratization process in the near future, if

the current trajectory continues. This includes Georgia, Ivory Coast, Mozambique and Gabon. On the bright side, 9 countries are “near misses of democratization”, which means that they can convert into democratizing countries in the course of this year. Examples of such countries include Argentina, Nepal, Kenya and Malaysia.

2024 represents a pivotal point for democracy, with approximately 60 countries holding national elections this year. However, the outlook is not promising, as out of these 60 countries “31 are worsening on their democracy levels, while only 3 are improving”. These elections are critical events as they can “trigger democratization, enable autocratization, or aid stabilization of autocratic regimes”. The outcomes and the way these elections are conducted will undoubtedly shape the trajectory of democracy in the years to come.

¹ <https://freedomhouse.org/report/freedom-world/2024/mounting-damage-flawed-elections-and-armed-conflict>. For better-detailed images, go to <https://socialpresskit.com/fiw24>

² <https://www.democracywithoutborders.org/30990/in-2024-elections-will-be-held-in-over-seventy-countries/>

Voting Is No Longer the Act that Produces Legitimacy to Govern

Dominique Rousseau

“Hybrid regime of electoral autocracy”. This is the qualification that the European Parliament adopted on September 15, 2022, to designate the political system of Hungary. That country is no longer a democracy, the European parliamentarians judged by 433 votes for, 123 against and 28 abstentions. This new constitutional category could dangerously fill up in the years, if not the months, to come. Other countries could follow. The threats are known: the union of the right and the extreme right is in power in Italy and in Hungary; it brings under its influence the governments in Sweden, Denmark and the Netherlands; in Spain, the country of Franco, the right and the far right together run five regions, and in Portugal, the country of Salazar, the *Chega!* Party reaches 12%; the democratic idea is obsolete, says Putin; the Chinese model is the alternative to the democratic model, proclaims Xi Jinping.

And France is not spared. Marine Le Pen obtained 42% of the votes in the presidential election, and with 89 deputies she has the first parliamentary opposition group, positioning herself as a government force. Thus, the feeling of the inevitable decline of democratic values, of the announced fall of democracies, like the fall of the Roman Empire, is gradually spreading in the minds of citizens.

At the newspaper *La Croix*, more than 100 journalists work to provide precise and verified quality information.

The decline of democracies

Democracy is no longer so obvious. While Fukuyama diagnosed in 1992, after the fall of the Berlin Wall, *“the end of history”* with the victory of capitalism over communism and of democracy over dictatorship, we must note, thirty years later, that history continues, that authoritarian regimes return and democracies retreat.

They back off but resist. Because democracy remains a key idea that continues because in the experience of daily life, that of cities, neighborhoods, workplaces, we live “with each other”, according to the title of a book (2005) by sociologist François de Singly, because the law, that of the Declaration of 1789, teaches citizens to live with each other without distinction of race, religion, opinions, skin color or sexual orientation, because the law always gives citizens freedom of expression, freedom of assembly, freedom to demand and contest and therefore protects freedom of the press, academic freedom and independence of justice. Undoubtedly, voting is no longer the act which produces the legitimacy to govern and formalizes an adherence; undoubtedly the national framework in which democracy took place is unraveling.

New strength relationships

But the vote and the nation are not the only two conditions for democracy to be possible, and the “decline of their efficiency” does not mark the death of democracies. In their representative form, perhaps. But not of

democracy. Which continues with the struggles of which it is the object and which have as their stake the production of new codes of legitimacy. Thus, among all the principles that are emerging, there is one that could anticipate this democratic recomposition: the normative capacity of the public space. Far from being a place empty of law, it appears more and more as a social place where, through deliberation and the confrontation of arguments, the general will is formed on questions arising from daily life – social protection, food quality, family organization, the expression of religious beliefs...

And even more, a place which, through the mobilization of its actors, builds up a force capable of imposing their “agenda” on the political representatives, that is to say, capable of forcing them to answer the questions on which those actors have mobilized and, depending on the strength relationships, make them move in the direction of the proposals they have formulated.

The role of jurists

If there may be democratic concern, it is there, in this particular moment of transition from one code to another, in this moment when a

society questions itself about the routinized principles of its living-together, without clearly perceiving or getting to name the new ones that emerge, where all the feelings mix: apathy and enthusiasm, discouragement and hope, nostalgic idealization of the past and dreaming of bright tomorrows... Hence the importance of the words of Antonio Guterres, Secretary General of the UN, “*do celebrate the promise that democracy holds, and speak out against the many threats that weigh on it, in this time of tension and upheaval*”.

In this unique moment, in fact, jurists cannot stay in their laboratory. They have a public responsibility to voice the threats, to imagine the paths of this “passage”, to propose the principles and the institutions of a new state of democracy, where its representatives would be forced to put themselves at the service of the people, and no longer feel free to avail themselves of the people to legitimize their own power. In order to remind that democracy is the power of the citizens to “keep an eye on” the State and to “speak out” when it embarks on authoritarian policies. The eye and the voice are precisely what authoritarian regimes want to kill. But from the depths of a prison a Mandela will always emerge.

Towards a Democratic Global Governance. Mobilizing with Transnational Climate Movements

Michele Fiorillo and Nicola Vallinoto

World Parliament Right Now', 'System Change, Not Climate Change', 'European Federation Right Now' – these words resounded through the streets of Ventotene on 7 September 2023, in a procession that started with banners and flags from the federalist seminar at the Terracini auditorium and ended with a flash mob in Piazza Castello in front of the island's town hall. This public mobilization united federalist demands with those of climate justice brought forward by the young ecological activists of Fridays for Future, who were present with the banner "*Siamo agli sgoccioli*" ('We are running out of time'). The common claim emphasised the need for common institutions and stronger European and global governance in the face of global emergencies.

The spokesperson of Fridays For Future Italy, Alessandro Marconi, had also taken part the day before in the preparatory public debate for the parade held in the outdoor spaces of the Bar Verde – formerly the "Rosselli canteen" of the "Giustizia e Libertà" group- in Ventotene's piazza Castello. The debate, entitled 'European Constituent/Earth Constitution: between climate crisis, global challenges and a new transnational democracy', was co-organised by the Citizens Take Over Europe (CTOE) coalition – composed of more than 70 NGOs- in collaboration with Natura Comune, Fridays for Future, MFE/UEF Italy, World Federalist Movement, GFE/JEF Italy, European Movement

and Constitutional Circus. Along with Alessandro Marconi (FFF) the meeting featured among the speakers Paul Blokker (University of Bologna/CTOE), Virgilio Dastoli (President of the European Movement), Fernando Iglesias (President of the World Federalist Movement), Luisa Trumellini (MFE National Secretary), Antonio Argenziano (President JEF Europe) and, remotely, Susanna Cafaro (University of Salento) and Luigi Ferrajoli (University of Roma Tre), with an introduction by Michele Fiorillo (Scuola Normale Superiore/CTOE), promoter of the debate and, together with Nicola Vallinoto (WFM Executive Committee) and Gianluca Bonato (GFE/JEF Italy President) organizer of the demonstration and flash mob in front of the Ventotene Municipality.

Some of the themes that emerged from the round table, as well as the intent to continue the collaboration with Fridays for Future, were also taken up in the motion on world federalism for the MFE Congress in Pisa (27-29 October 2023), drafted by the WFM Congress Delegates (Cuozzo, Fiorillo, Levi, Montani, Moro, Vallinoto) and approved by a large majority. Here are some lines from the motion: "*Going forward, further campaigns and initiatives related to the current situation should be promoted, such as: the continuation of joint action with Fridays For Future and environmental movements, promoted in Ventotene with a march and meeting during the Federalist Seminar (September 2023);*

the search for a common position for a Global Green Deal between UEF and WFM; the Earth Constitution to manage global public goods; a transnational deliberative democracy". To strengthen the common mobilizations with Fridays for Future and other transnational climate movements, as Extinction Rebellion, here is now our proposal for the next steps for the World Federalist Movement: let's

start as soon as possible a new Transnational Working Group on Climate Crisis and Global Green New Deal. Such a space will serve as a free platform of exchange of ideas, production of policies, a pedagogic moment on federalism theory for the young movements and an accelerator of joint activities at the world scale, towards a more democratic global governance.

Putin Is Rehabilitating Hitler

In June 2023, Russian President Vladimir Putin published in the American bi-monthly international relations magazine, *The National Interest*, an article justifying the Molotov-Ribbentrop Pact that was signed on August 23, 1939, a few days before the start of the Second World War. The pact was a Soviet-Nazi non-aggression treaty, under which the two former enemies agreed not to attack each other. A secret protocol resolved the partition of Eastern Europe into Soviet and Nazi spheres of influence. Poland was divided between Nazi Germany and Russia, while the Baltic States and Bessarabia were assigned to the USSR.

The Soviet Union was primarily responsible for the defeat of Nazi Germany. This result had an enormous cost in terms of human lives, there were 26 million Russian casualties. Putin's interpretation aimed to explain that Hitler's goal was the reunification of German territories and, since Poland refused to cede them peacefully, it bears responsibility for WWII. There is no doubt that Russian aggression against Ukraine has prompted this interpretation of an historical event. The authoritarian drift that Russia is taking after the Gorbachev era is part of a general trend, including in the US, with growing concern that Trump could win the next presidential elections. This trend poses a threat to liberal democracy, and we are already seeing the decline of democratic institutions in Hungary, Turkey and Israel, where the aforementioned drift is underway.

In conclusion, it is worth adding that Putin's shadow hangs over the formation of the new parliamentary alliance that emerged after the European elections, called "Patriots for Europe", led by the Hungarian Prime Minister Viktor Orban. The alliance includes Matteo Salvini's League which aspires to play the role of Putin's *longa manus* in European politics, Herbert Kickl, leader of the FPÖ, the Austrian far-right Freedom Party, Andrej Babis of the populist Czech ANO party and André Ventura of Portugal's Chega party. (11.)

Hilda Monte, the Assassinated Federalist

Robert Belot

Hilda Monte

The Unity of Europe, (Andreas Wilkens Ed.)
With an introduction by H.N. Brailefoid
In the coll. "Federalism," vol. 15, Peter Lang,
Brussels, 2023

1943. In the middle of the war, a very important but today forgotten book was published in London by the famous publishing house Victor Gollancz: *The Unity of Europe*. Fortunately, it has just been republished in the "Federalism" collection of the Peter Lang Editions, directed by the *Centro Studi sul Federalismo (CSF)* in Turin, whose inspiration is Professor Lucio Levi. In Paris I met the historian who is at the origin of this resurrection, and presents this book excellently: Professor Andreas Wilkens. He told me that he is preparing a biography of Hilda Monte, a young woman whose intelligence is matched only by her courage, a promise who was assassinated by the barbarians. Because this figure of federalism is largely unknown today.

The author of *The Unity of Europe* is an extraordinary woman: Hilda Monte. A brief, intense, tragic life. Born in 1914 in Vienna, she grew up in Berlin from 1915. Her father has Austro-Hungarian roots, her mother Prussian roots. On April 17, 1945, while on a secret mission in Switzerland to establish a link with the Austrian resistance, she was shot dead by a border guard near Feldkirch¹. She was about to be 31 years old. Hilda Monte was a resistance fighter against the Nazi order. In words and

deeds. Her commitment is not linked to the fact that she was Jewish: she was pacifist, socialist and pro-European.

A precocious girl, it was at the age of 15 that she joined a group of young people of the ISK (*Internationaler Sozialistischer Kampfbund / International Socialists Militant League*). It was the left wing of the Social Democratic Party of Germany. At 18, she became a journalist. It is the deciphering of international news that interests her. She wrote 75 articles in 1932 and 1933 for the short-lived ISK daily, *Der Funke (The Spark)*. The most diverse subjects are covered: strikes in France, the crisis in the raw materials market, British customs policy, the "problems of capitalism in Japan" or the policies of Mussolini. As a witness to the growing power of Nazism, she sometimes evokes the violence which took over the streets of Berlin. We understand why the newspaper was banned in February 1933.

She went to Paris in 1934, then to London in mid-1936, to continue the battle. A battle of ideas. Her weapon: her typewriter. She was needed for the production and distribution of political publications, which her network illegally introduces into Germany. It was at this moment that she decided to call herself "Hilda Monte", so as not to make it easier for the Gestapo trackers to threaten her family. Her birth name is Meisel. Her parents remained in Berlin until 1939.

In London, in 1938, she entered into a "white marriage" with the cartoonist and anarchist John Olday, who had dual German and British nationality. This was to prevent her possible expulsion from the United Kingdom. In October 1940, she participated in the creation of the radio station called "European Revolution". She also appears on the BBC's German-language program. To alert British opinion to the dramatic evolution of the German Reich, she gave lectures to educational associations, the British army, and the Labor Party. She was active in the community of German exiles in

London. She was close to the Union of German Socialist Organizations in Great Britain, for whom the aim of the war was the creation of a “federation of all European countries”.

War comes, alas, as predictable.

With her friends, after London, she makes calls for the Resistance against Nazi domination on the continent. She reveals crucial information, which the general public ignores. Thus, in December 1942, in a BBC broadcast, she denounced the organized genocide of the Jews which had begun in the East. In 1942, she distributed a combat pamphlet: *Help Germany to Revolt!*. It is an appeal addressed to the British public opinion to support the government, the only one in Europe to confront the Reich. But this book also tries to explore what Germany shall become after the war, which is new. Because Hilda’s friends believe in a democratic transformation of Germany after the war. This is the first time the subject is discussed. And it is also a way to start thinking about a reorganization on a European scale.

In London, she published two books in English. The first, in 1940: *How to Conquer Hitler*. It was co-written with Helmut von Rauschenplat, an economist who had led the ISK and who had to flee the Reich. The work examines the possibilities of waging an economic and propaganda war against Nazi Germany to bring it to repentance and back to sanity. Defeat Hitler for what? To prepare, according to her, the advent of “socialist federalism” in Germany, and accomplish a “political and social revolution”, namely: the destruction of the Nazi power apparatus, disarmament, purification of the administration, nationalization of the big banks, expropriation of “war industrial trusts and large landowners”, and organization of free elections.

But Hilda Monte sees further than Germany. She thinks that the federalist solution is the very condition for a lasting peace in Europe. But making peace means making Europe. And making Europe requires a commitment to limiting the absolute sovereignty of European

states and imagining a European federation. What is surprising is that at the same time, in London, Henri Frenay, the founder of the *Combat* Resistance movement, developed the same discourse to convince General De Gaulle, exiled in England.²

It is precisely her own European project that Hilda Monte reveals in her second book, published in October 1943. *The Unity of Europe* is a plea in favor of the construction of a politically and economically united Europe.

She begins her demonstration with statistics. Whether in the agricultural, industrial, commercial, technical or demographic fields, there are considerable differences in living standards between European countries. A divide separates two spaces: on one side, the “Inner Europe”, the industrialized space (Great Britain, France, Germany, Norway, Italy, Czechoslovakia); on the other side, the “Outer Europe”, a predominantly agricultural, poor Europe: the Balkan countries, Spain, Portugal, Finland. According to her, the only way to remedy this imbalance (one chapter is entitled: “*Restoring the Balance by Creating One Europe*”) is to build a common market in order to limit the influence of capitalism on the introduction of the social dimension. The “only real solution” to the European problem is the creation of a “socialist commonwealth of Europe”.

But this common market cannot happen as long as Europe is not truly Europe, that is to say as long as the European countries do not equip themselves with common institutions from which a political Europe will be born. She speaks of a “European community of destiny” which must put an end to the belligerent co-presence of “two Europes”. No progress can be hoped for, if people are content with a simple return to the “old game of sovereignty”. Especially since, for her, sovereignty is largely an illusion, given the links of interdependence created by economic exchanges.

Note that creating Europe and making peace, for Hilda, does not mean denying the reality of nations.

It means trying to overcome national rivalries. How? By allowing transfers of competences to European common organizations.

She proposes the creation of a Central European Authority, which would exercise its action in a certain number of essential areas: the economy, trade relations, financial and investment policy, transport, security, monetary policy. But, as a socialist, she is keen to include also social policy and labor market regulation. Hilda Monte contemplates the possibility of introducing a single European currency, or, at least, of fixing an irrevocable exchange rate between the different national currencies. To bring economic policies closer together, she suggests that the central authority be assisted by two other institutions: a European Investment Board and a Central Reserve Bank. To remedy the inequality of development in Europe, she thinks it will be necessary to draw inspiration from the Tennessee Valley Authority (TVA), an institution created in 1933 as part of the New Deal by President Franklin D. Roosevelt in order to support the economic development of disaster-stricken regions. She therefore suggests the establishment of a “democratic planning”.

She does not forget education and culture (she also mentions the need to create international universities). The step-by-step development of a European citizenship could also be considered. The question is how to involve civil society in this process, without which democratic institutions cannot prosper. The question is also whether Europeans will be able to overcome the “legacy of hatred” that Hitler will leave in peoples’ memories. Although Europeans must not forget the past, they must also consider that European unity

responds to a higher interest, and that there is no alternative. The last question is finally to know whether the future winners (she calls them the “Big Three”: the United States, the USSR and Great Britain) will impose spheres of influence to the detriment of the “unity” of Europe. A premonitory vision of the Cold War.

Hilda Monte shows indeed a great lucidity, while remaining resolutely optimistic. She knows that *“European unity [...] cannot solve all problems alone; it nevertheless constitutes a necessary condition for their solution.”*

Isn’t what she was proposing precisely what will become (in part) the European Union? The *“European Revolution”* that she called for may not yet be accomplished, but it is well underway.

As Andreas Wilkens rightly remarks, *“rare are the women who succeed in publishing, in the difficult conditions of a war, a 200-page book containing a political project, and what is more with a large circulation of around 15,000 copies”*. Let us add that the book is written solely in her personal name, without any reference to a party or to any institution or group.

Idealist and visionary, but also realistic and courageous, such was Hilda Monte. This woman with a tragic destiny deserves a special place in European collective memory. It is precisely what the historian Andreas Wilkens is working on with empathy and competence; he is preparing the biography that was missing in the history of European federalism and in the history of the women engaged in that fight. We must never forget that the European project was initiated by European men and women engaged in the fight against the worst Europe ever, that of Nazi-fascism.

¹ Hilda Monte is recruited by the OSS (the American Secret Service) as part of the Operation “Faust”, a secret project aimed at infiltrating the Reich with the prospect of German capitulation. She underwent adequate training in Great Britain (parachuting, coding methods, etc.). On her arrival in France (in October 1944), she was smuggled into Switzerland via France thanks to the Swiss socialist and anti-Nazi René Bertholet, very close to the ISK of which her wife was a member; Hanna Fortmuller is a friend of Hilda Monte. She will also participate in the activities of pro-European federalists in Switzerland. Operation “Faust” will not succeed. In 1945, representatives of the Austrian resistance in Switzerland asked her to carry out a liaison mission in the Vorarlberg region. On her return to Switzerland, Hilda Monte was shot dead by a border guard on April 17, 1945, on the border between Austria and Liechtenstein.

² Letter from Henri Frenay to General de Gaulle, London, November 8, 1942. See: *Henri Frenay to General de Gaulle. Letters and report on the Resistance and Europe (1942-1953)* (in French), Lyon, Presse Fédéraliste éditions, 2023, p. 93-110

A Contribution to the Critique of the European Public Sphere

Michele Fiorillo

Jürgen Habermas

A New Structural Transformation of the Public Sphere and Deliberative Politics
Polity Press, Cambridge 2023

Globalisation, exponential growth of social inequalities, migratory pressure, climate crisis, pandemics and ultimately the return of war. These are all circumstances that “recommend to the nation states gathered in the European Union the prospect of greater integration, in an attempt to recover those competences lost at national level in the course of this development, creating new capacities for political action at transnational level”. And a precondition for this should be “a greater openness of the national public spheres towards each other” and “a political shift to a socio-ecological agenda, aiming for a greater integration of the core of Europe”.

So writes Jürgen Habermas in a crucial juncture of his latest book *Ein neuer Strukturwandel der Öffentlichkeit und die deliberative Politik* (2022), recently published in English (J. Habermas, *A New Structural Transformation of the Public Sphere and Deliberative Politics*, translated by Ciaran Cronin, Polity Press, Cambridge 2023).

As is well known, the concept of public sphere was introduced by the great German philosopher in his young-age essay *Strukturwandel der Öffentlichkeit* (1962).

In it, he argued that the emergence of the institutions of liberal democracy, from the late 17th century onwards, coincided with the development of a public sphere, to be understood as a space for the exchange of ideas free from interference by the authorities, enabling citizens to independently form their will on matters of collective interest through a public debate.

Even today’s mass democracy continues to need, alongside forms of parliamentarianism, a lively public sphere and an active civil society, capable of deliberative practices where even the conflictual character of politics would be the result of the orientation towards the achievement of a rational understanding:

“He who argues, intends to contradict. But it is only by virtue of the right, or rather the encouragement, to say ‘no’ to each other that the epistemic potential of language unfolds, without which we could not learn from each other. And therein lies the joke of deliberative politics: that in political disputes we improve our convictions and move closer to the right solution to problems”.

As for the possibility of extending the model of deliberative democracy globally, the great German philosopher exercises some caution. Contained in the book is an interview with John Dryzek – founder of the Centre for Deliberative Democracy and Global Governance –, in which, on the one hand, Habermas is wary of ‘exporting democracy’, since liberal democracy is a form of government that finds its proper realization “only through the heads of its citizens”; on the other hand, he invites us not to give in to the relativization of the claim of universality of the principles of democratic rule of law, since what is at stake here are “rational principles and not values that can be compensated for”.

They must therefore be defended in the international community within the framework of intercultural debates, provided that we

participate in them with a “willingness to learn, as one party among others”, overcoming the domination-driven approach that led to Western imperialism; instead, letting ourselves be “enlightened by other cultures in the blind spots regarding our interpretation and application of human rights”. It is therefore no coincidence that Habermas devotes two chapters of his recent history of philosophy (*Auch eine Geschichte der Philosophie*, 2019) to the doctrine and practice of the Buddha and to Confucianism and Taoism. In sum, the claim of the universal validity of the principles enshrined to the highest degree in the UN Charter does not entitle one to crusade for the spread of liberal democracies.

Moreover, in Western democracies too “liberal rights do not fall from the sky” (Habermas uses this expression more than once, and the title of Altiero Spinelli’s famous book *Europe does not fall from the sky* cannot fail to come to mind here). On the contrary, “the citizens who participate as equals in the democratic decision-making process must see themselves as the authors of the rights they grant each other as members of an association of free and equal citizens”. It is a continuous and arduous process based on a delicate balance between the political-institutional sphere and the public sphere.

Today, it is precisely this balance that is deteriorating more and more every day. Habermas warns us: “the mere appearance of a democratically controlled leadership” is not enough, and politics guided by demoscropy is undoubtedly to be regarded as anti-democratic: such practices are in fact a phenomenon of adaptation of the political elites to a systemic context that tends to reduce the possibilities of state intervention, with the effect of making “the formation of a political opinion and will in civil society and in the public sphere work aimlessly”, and of generating in the people a distrust of governments, which are in essence only forced to simulate their real capacity for action. And since this “erosion of democracy is advancing more

and more since politics has more or less abdicated in the face of the markets”, then, the philosopher points out, the theory of democracy and the critique of capitalism will have to merge.

Moreover, if, thanks to progressively higher levels of education, the people tend to become more and more intelligent, a parallel education in political participation and deliberation could, according to Habermas, function as an antidote to the worrying combination of national-populism and neoliberal egocentrism.

Habermas’ proposal thus contrasts both with what he calls the simply pluralist approach and the expertocratic one: if the former is content with a democracy reduced to the procedure of free elections, in which the vote of each individual citizen comes into play in a mere statistical aggregation of individual preferences, expressed without necessarily taking into account the common interest; the latter claims its legitimacy from the increasing complexity of the tasks of government and administration, and from the lack of time, motivation and cognitive effort on the part of the citizens. Yet, the philosopher points out, politicians themselves need to be informed by experts in order to be able to make considered decisions and legislate, and in any case even complex political considerations can be “translated into the everyday language of interested citizens (i.e. all of us)”.

Central, of course, becomes the preservation of a public sphere that gives citizens the effective possibility of forming an informed and considered opinion on public affairs. In a complex society, it is the media that perform the function of a “mediating instance that, in the plurality of perspectives of social conditions and cultural forms of life, coagulates an interpretive core, intersubjectively shared, between competing interpretations of the world, thus ensuring that the general acceptance is rational.”

Then, the transformation of the media system,

and thus of the public sphere, brought about by the advent of digital media and social networks – which are gradually replacing the traditional media’s sphere of influence – endangers, according to Habermas, the development of a deliberative democracy, based on the progressive and reciprocal *rationalization* of political opinions. What is at stake is the quality of the public debate: as it deteriorates in the age of digitalisation, so does the crisis of democracy. A strong regulation by the public authorities – intensifying the European Union’s effort – and a far-sighted educational campaign are therefore called for, in an epochal transformation to be compared with the transition from orality and handwriting to what Marshall McLuhan called the *Gutenberg galaxy*: “just as printing made everyone a potential reader, so digitization is making everyone a potential author. But how long did it take for everyone to learn to read?”.

In a world that could potentially fall into the trap of a chain of *fake news* and *virtual realities* where it would no longer be possible to distinguish what is true from what is false, it then becomes “a constitutional imperative to maintain a media structure that allows for the inclusive character of the public sphere, and a deliberative character for the formation of public opinion and will”.

This is true in general, and not only for the advocates of the democratic rule of law, which ‘does not fall from the sky’ – this expression returns –, but is instead ‘generated by the constituent assemblies, according, necessarily, to a spirit of solidarity, which must perpetuate itself’. It therefore appears as a duty, also for the promoters of a European republic provided with its own federal democratic Constitution – a perspective to which Habermas dedicated his essay *Zur Verfassung Europas (On the Constitution of Europe)* (2011) – to deepen and accelerate a critical reflection on the emergence of a European “public sphere capable of allowing deliberative democracy to flourish”, a precondition for the construction of a transnational constituent power.

The World Is Changing: New “Mental Maps” Are Needed to Understand It

Giampiero Bordino

Adriana Castagnoli

Terre di mezzo (Middle-Earths) (in Italian)
Il Sole 24 ORE, 2023

The need for new *mental maps* to properly look at the new world as it has taken shape in the last years, emerges clearly and vividly since the first pages of the new book by the economist Adriana Castagnoli. In regard of the world order established at the end of the second world war, and also of the one more recently originated by the end of the East-West bipolarism and the disappearance of the Soviet Union and its *empire* (1991), we can observe today a great fragmentation, a strong and pervasive instability that affects all the actors, and a growing difficulty in understanding the direction of the *game* the actors are playing, even by part of the actors themselves, beside the observers and scholars.

The United States and Europe, the hegemonic West of the post-World War II period, often appear uncertain and deprived of sense of orientation when faced with the new role of the emerging *Global South*. In fact, they have given up trying to continue to exercise their hegemony, not only economic or military, but also in terms of planning and culture. The *Global South* itself, first and foremost the so-called

BRICS (Brazil, Russia, India, China and South Africa), appears in turn uncertain, fragmented, with multiple interests and visions, and without a coherent and common strategy. Great fragmentation, few alignments, nothing truly stable for anyone: this seems to be the emerging scenario. A sort of collective *disorientation* affects the actors, in the absence of visible, recognized hegemonies, democratically legitimized or not. As a result, our most consolidated *mental maps* are to some extent upset.

The West appears to be in difficulty in its search for some adequately shared and at the same time effective *platform for dialogue*, capable of somehow containing the assortment of possible antagonists. The G20, in this framework, may be seen as an attempt to build and manage a possible platform for meetings and dialogue, gathering the main large geo-political and geo-economic areas of the world: the United States, the European Union, China, Russia, India and so on. In this context, moreover, new countries emerge on the scene, such as, in particular, those located in the Central Asia area, on the *Silk Road*, like – not only for its energy resources – Azerbaijan, the main former Soviet republic, located in a strategic position between Asia and Europe. The Central Asia area, between Russia, China, Iran, Turkey, appears increasingly decisive, but the West, the United States and Europe, do not seem to have adequately grasped yet the decisive importance of this area.

In fact, the West does not display an adequate planning and propositional capacity, similar to that which, after 1944-45, had allowed it, at least to some extent, to try and *govern* the world and also to promote, albeit with limits and contradictions, the liberal democracy. The result is fragmentation and geo-economic and geo-political crises, instability, difficult

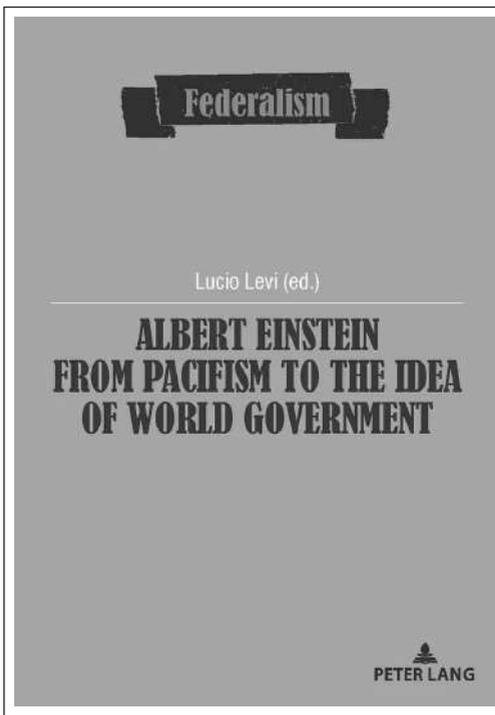
and uncertain predictability of the processes underway. In this context, becomes apparent the crisis of the models and experiences of liberal democracy, which tend to be reduced in Europe itself, where the opposite model of *illiberal democracy* finds today explicit defenders, such as the Hungarian Prime Minister Orbán, and where new forms of fascism manifest themselves both on the cultural and on the political and institutional level.

In this situation, the need for a new project for the world, capable of reducing and regulating its complexity as far as possible, appears evident. At the same time, both peace and democracy, the two fundamental values for coexistence that truly make life worth to be lived, are at risk. A regulation structured on multiple levels, capable of corresponding to the articulation of the ongoing problems and challenges, is the horizon that must be pursued. Consequently, political leaderships are needed that are truly capable of thinking about complexity, beyond the short-term goals useful only to round up consensus for electoral purposes.

What project then for the uncertain, transitional, *disoriented* world we live in?

This, in short, is the fundamental question that the political leaderships in power should try to answer, at their different levels (from local to global). To a possible answer to this question, the federalist reflection too can offer a significant contribution, combining the prospect of an *institutional* regulation of conflicts able to ensure peace, with the prospect of a thorough, transnational, *liberal* democracy. Rethinking this tradition in the context of the *middle* (between old and new) world we live in is a difficult but inescapable commitment, if we want to contribute to the construction of a new, peaceful and shared global order.

Recommended Books



Albert Einstein was one of the initiators of the peace movement in Europe in the early twentieth century. He tirelessly denounced the imperfections of society due to the primitive institution of war and devoted his energies to outlawing war. After Hitler's rise to power, he abandoned pacifism and instead embraced a federalist vision according to which the root cause of war lies in the division of the world into sovereign states and the vehicle of peace is world government.

This book explores Einstein's outlook on war and peace and traces the evolution of his thinking on these topics. In particular, Einstein developed a dialogue on war and peace with physicists like Bohr, Planck and Szilard as well intellectuals like Dewey, Freud, Gandhi, Mann, Mumford, Rolland, Russell, Schweitzer and Tagore.

The key concepts that were the focus of these discussions were the cause of war (included the Einstein-Freud debate on psychological and political causes of war) and the means to prevent it; the distinction between antimilitarism, pacifism, internationalism and federalism; and the dividing line between intergovernmental and supranational organizations.

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History & Political Science
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The book series «Federalism», run by the Centro Studi sul Federalismo (CSF), aims to disseminate knowledge in the field of studies on federalism, as well as to feed the academic and public debate and support the activity of decision-makers, confronted with demands for autonomy by local governments, along with forms of regional and world integration needed to govern global processes.

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