Modernization and Intercultural Dialogue on Values and Principles

Europe and Asia

Research guide and collection of documents

E-Reader

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Contents

Introduction

The idea of a peaceful world federation, based on the personal principle and the principle of autonomy (subsidiarity), has a long history. It developed, as

personalism, in opposition to the sovereign states that pursued centralisation and power policy worldwide.

The European federation was envisaged as regional part of the peaceful world federation. European social organization was characterised by the dichotomy of sovereignty versus autonomy, and the European federalist visions developed in opposition to sovereignty. Thanks to these federalist visions international law and the international legal thinking gradually developed. Parallel all these the values and principles of peaceful state and international organization were shaped. The construction of the peaceful European community belongs to this history.

The economic, commercial, financial, and political principles of the West (Europe), as well as its idea of a democratic civil society represented a challenge for the political elite of the Chinese, Japanese, or Indian civilizations, reinforced by the issues around colonization, imperialism, or, more recently, the Cold War and globalization. Comparing their own societies to "Western modernity" they investigated what to adopt and what to reject; this investigation often resulted in bringing forward the contradictions and possible criticisms of those European values and principles. At the same time, they became actively involved in the emergence of a capitalist economic, commercial, and financial system in their own countries, which gradually replaced the traditional agrarian societies. As a consequence, these Asian peoples have developed their own "Asian" ways of modernization, which gradually resulted in an economic prosperity in this part of East Asia.

Modernization became a universal process during history with the participation of everybody. The developing values and principles of a democratic new federalism and new regionalism – aiming to manage peace on the world - represent a meeting point of the different persons, peoples and civilizations. The UNESCO plays an important role in the shaping and realization of this vision through education.

The e-textbook quotes and describes the works of a number of important European and Asian thinkers their interpretations of the phenomenon of modernization, and the values and principles of the European civilization; these include Erasmus, Grotius, Locke, Penn, Montesquieu, Voltaire, Rousseau, Kant, Tocqueville, Coudenhove-Kalergi, Rougemont, Schuman, Monnet and Spinelli; Mohandas Karamchand Gandhi, Rabindranath Tagore, Jawaharlal Nehru, Kang Youwei, Sun Yat-sen, Deng Xiaoping, Fukuzawa Yukichi, or Lee Kuan Yew. The e-book also deals with the influence of the European integration process on the East-Asian integration counterparts (ASEAN, ASEM, SAARC). It also searches the possible ways for a reform of the international organizations and the United Nations.

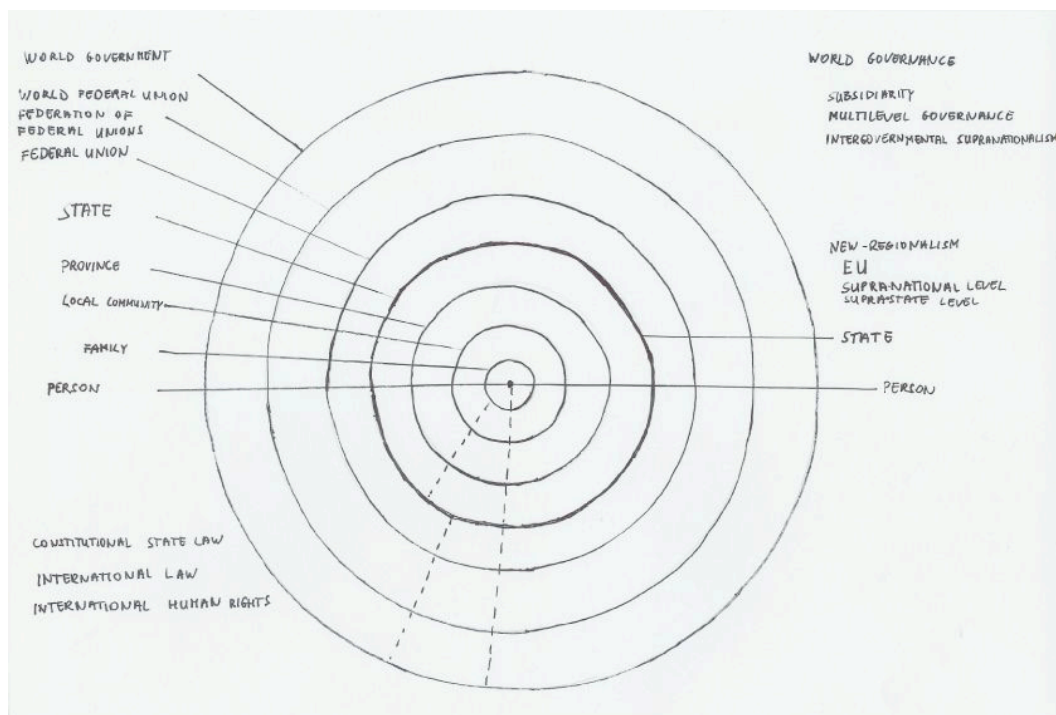The aim is to search, rethink and manage those values and principles which

created peace in state- and international organization, in a historical perspective.

Part I.

European values and principles of state and international organization in a historical perspective

1. Introduction

1.1. The model of a peaceful world federation

WORLD GOVERNMENT

WORLD FEDERAL UNION
FEDERATION OF
FEDERAL UNIONS
FEDERAL UNION

STATE

PROVINCE

LOCAL COMMUNITY

FAMILY

PERSON

CONSTITUTIONAL STATE LAW

INTERNATIONAL LAW

INTERNATIONAL HUMAN RIGHTS

WORLD GOVERNANCE

SUBSIDIARITY
MULTILEVEL GOVERNANCE
INTERGOVERNMENTAL SUPRANATIONALISM

NEW-REGIONALISM
EU
SUPRA-NATIONAL LEVEL
SUPRA-STATE LEVEL

STATE

PERSON

Following the classical idea and model of peaceful world federation, social organization starts with the persons and their communities. The different communities (family, local community, province, state, federation of states, federation of federations of states) created by the association policy of persons could be imagined as concentric circles around the persons in the centre of their worlds. Constitutional state law, international law, and human rights create the harmony between the persons and these circles of associations. The idea of a

peaceful world federation based on the personal and the autonomy principles is present in the works of all representatives of federalism among whom we find Aristotle, Althusius, Grotius, Suarez, Vattel, Saint-Pierre, Penn, Locke, Montesquieu, Rousseau, Voltaire, Tocqueville, Proudhon, Eötvös, Renner, Coudenhove-Kalergi, Rougemont, Brugmans, Monnet, Spinelli, Hallstein, Tindemans, or Delors. Many Asian thinkers also believed in the idea of a peaceful world. Among them we can find, for example, Confucius, K'ang Yu-wei, Sun Yat-sen, Fukuzawa Yukichi, or Mohandas Karamchand Gandhi.

The idea of peaceful world federation based on the personal principle and the principle of autonomy has a long history in European civilization. It developed in opposition to the sovereign authoritarian states pursuing territory incorporation, centralisation and power policy: European social organization is characterised by the dichotomy of sovereignty and autonomy. As a result of this struggle democratic constitutional states and international law gradually emerged.

1.2. Rethinking European supranationalism in a historical perspective[1]

Supranationalism is the main achievement of the European integration process from 1950. Theoretically, it is based on the personal principle as well as the principle of autonomy and decentralization. States are built bottom up based on the approach of transferring competences when needed (principle of subsidiarity). Supranationalism represents an organised cooperation among states under independent supranational institutions, loosing their sovereignty in the areas they choose to transfer.

By establishing supranationalism "the New Europe" successfully realized the ideas of Tocqueville, as described in his "Democracy in America", on the transfer of all those competences, "from below toward above levels", which needed lager and "more centralised" organization forms. So, supranational European Community can be regarded as a "Tocquevillean community". It also has important "Kantian" elements through European law and legal harmonization. Europe could successfully surpass classical centralization policy, represented by "Hobbesianism".

In reality the EU is a new type of an intergovernmental-supranational union of states, characterised by the dichotomy of supranational versus intergovernmental. How to safeguard supranationalism represents a challenge for the supporters of

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[1] Éva Bóka: Rethinking European Supranationalism in a historical perspective (Discussion Paper). Published in Grotius: Rethinking European Supranationalism in a Historical Perspective (Discussion Paper); Grotius

the European Union.

The emergence of supranationalism in Europe has a long history motivated by the idea of a peaceful World federation. This idea has developed gradually during history in opposition to authoritarian sovereign states, and colonial empires characterised by authoritarian centralisation policy, territory incorporation, military, economic and cultural imperialism, and wars for hegemony and power. Following the classical idea and model of a peaceful World federation, social organization starts with the persons and their communities. Different communities (family, local community, province, state, federation of states, federation of federations of states, etc.) could be seen as concentric circles around the persons in the centre. Constitutional state law, international law, and human rights create the harmony between the persons and these circles of associations. The idea of a peaceful world federation based on the personal and the autonomy principles is present in the works of all the European representatives of federalism/ confederalism, among whom we find Aristotle, Althusius, Grotius, Suarez, Vattel, Saint-Pierre, Penn, Locke, Montesquieu, Rousseau, Voltaire, Bentham, Kant, Tocqueville, Proudhon, Eötvös, Renner, Naumann, Coudenhove-Kalergi, Hantos, Madariaga, Rougemont, Brugmans, Monnet, Spinelli, Hallstein, Tindemans, or Delors. The idea and the principles of peaceful world federation were also present in the legal documents of federalist states and international development. Some of the most important of those are the Treaty of Utrecht, 1579 (on the Dutch union); the Virginia Bill of Rights, 1775; the American Declaration of Independence, 1776; the Constitution of the United States of America, 1787; the French Declaration of the Rights of Man and Citizen, 1789; the Swiss Constitution, 1848; The Covenant of the League of Nations, 1918; the Charter of the United Nations Organization, 1945; and the Universal Declaration of Human Rights, 1948. The basic treaties of the European integration also belong to these.

The federalist founding fathers of the European Community (Richard Coudenhove-Kalergi, Jean Monnet, Robert Schuman, Konrad Adenauer, Alcide de Gasperi, or Altiero Spinelli) believed in the classical idea of a peaceful world federation. They also represented the ideas and principles stemming from the American and the Swiss constitutions, the ideas of the United Nations, or the Universal Declaration of Human Rights. After the Second World War they also stood before the challenge to transcend nationalism, the military, economic and cultural expansionist bellicose policy of the European sovereign nation states, and national empires on the continent and world wide. With the aim to establish peace in Europe and to avoid future conflicts they proposed different federalist approaches, mutually influencing each other.

The founder of the Pan-European Movement, Coudenhove-Kalergi, for example, put the emphasis on the classical constitutional parliamentary federation

composed of two chambers (representing the persons as Europeans and as citizens of their own states) following the Swiss example. Because historical circumstances did not make it possible to establish a "United States of Europe" after the war, this constitutional federalist alternative failed.

Among the many European cooperation theories (realism, classical confederalism, unionism, functionalism, constitutional federalism, or incremental federalism) only the "Monnet-method", based on supranationalism, was able to successfully start the peaceful European integration process. He proposed to surpass national sovereignty by starting the struggle against the dogma of the "indivisibility of sovereignty". The essence of his idea was to gradually dismember the sovereignty of nation states by the federalist-functionalist method. The "Monnet-method" meant to cut parts of sovereignty from nation states and to transfer them to independent, supranational institutions organized following a federalist institutional model. For example, with the establishment of the ECSC, Monnet separated the coal and steel production sector from the sovereignty of the six nation states and organized it independently, under the direction of the supranational High Authority. Thus emerged the core of an economic integration outside the national governmental sphere of the six states. Monnet believed that integration in one area would generate a chain reaction, and more and more areas would be transferred gradually to a supranational level. His method worked in economy: the Rome Treaties established the EEC and the EURATOM. However, this 'chain-reaction' was only partially successful in the area of political cooperation. The supranational federalist political plans of the European Defence and Political Community which were proposed in cooperation with the Monnet-method were voted down. The "golden age" of federalism ended in 1954. The supranational European Community remained without governance: the dilemma of political union was not solved.

After De Gaulle's attack on supranationalism in the name of intergovernmentalism, though the supranational economic community remained alive, political cooperation continued outside the framework of the Rome Treaties following a more confederalist model. "Intergovernmental supranationalism" emerged gradually: the European Council was established, the role of the governments strengthened, but the governments accepted the supranational European Community and the European law.

It was the federalist Altiero Spinelli who solved the problem of political cooperation between the supranational European Community and the governments. He proposed to involve the subsidiarity principle in European law to regulate and define precisely the division of competences between the federation (supranational EC) and the member states. In Spinelli's interpretation subsidiarity regulated the transfer of competences from the national level to the

European Community level. This transfer was based on negotiations and agreements among the governments. The national governments could safeguard the "sovereignty" of their nation states in all those areas of national interest, but they were subordinated to European law. I.e., subsidiarity represented a compromise between the federalists and the intergovernmentalists.

The federalist-intergovernmentalist compromise made it possible to establish, through the Maastricht Treaty, an intergovernmental supranational union of nation states based on two-level governance: the supranational Economic Community and the intergovernmental political community, i.e., the European Union. In practice, this intergovernmental supranationalism meant that the national governments accepted European law and legal harmonization, but also safeguarded their national autonomy. They supported supranationalism on the level of the "lowest common denominator". The Treaty on the European Union, for example, strengthened the nation states, but the supranational European Community remained alive, and could gradually develop because supranationalism became the interest of the governments.

Federalists continued to struggle for the strengthening of the supranational institutions (like the European Commission, the European Parliament, or the European Court), and for the enlargement of the areas of supranational cooperation. Spinelli, for example, emphasised the necessity to strengthen the European Parliament as the legislative organ of the European Community. He proposed to democratize the codecision procedure between the Parliament and the Council. His goal was to gradually establish a two-chambers Parliament and a European government. Another federalist, Delors proposed to continue the supranational economic policy of the federalist founding fathers. He emphasised the necessity to establish a single market, an economic and monetary union, and to gradually transfer the necessary powers from the nation states' level to the supranational level. He also proposed to enlarge the areas of supranational cooperation, to diminish the role of veto, and to realise the union of nation states and of peoples based on the principle of unity in diversity. He was successful in establishing the Single Market, and in signing the Single European Act, and the Maastricht Treaty. Thanks to the federalist initiatives, and the compromises between the federalists and the intergovernmentalists, the integration process could continue: governments gradually transferred, as shown by the Amsterdam Treaty, more and more competences to the supranational level. The Treaty of Nice made the enlargement of the EU possible. In 2002 the Euro was introduced.

As a next step there were two alternatives for the EU: either to establish the "parliamentary Europe" with two chambers, representing the interest of the citizens as Europeans and as citizens of the member states (proposed by, for example, Joschka Fischer), or the approach put forward by the Treaty establishing

a Constitution for Europe, 2004. The latter meant a new type of intergovernmental and supranational union of states based on multilevel governance and subsidiarity. It represented a "council Europe" or "a council-type Europe" instead of a "parliamentary Europe". Both alternatives were rejected. However the thinking and discussion about the future of the European Union was continued.

The heads of states or governments of the European Union could find an agreement in the form of the Treaty of Lisbon. The Treaty of Lisbon reinforces the values and objectives of the European Union. It takes over most of the constitutional innovations. The most important of those are:

- a permanent president
- a foreign minister
- greater powers to the EP
- a legally binding citizens rights charter
- reduction of the size of the Commission
- easier voting by changing voting rules
- diminishing the usage of veto rights for the member states

The Treaty of Lisbon continues the "council-type" organization of the EU as an intergovernmental-supranational union of states based on multilevel-governance and subsidiarity. Its goal is to make the EU more effective in the World economy and on the international diplomatic stage by giving it more coherent foreign policy and allowing to take decision more quickly. Only the future will show what the Lisbon Treaty can bring for supranationalism in the practice of the EU.

History has showed that the original, federalist interpretation of supranationalism contributed to the emergence of the phenomenon "intergovernmental-supranationalism" in the European Community. Intergovernmental-supranationalism of nation states was very successful in promoting peaceful economic, financial, and commercial relations among European states: the EU became a big and strong democratic market community of the member states gradually enlarging its territory and transcending internal state borders. It represents a "new type federation-confederation of states" based on multilevel governance, subsidiarity, the European law, human rights and fundamental rights of the citizens. It is organized in harmony with the Charter of the United Nations. The EU is the first supranational economic union in the World based on the European law: it works successfully against nationalism, neo-colonialism, and wars. It is an important tool to preserve peace in the continent. From this point of view the EU can be regarded as a successful peace project that is appreciated world-wide. However, despite its undeniable success, the EU has serious problems and uncertainties. Its supranational structure is under major pressure along several lines. Some of these are as follows.

‒ *The phenomenon of "democratic deficit"*

There is lack of strong and efficient European supranational governance, responsible to the European citizens. Citizens cannot *think* in terms of a larger EU, and therefore they cannot express their European interests. This makes it difficult to realize the goal of a new type of economic and political union of states that would be effective, democratic, and based on the fundamental rights of the citizens.

‒ *Different interpretations of subsidiarity*

Different, mutually opposing directions of European policies look at the same notion differently: for some it is part of classical confederalism, for others it is part of intergovernmental functionalism or federalist functionalism. These directions represent three different ways of organizations within the EU.

The first approach, i.e., classical confederalism, could result in the collapse of supranationalism. That would mean for the EU to become a trading union of sovereign nation states pursuing classical confederalist methods, including the fight for power among states.

The second approach, i.e., intergovernmental functionalism, could result in the emergence of an economic and trading union of states on a continental level with supranational and intergovernmental functionalist elements, and based on the European commercial and economic law: "the EU as a new type free trade zone".

Finally, the third way, i.e., federalist functionalism, could result in the emergence of a new democratic, federalist and functionalist union of states: a kind of "civilian union/community" based on the EU's supranational achievements.

The first way would cause the collapse of the EU, and its disappearance as global player in the world economy and politics.

The second way would mean a politically divided, weak, but economically strong EU facing permanent insecurity as for its institutional state.

The third way—where supranationalism and subsidiarity continues to play a very important role in a renewed form—could represent a completely new democratic and peaceful answer to the new economic and political challenges of globalization.

‒ *Internal and external challenges*

European policy has to face a number of internal and external challenges in order to keep supranationalism alive. To mention only some of them:

- elaborate reforms to keep the enlarged EU in functioning
- solve the problems caused by the differences in living standards among member states
- safeguard the democratic trade relations based on European law and

the fundamental rights of the citizens

- elaborate on the emergence of a double EU identity (civil European and cultural national)

- increase the efficiency of the EU decision making process in all fields that belong to the competences of the Community

- establish a common foreign and security policy

- establish a peaceful cooperation and partnership with the emerging Asian economic powers

- strengthen the World economic cooperation process (represented, for example, by the WTO)

- take initiatives in the area of environmental protection, possibly based on new types of intergovernmental-supranational world organization

- transcend Eurocentric thinking

In conclusion, the EU as a new type intergovernmental-supranational union of states has important achievements in the way to establish democracy among states in Europe. Supranationalism has played an important role. However, if the EU wants to provide answers to all the problems listed above it will be forced to rethink and renew the terms of European supranationalism. It is a challenge for all of us. The phenomenon of European supranationalism is open to discussion.

2. Rethinking the role of federalist ideas in the construction of Europe (A historical survey)

The idea of a peaceful world federation, based on the personal principle and the principle of autonomy (subsidiarity), has a long history. It developed in opposition to the sovereign states that pursued centralisation and power policy worldwide. The European federation was envisaged as regional part of the peaceful world federation. European social organization was characterised by the dichotomy of sovereignty versus autonomy, and the European federalist visions developed in opposition to sovereignty. Thanks to these federalist visions international law and the international legal thinking gradually developed. The construction of Europe belongs to this history.

This historical survey concentrates on the role of the personal principle and of subsidiarity in the federalist visions of Europe and in the development of

democratic international law and human rights. [2]

Introduction

Following the classical idea and model of peaceful world federation, social organization starts with the persons and their communities. The different communities (family, local community, province, state, federation of states, federation of federations of states) created by the association policy of persons could be imagined as concentric circles around the persons in the centre of their worlds. Constitutional state law, international law, and human rights create the harmony between the persons and these circles of associations. The idea of a peaceful world federation based on the personal and the autonomy principles is present in the works of all representatives of federalism among whom we find Aristotle, Althusius, Grotius, Suarez, Vattel, Saint-Pierre, Penn, Locke, Montesquieu, Rousseau, Voltaire, Tocqueville, Proudhon, Eötvös, Renner, Coudenhove-Kalergi, Rougemont, Brugmans, Monnet, Spinelli, Hallstein, Tindemans, or Delors.

Recently, the principle of subsidiarity has dominated the discussions on the construction of Europe. The definition of subsidiarity as a legal principle of the

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[2] This historical survey summarises my ideas published in my books and articles: Az európai egységgondolat fejlődéstörténete (The history of the idea of European unity). Napvilág Kiadó, Budapest, 2001; Az európai integráció. Elméletek történelmi perspektívában (The European integration. Theories in a historical perspective). Corvina Kiadó, Budapest, 2008; Az európai föderalizmus alternatívája Közép-Európában, 1849-1945 (The alternative of European federalism in Central Europe, 1849-1945). Dialóg Campus Kiadó, Budapest, 2011); Út a nemzetekfelettiséghez (Történelmi visszapillantás) (The way to supranationalism (A historical survey). Research Papers of the University of Pécs, 10. 2004. 7-30. (An extended version of the article published in the Európai Szemle.); A föderalista Európa eszméje a háború után (The idea of federalist Europe after the war), Európai Szemle, 15. 2004. 4. 89-102; The Democratic European Idea in Central Europe, 1849-1945. Specimina Nova (A Pécsi Tudományegyetem Történeti Tanszékének Évkönyve) Pécs, 2005. 7-25; In Search of European Federalism. Society and Economy (Journal of the Corvinus University of Budapest), 28. 2006. 3. 309-331; The Idea of Subsidiarity in the European Federalist Thought. Grotius The E-Journal of the Institute of International Relations of the Corvinus University of Budapest, 2007; Rethinking European Supranationalism in a Historical Perspective (Discussion Paper). Grotius, 2008; Az EU-modell és a nemzetközi kapcsolatok (The EU-model and the international relations). Európai Tükör, 14. 2009. 5. 16-28.; Europe in Search of Unity in Diversity. Can Personalist Federalism and Multilevelism Manage Diversity? ISES Füzetek 14. Társadalomtudományok és Európa-tanulmányok Intézete, Szombathely-Kőszeg, 2010. Also available on-line; The European Idea of a Supranational Union of Peace. *Society and Economy* (Journal of the Corvinus University of Budapest), 32. 2010. 2.

EU is very controversial.[3] It is not always clear whether it is an integrationist or anti-integrationist principle of EU policy. The dominating position of the subsidiarity principle completely overshadows the role of the personal principle in European law. This reflects the phenomenon of democratic deficit. It would therefore be useful to rethink how federalism was originally imagined in European social organization and international law, to understand what the role of the personal principle and subsidiarity was in federalist visions.[4] This is the goal of this historical survey on the development of the classical idea of world federation, of European federation, and of the democratic international law.

The role of the classical idea of world federation in the development of international law

The idea of a peaceful world federation can be traced back to Aristotle. He drew up an organic model in which individuals (persons) belonged to groups and groups formed the larger social body. The autonomy of each persons and group had to be respected. In the mind of Aristotle the personal principle and subsidiarity were strongly connected, and they developed side by side with the concept of federal states based on the rule of law. In fact, the classical idea of world federation started with Aristotle. Aristotle was followed by Althusius in the 17th century when the dichotomy of sovereignty versus autonomy was already present in European social organization. He called for the creation of decentralised federal states and of a federal international policy. The conception of Althusius is based on a political organization starting with the persons and ranging

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[3]   On Subsidiarity: *Subsidiarity: The Challenge of Change. Proceedings of the Jacques Delors Colloquium 1991.* European Institute of Public Administration, Maastricht, 1991; Antonio Estella (2002): *The EU Principle of Subsidiarity and its Critique.* Oxford University Press, Oxford; Ken Endo (2001): *Subsidiarity & its Enemies. To What Extent is Sovereignty Contested in the Mixed Commonwealth of Europe?* EUI Working Papers, European University Institute, San Domenico (FI), 2001; Joerg Monar – Werner Ungerer – Wolfgang Wessels (eds.) (1993): *The Maastricht Treaty on European Union. Legal Complexity and Political Dynamic.* European Interuniversity Press, College of Europe, Brussels; Chantal Millon-Delsol (1992): *L'État Subsidiaire.* Presses Universitaires de France, Paris; Detlef Merten (Hrsg.) (1993): *Die Subsidiarität Europas.* Schriften zum Europäishen Recht. Band 16. Duncker & Humblot, Berlin; *Making Sense of Subsidiarity: How Much Centralization for Europe?* The Centre for Economic Policy Research, London, 1993); Éva Bóka (2007): The Idea of Subsidiarity in the European Federalist Thought- *Grotius, 2007*.

[4]   Bóka Éva (2001): *Az európai egységgondolat története (The History of the Idea of European Unity).* Napvilág, Budapest; Bóka Éva: Út a nemzetekfelettiséghez (The Way to Supranationalism), *Európai Szeml*e, Budapest, No., 2, 2004; Bóka Éva: A federalista Európa eszméje a háború után (The Idea of Federalist Europe after the War), *Európai Szemle*, Budapest, No. 4, 2004; Bóka Éva: The Democratic European Idea in Central Europe, 1849-1945. *Specimina N*ova, Pécs, 2005. 6-24.

from private associations composed of small groups, families, and voluntary corporations to public associations and territorial units such as the local community, the province, the canton, and later the state, and the federation of states. His was an organic notion of society in which the integrity of the component parts was guaranteed by being built up from below starting with the persons.[5]

However, with a few exceptions, it was not the Althusian federalism but rather the Bodinian sovereign monarchical nation state that triumphed in Europe. Most of the national states drew their origins in authoritarian sovereign states. These authoritarian states could not subordinate their sovereignty to the rules of international law that developed gradually and in opposition to centralisation policy. Their behaviour in international policy remained unregulated till the end of the Second World War.

The federalist opposition to the authoritarian and absolute sovereign state model was in favour of decentralised states pursuing peaceful internal and external association policies, and based on international law. The most fruitful period for this international and legal political thinking began in the 17th century and it continued during the Enlightenment of the 18th century. A conscious fight against feudal privileges, prejudices, and against a monarchical approach to foreign policy and diplomacy was at the centre of the concerns and activities of political thinkers of this period. Eliminating wars through the establishment of rules and institutions of constitutional states and of international law was the most important challenge. Grotius was one of the firsts to develop a legal framework for making wars impossible. He believed that states should be organized based on common legal principles, and he also proposed to do the same for the community of states. His work was continued by numerous thinkers of European Enlightment, among them Locke, William Penn, Saint-Pierre, Montesquieu, Rousseau, and Vattel. The ideas on the principles of constitutional states, on representative parliamentary government, and on federal union of states based on the principle of unity in diversity developed gradually. All these thinkers had proposals to create common institutions, too, like a European council of rulers, a European assembly of the representatives of the citizens of the member states, or a court of justice.

The most important thinkers of the law of nations (international law), Suarez and Vattel, elaborated on social organizational ideas based on the principle of "unity in diversity". In Vattel's world view, for example, the international or interstate system was composed of single states. A single state constituted one political body, which was sovereign. The sovereign states could create either

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[5]   Johannes Althusius (1965): *Politica methodice digesta*. An abridged translation of the third edition. Translated, with an introduction by Frederick S. Carney. Eyre & Spottiswoode, London, 34-35, 66-67, 115.

federations ("république fédérative") or they could remain autocratic states. In the case of a federal republic the sovereign states unite into a permanent confederation. They agree in common competences and obligations, but they safeguard their autonomy. Vattel emphasised that sovereign states were not able to create peaceful international cooperation based on international law. Only the federal type states with a bottom up organisation could do that, representing the division of powers by the means of the principle of autonomy (subsidiarity).[6]

Federalists in opposition to sovereign nation states and nationalism

The founding fathers (the federalist political elite) of the American (1787) and Swiss (1848) federations successfully summarised all thoughts that had been proposed in the name of personal autonomy and the autonomy of states. They created the classical examples of constitutional federalism. These federations were based on the representation of the interests of the citizens as citizens of the large union, and at the same time as citizens of their own states/cantons, too. The classical constitutional federation was built from below. It was based on the division of power between the federation and the states. Legislation was made in the two chambers of the parliament. The federal government embodied the executive power. The federation was based on the balance of power policy between the federalists and the confederalists. It had an international legal personality. The French nation state (1792), in contrast, was unitary, centralised and built from above. It denied the classical idea of federalism based on the principle of autonomy of the persons and of the historical associations (cantons) of the persons; the state was embodied by the nation.

The constitution of the USA and of Switzerland served as examples for the European constitutional federalists who strongly criticised the French concept of nation state that denied the principle of federation. The whole of the 19th century was hallmarked by this struggle between federalists and "democratic nationalists" who, like Mazzini, concentrated on the democratisation of nation states as the only legally acceptable units of a European cooperation. While democratic reformers fought for a consistent implementation of democratic reforms within their states, there was no effective internal and external legal harmonisation among states. The conservative Saint-Alliance could not become the coordinator of legal harmonisation. The methods of monarchic diplomacies, of expansion, of the interests of sovereign nation states, and of a strive for a balance of power dominated. Although the aim of the conservative monarchs to restore the old

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[6]   M. De Vattel (1775): *Le droit des gens, ou principles de la loi naturelle.*   Appliqués à la conduite et aux affaires des nations et des souvereains. Chez E. Van Harrevelt, Amsterdam, Preliminaires, 1-9.

European society proved to be impossible, conservative forces could still hinder and paralyse the development of the necessary democratic reforms. Nevertheless, the fight in the name of a European unity continued. European federalists strongly criticised the competition among nation states and national empires that, in the lack of an international coordination, turned them into enemies. The lack of democracy made this phenomenon especially dangerous. People developed mutually negative images and stereotypes about each other, which led to feelings of animosities and fears. It is on this psychological basis that the phenomenon of nationalism could develop.

For the supporters of the democratic European idea it was clear that democracy and federalism was the only solution to these problems. Proudhon is probably best known as the representative of personalist federalism. His major work on this subject, published in 1863, was "Du principe fédératif".[7] In this work he concentrated on the dichotomy of authority and liberty. Proudhon put forward a model of state and society composed of autonomous communities, which federated on basis of contracts freely entered into. His conception of the state-society relationship was an organic view based upon associations and subsidiarity. He believed that power should be divided in order to be as close as possible to the level of the problems to be solved.

Central European federalist thinkers fighting against cultural and political nationalism followed Proudhon's personalist ideas. Searching the legal means against nationalism after the bloody nationalist fight in 1849, they elaborated important federalist ideas opposing the idea of a sovereign nation state not suitable for multinational states (like the Habsburg Monarchy, for example). Personal principle and subsidiarity played a significant role in this. The most important among these thinkers were Eötvös, Palacky, Naumann, Renner, and Coudenhove-Kalergi. Their contributions to the development of a democratic federal European idea and of human rights are indeed very important, primarily in the area of national minority rights. They elaborated also the model of a democratic multinational and multidimensional personalist federalist state.[8]

The first important result of the democratic international legal thinking was the establishment of the League of Nations in 1918, and the Covenant of the League of Nations. The vision of a world federation was expanded with new democratic international organizational principles: popular sovereignty, self-determination,

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[7]   Pierre-Joseph Proudhon (1959):Du principe fédératif. In: *Oeuvres complètes de P. J. Proudhon*, Paris, 1959; Proudhon: Mutuellisme et fédéralisme

[8]   Bóka Éva: The Democratic European Idea in Central Europe, 1849-1945. *Specimina Nova*, Pécs, 2005, 6-24; Bóka Éva: From National Toleration to National Liberation (Three initiators of cooperation in Central Europe). *East European Politics and Societies*. Vol. 13, No., 3. 1999. 435-473.

international organization, and law. However, the development of the democratic international legal thinking was paralysed by the emergence of totalitarian states and by the Second World War. The struggle between nationalists and federalists strengthened between 1918-1945 because authoritarian and totalitarian nation states emerged in Europe. Progressive political thinkers, both from Western and Central Europe, identified two major reasons for the victory of nationalism, and its aggressive and totalitarian consequences. The first was the inconsistent implementation of the democratic reforms within nation states; the second was the lack of a democratic coordination of international policy, and the weakness of international law. There was no coordination between the internal and external policies of sovereign states. Consequently, the system of sovereign nation states could continue with their former expansionist policy. Nevertheless, the oppositional federalist forces were present and continued their fight for an international system based on democratic international law. Ortega y Gasset raised the question: why do people protect nationalism and aggressive nationalism instead of a peaceful federalism in the age of popular sovereignty, self-determination and international organization?

During this period, the Pan European Movement, led by the count Richard Coudenhove-Kalergi, represented constitutional federalism in Europe in opposition to authoritarian nation states and Stalinism. European constitutional federalists opposed the emergence of totalitarian states in Europe by strengthening the world federalist model mentioned above, and based on the personal principle and the autonomy (subsidiarity) principle. Coudenhove-Kalergi's idea on "the Revolution of Brotherhood" is a good example.[9] Ortega y Gasset, Thomas Mann, Karl Renner, or Madariaga all belonged to the Pan European Movement. They favoured personal federalism and the principle of subsidiarity as the basic principles of international law and of a democratic international community. The members of the Pan European Movement did not believe that Europe could imitate the United States of America; instead, their model was the Swiss example.

Coudenhove-Kalergi, and his intellectual movement, had a great influence on Briand. His movement played a very important role in the establishment of the Council of Europe, and in the emergence of the constitutional, federalist European Parliamentary Movement opposed to the unionist policy of Churchill after the Second World War. For the federal constitutional structure of Europe Coudenhove-Kalergi proposed a two chamber Parliament composed of a House of Peoples and of a House of States. He was in favour of a European federalist

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[9] Richard Coudenhove-Kalergi (1937): *Totaler state – totaler Mensch.* Paneuropa Verlag, Wien, 182-183.

constitution.[10] He emphasised the necessity to discredit the idea of sovereignty. As a replacement one should establish supranational institutions, and develop and implement shared democratic external and internal legal organisation principles for every nation state in Europe in harmony with international law, and with human rights as the most important basis.

In parallel with the Pan European Movement the personalist movement – sometimes referred as "personalist or integral federalist" – emerged in France during the 1930s. It was based on the Proudhonian ideas. This philosophy was developed in the two organizations known as "L'Ordre Nouveau" and "Esprit" that also published reviews by the same name. The personalists were led by a small group of highly influential philosophers with Alexander Marc, Robert Aron, Emmanuel Mounier, Daniel Rops, and Denis de Rougemont taking the leading roles. Henri Brugmans joined after the end of the Second World War. His experience in the Resistance Movement converted Brugmans to personalism. The members of the personalist movement organized the New European Movement of personal or incremental federalists after the Second World War. Jacques Delors also belonged to this group.

The Catholic social theory also presented an idea of subsidiarity. The most important documents were two famous papal encyclicals: Rerum Novarum, 1880; Quadragesimo Anno, 1931. The principle of subsidiarity acquired its first explicit formula in 1931 when Pope Pius XI made an address entitled Quadragesimo Anno.

Members of the Resistance Movements in the Second World War, inspired by pre-war European Union proponents such as Aristide Briand and Richard Coudenhove-Kalergi, blamed extreme nationalism as the primary cause for the misery and chaos of the continent. Altiero Spinelli, one of the most important leaders of the international Resistance Movement, regarded the Federalist papers and the American constitution as examples for a European social organization after the Second World War. He founded the European Federalist Movement that adopted the Ventotene Manifesto as its political program. The manifesto emphasised that the main division is between the supporters of the national sovereignty and the supporters of the creation of a solid international state. The latter uses national power for achieving international unity. International unity could be achieved by establishing single federal state in which "each states will retain the autonomy it needs for a plastic articulation and development of political

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[10]   Entwurf einer europäischen Bundesverfassung, 1951. In: Richard Coudenhove-Kalergi (1953): *Die europäische Nation.* Deutshe Verlag-Anstalt, Stuttgart, 161-164.

life according to the particular characteristics of its people".[11] Spinelli's Constitutional Federalist strategy had a strong institutional component and focused on the immediate establishment of federal political institutions, above all a supranational government directly responsible to the European citizens instead of national governments. The idea was that, once these organs were established, further transfer of authority from the nation-state to the federal state would occur automatically.

In search of a democratic Europe

Social organization based on international law and human rights as a global political process following the vision of world federation started with the establishment of the UNO, and the Universal Declaration of Human Rights. European integration belongs to this process. It started with federalist goals; however, after the defeat of European federalism, Europe's governance became intergovernmental with supranational elements. After the war the influence of the British unionist policy, and of the British leader, Churchill, became determinant for the European integration policy. The federalist élan gradually diminished as the former nation states and national governments were reconstructed. The struggle between the supporters of the sovereignty of nation states and of a European federation of citizens and of autonomous states dominated European policy.

European federalism continued to be based on the personal autonomy principle and the principle of autonomy (subsidiarity) of the state. The federalist movement had two directions: the constitutional federalist and the integral federalist or personalist federalist. The constitutional federalists regarded the Swiss constitution as an example to follow. Coudenhove-Kalergi aimed at the establishment of a European Parliamentary Federation "by at one inaugurating the United States of Europe – with a Supreme Council and a Supreme Court, a joint police force, equal human rights for all, a European market and a European currency".[12] Spinelli also favoured a European constitutional federation. Both of them were in favour of the immediate establishment of federal political institutions, above all a supranational government directly responsible to the European citizens.

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[11] Ventotene Manifesto. In: Walter Lipgens (ed.) (1985): *Documents on the History of European Integration. 1. Continental Plans for European Union 1939-1945.* Walter de Gruyter, Berlin, 471-473. Ventotene Manifesto

[12] Richard Coudenhove-Kalergi: Appeal to all Europeans, 28 April 1947. In: Walter Lipgens - Wilfried Loth (1991): *Documents on the History of European Integration 4. Transnational Organizations and Political Parties and Pressure Groups in the Struggle for European Union, 1945-1950.* W. de Gruyter, Berlin – New York, 123-124.

Another group of federalists, the so-called incremental federalists, also appreciated the Swiss federation but they wanted to build up Europe gradually. The personalist federalist writer Denis de Rougemont was a representative of this new European federalism. As his starting point he took the European person establishing a community in opposition to totalitarian and centralised states. His integral federalist schema denied the negative influences of the classical constitutional federalist and parliamentary structures. He launched a new European renaissance of the autonomous living forces.[13] Rougemont believed that "federalism like all great ideas is very simple, but not easy to define in a few words or a conscious formula. … True federalism is not a simple union of cantons, nor their autonomy pure and simple. It consists in a constant readjustment of the balance between regional autonomy and union – a perpetual accommodation between the opposing forces, by which they strengthen each other".[14] For Rougemont the most important principles of European federalism were: no hegemony of states; unity in diversity; putting together and composing the concrete multiform reality of nations, economic regions and political traditions which must be respected and at the same time articulated into a whole; no problem of minorities; the nations of Europe could come to think of themselves as various organs of a single body; a federation is formed little by little, by combinations of persons and groups, and not from a single centre or by the agency of governments.[15] In Rougemont's world federalist model different associations developed gradually around a person, like puzzles (not concentric circles) based on the principle "unity in diversity".

Rougemont was very sceptical regarding the governments' ability to form a viable union among themselves: "The European federation will not be accomplished by rulers whose task is to defend their country's interests against the rest of the world. It will be the work of groups and individuals federating on their own initiative, independently of national governments. These are the groups and individuals who will form the government of Europe. No other way is possible or practicable. The USA is not governed by an assembly of the governors of the 48 states, or Switzerland by the delegates of the 22 cantons – it would be quite impracticable. Both these federations are governed, above and outside their component states, by an executive and a legislature appointed by their peoples."[16] He believed that Europe has a future only as a federation. Therefore to protect

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[13]   Denis de Rougemont: The Federalist Attitude. 26 August 1947. In: W. Lipgens - W. Loth,: *Documents on the History of European Integration,* 23-27.

[14]   Denis de Rougemont: The Federalist Attitude, 25.

[15]   Ibid., 25-26.

[16]   Ibid., 27.

federalism is a new European responsibility: "The necessity is evident, the historical opportunity is ripe, and the structures are already outlined. All that is lacking is a federal charter, representative institutions, and the last upsurge of popular pressure to force the hand of governments".[17]

Hendrik Brugmans, another incremental federalist, followed Proudhon's ideas in emphasising that the goal of the real personal politic is the "dismemberment of sovereignty". He believed that the European federation has to be a free association of people: people must unite for their common good.[18] In his vision a united Europe must be organised as an open society.

Unionists, in opposition to federalists, concentrated on the interests of the nation states and continued to subordinate the interests of the persons (citizens) to nation states. Their goal was to establish the European Family of Nations, pursuing a classical intergovernmental confederate policy. The Statute of the Council of Europe is a good example. The Council of Europe followed the classical European confederative model of intergovernmental cooperation among sovereign nation states. Nevertheless, it was based on the principles of the Charter of the United Nations, and it accepted the principles of the Universal Declaration of Human Rights. European federalist could not accept this solution but they remained in minority. The unionists could win in 1949.

Federalist élan in Europe

The construction of a federalist Europe (European integration) started with the Schuman declaration (1950), and the establishment of the supranational High Authority of the European Coal and Steel Community. The ECSC Treaty represented a new legal precedent of institutional development that was based on the functionalist idea of sectoral integration, thereby creating a chain reaction. I.e., European integration started with the Schuman Plan and the establishment of the supranational European Coal and Steel Community (ECSC). The Treaty of Paris equipped the ECSC with a Parliamentary Assembly and a Court of Justice, too. The Council's function was to coordinate between the governments of the member states and the High Authority (later Commission). In other words, the Treaty establishing the ECSC laid the foundation of the federalist-confederalist community structure that still exists today. It represented two alternatives: federation of states versus union of states. The dichotomy, characterising European policy, of federalist versus intergovernmentalist was born.

Through the ECSC Jean Monnet established the first federalist-functionalist

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[17] Ibid., 27.

[18] Hendrik Brugmans: Fundmentals of European Federation, 27 August 1947. In: W. Lipgens - W. Loth: *Documents on the History of European Integration,* 28-34.

organization, which was to become the core of the European integration process. In his words: "This new method of action developed in Europe aimed to replace the efforts at domination of nation states by a constant process of collective adaptation to new conditions, a chain reaction, a ferment where one change induces another."[19] The Monnet-method was based on the active cooperation of persons in the construction of Europe. He believed that the European federation has to be the result of the everyday work and cooperation of persons (citizens) in all areas of life. The construction of Europe meant for him the emergence of a new civilisation based on personal federalism, and characterised by the democratic and international thinking of citizens. This would be a new step on the way of realising the vision of peaceful world federation.

The Monnet-method raised the question again: would people protect democratic federalism or would they instead continue to choose for a strengthening of their own nation states? Would they choose for reinforcing the personal and the autonomy principles and a reorganization of the international community following the new challenges of world economy and globalisation? Or would they continue to subordinate their personal autonomy and rights to their nation states as the basic units of world organization?

Spinelli, for example, strongly criticised Monnet's "wait and see" method.[20] He emphasised the dangers of the lack of Europe's governance and legal personality: this could strengthen the former intergovernmentalist and the nationalist forces. With the aim to finalise the European federation and to establish a European federalist government he protected the Draft Treaty Embodying the Statute of the European Community (published in Strasbourg, on the 11th March 1953).[21] Europe's first constitutional draft (1953) shows the federalist aims of the founding fathers: they favoured a parliamentary solution based on two chambers, representing the interests of the citizens as Europeans as well as citizens of their own states. The first Chamber, called the Peoples' Chamber, shall be composed of deputies representing the peoples united in the Community. The Second Chamber, called the Senate, shall be composed of senators representing the people of each State. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State. The establishment of the European Executive Council shall solve the problem of

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[19]   J. Monnet (1962): A Ferment of Change. In: *Journal of Common Market Studies*, Vol. 1, No. 1, 1962, 20-21.

[20]   Michael Burgess (2000): *Federalism and European Union: the Building of Euro*pe, 1950-2000 Routledge, London and New York, 31-36.

[21]   Draft Treaty embodying the Statute of the European Community. Strasbourg, 11 March 1953. In: Richard T. Griffiths (2000): *Europe's First Constitution. The European Political Community, 1952-1954.* Federal Trust for Education and Research, London, 189-226.

European governance. It shall undertake the general administration of the Community. The Council of National Ministers shall harmonise the actions of the European Executive Council with the Governments of the Member States. The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

Europe's first constitutional draft was not federal, but it could have been developed in this direction. The new European international legal policy was very different from the former policy of sovereign nation states. However, the governments did not favour such a change. The defeat of the European Defence Community and of the Draft Treaty Embodying the Statute of European Political Community (1953) were setbacks for the federalist movement. Constitutional federalism, represented by framework of a European Parliament with two chambers and based on the personal principle and the principle of autonomy (subsidiarity) of the member states, was defeated in 1954.

The crisis of European integration was only temporary. In 1955, two federalist proposals were drafted simultaneously: a plan by Jean Monnet for a European atomic energy agency and a plan by the Dutch foreign minister Jan Willem Beyen for a common market in Western Europe. In June 1955, in Messina, the foreign ministers decided to embark upon multilateral negotiations on both economic and atomic integration. This led to the signature of the Treaties of Rome (in 1957) and to the creation of the European Economic Community (EEC) and the Euratom in 1958. The EEC's institutional framework, in fact, was in many respects similar to the ECSC's, although the Council of Ministers was strengthened in its relation to the Commission. The European Parliament was not directly elected and had little authority. The Treaties of Rome did not solve the problem of European government. Nevertheless, a democratic political system with two main fractions gradually emerged in Europe along the line of the dichotomy between federalists and intergovernmentalists. These two parties represented different institutional systems; consequently, they had a different interpretation of the personal, the subsidiarity and the sovereignty principles.

The federalist and intergovernmentalist compromise

The Monnet-method was successful in the field of economic cooperation. Nevertheless, the force of nationalism had been underestimated. The policy of the French president De Gaulle was an obvious example. The federalist interpreted the "De Gaulle phenomenon" as the returning of old spirits in Europe causing unnecessary damages on the way of the development of a democratic European government based on European law. In political practice, after the Luxembourg Compromise, decision-making on the basis of consensus instead of majority voting became the rule. The veto right denied the EEC of an important instrument

for enlarging both its authority and its powers. Nevertheless, De Gaulle's attack against the federalists and the supranational institutions, aiming to safeguard the classical intergovernmental policy among the sovereign nation states, left the EEC Treaty unscathed. Thanks to the other member states some kind of a two-level governance (supranational economic – intergovernmental political) emerged gradually inside the European Community. But, with the Luxembourg Compromise, the "golden age" of the federalist construction of Europe ended. De Gaulle's policy successfully broke the federalist élan of institution building and started a new intergovernmental period of European integration. The role of the governments and of the head of states or governments strengthened in European governance. In 1972 the European Council was established.

Jean Monnet and Spinelli acknowledged the strengthening of the national governments in European policy. However, they regarded it as a provisional necessity. Jean Monnet emphasised that the governments had to keep the federalist direction: they had to serve the original federalist goals, and to support the establishment of the European Parliamentary Federation.

After De Gaulle's attack on federalism and the supranational institutions three competing integration theories emerged. The first, conservative confederalism, aimed at safeguarding and strengthening sovereign states, and weaken supranational institutions (Margaret Thatcher). The second placed the emphasis on the intergovernmental policy of nation states in supranational institutions (Andrew Moravcsik). The third favoured the strengthening of supranational institutions and of federalism (Leo Tindemans, Altiero Spinelli, Jacques Delors). The federalists had to face the challenge of the conservative confederalists as well as of the intergovernmentalists. This motivated them to come up with new ideas on a reform policy to keep the balance among the different political forces of the EU.

The most important representative of conservative unionism was Margaret Thatcher. She was a real eurosceptic. In accordance with De Gaulle she favoured the cooperation among European states, and the establishment of the European Family of Nations. She wanted to achieve this goal by intergovernmental cooperation. She denied any importance of supranational institutions. [22]

Andrew Moravcsik represented intergovernmentalism. He supported the principle of intergovernmental institutionalism. This meant the continuation of the national policy in supranational institutions. He believed that European policy could be based on intergovernmental bargaining within the framework of supranational institutions with regard and with respect to the European law and

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[22] Margaret Thatcher: The European Family of Nations. The famous Bruges Speech, delivered in September 1988. In: Martin Holmes (ed.) (1996): *Eurosceptical Reader.* Macmillan Press LTD, London, 88-96.

legal harmonization. Thus, European integration should be based on the interests of the states coordinated by supranational institutions.[23]

The supporters of the supranational institutions belonged to the federalists. They remained active even after the defeat of the federalist European policy. The federalists were consistently opposed to the strengthening of the sovereignty of member states, and to the classical intergovernmental centralism. In opposition to De Gaulle's policy Walter Hallstein, the federalist president of the European Commission, was in favour of realizing the ideas of the Draft Constitution on the European Political Community of 1953 described above. He wanted to strengthen the European supranational institutions. In 1974 Leo Tindemans made an appeal to the European Council to continue on the way of European federalism and not to return to the former system of confederation of sovereign nation states. He emphasised the necessity of the establishment of a European Parliament composed of two chambers, and of the use of the federalist principles of personalism and of subsidiarity instead of sovereignty in European social organization.[24]

The famous European federalist, Altiero Spinelli was convinced that the citizens (the persons) should be actively involved in European policy: the European Community has to emerge as a personalist federation of European citizens and autonomous states. He wanted to strengthen the basic principles of federalism in the construction of Europe. He emphasised the importance of strengthening the supranational institutions (Parliament, Commission, European Court) and the European law. In his view these institutions worked as a counter balance to intergovernmental policy.

Spinelli accepted the intergovernmentalists as political partners to federalists in European policy. He believed that these two main political directions could establish a new type European parliamentary federation, and solve the democratic deficit and the problem of governance of Europe. To achieve this aim he emphasised the need to continue on the way of the completion of the common market, and he initiated the democratic reform of the European Parliament.

His most important reform ideas were outlined in the Draft Treaty Establishing

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[23]   Andrew Moravcsik: Negotiating the Single European Act. National Interest and Conventional Statecraft in the European Community. In: *International Organization*, Vol. 45, No. 1, 1991. 25, 48, 56.

[24]   Leo Tindemans, European Union. Report by Mr. Leo Tindemans to the Council. In: *Bulletin of the European Communities*, Supplement, 1/76.

the European Union[25] (Spinelli draft) that was adopted by the European Parliament. In this document he put forward a system of two chambers established by the democratisation of the co-decision procedure between the European Parliament and the Council (Art. 138). He struggled for the equal rights of the European Parliament and of the Council. He also planned the establishment of a Council consisting of ministers for Europe residing in Brussels. In his proposal the unifying federal political force should have also included a supranational institutional system.

Spinelli recognised the lack of the European governance. To find a solution, as a necessary compromise between the federalists and the intergovernmentalists, he accepted the advisory and coordinator role of the European Council. He also proposed to introduce and to include the principle of subsidiarity in the treaty on the European Union as the means of division of competences between the union and the member states.[26] The role of subsidiarity was to bind the European Community and its institutions in the lack of European government. He believed that subsidiarity could function as a balance of power between the federalists and the intergovernmentalists. Following these lines the integration process could continue. However, he regarded this solution as provisional. He believed that the European Federation should become a federation of persons and of autonomous member states. In such a federation subsidiarity was the means of placing the autonomous member states into the framework of a larger federation, in harmony with federal constitutional law, international law, and human rights. He believed that subsidiarity could work perfectly only in a federation where there was harmony between the personal principle and the subsidiarity principle within the framework of the European Parliament.

Spinelli believed that the federalists had to continue the political struggle for the democratisation of the EU institutions. He therefore proposed three political strategies:

1. the democratisation of the co-decision procedure between the European Parliament and the Council;

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[25] Draft Treaty Establishing the European Union, Adopted by the European Parliament on 14 February 1984, Coordinating rapporteur: Mr. A. Spinelli. In: R. Bieber - J-P. Jacqué - J. H.H. Weiler (eds.) (1985): *An Ever Closer Union. A Critical Analysis of the Draft Treaty Establishing the European Union.* Office for Official Publications of the European Communities, Luxembourg, 306-328.

[26] It was Spinelli who introduced the principle of subsidiarity in the EU's formal legal document when he first led the European Commission to make a contribution to the Tindemans Report in 1975, and then the European Parliament to adopt the Draft Treaty on European Union in 1984. Ken Endo (2001): *Subsidiarity & its Enemies. To What Extent is Sovereignty Contested in the Mixed Commonwealth of Europe?* EUI Working Papers, European University Institute, San Domenico (FI), 23.

2.   the enlargement of the fields of supranational cooperation, to gradually transfer more and more fields from the national level to the supranational level by using the principle of subsidiarity;

3.   a clear division of competences between the union and the member states.

Spinelli's policy goal of finding a necessary political compromise with the intergovernmentalists started a new federalist élan in the construction of Europe, with a major role given to subsidiarity and the personal principle.

Jacques Delors, as president of the European Commission, continued the federalist policy of Jean Monnet, Walter Hallstein, and Altiero Spinelli. He defined himself as a personalist federalist belonging to the French personalist school of Mounier. With important changes in world policy Delors stood before the challenge of democratisation of European policy. In his speech (Bruges, 17th October 1989)[27] he proposed a new vision of a federation of nation states aiming to unite not only the people, but the nation states, too. His goal was that all Europeans could feel to belong to a Community that they see as a second homeland. His vision on the federation of nation states was based on the basic principles of federalism, i.e., the personal principle and the principle of autonomy (subsidiarity). He emphasised that, regarding cooperation among nation states, federalism represented two essential rules:

1.   the rule of autonomy (subsidiarity), which preserves the identity of each member state and removes any temptation to pursue unification regardless; and

2.   the rule of participation, which does not allow one entity to be subordinated to another, but on the contrary, promotes cooperation and synergy, on the basis of the clear and well-defined provisions contained in the Treaty.[28]

That is, in the explanation of Delors, subsidiarity can be applied in two different situations: "on the one hand, as the dividing line between the private sphere and that of the State, in the broad meaning of the term; on the other hand, as the repartition of tasks between the different levels of political power."[29] He

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[27]   Jacques Delors: A Necessary Union. Address by Mr. Jacques Delors, President of the Commission of the European Communities, Bruges, 17 October 1989. In: Brent F. Nelsen – Alexander C-G. Stubb (eds.) (1994): *The European Union. Readings on the Theory and Practice of European Integration.* Lynne Rienner Publishers, Boulder, London, 51-75.

[28]   J. Delors: A Necessary Union, Address by Mr. Jacques Delors, 60-61.

[29]   J. Delors: The Principle of Subsidiarity: Contribution to Debate. In: *Subsidiarity: The Challenge of Change. Proceedings of the Jacques Delors Colloquium, 1991.* European Institute of Public Administration, Maastricht, 1991, 7.

believed that subsidiarity as federal principle comprised two infrangible aspects: "the right of each to exercise his responsibilities there where he can perform them best, and the obligation of the public authorities to give to each the means to reach his full capacity."[30] Delors emphasised the importance of letting the citizens know what belongs to which level of authority because, in his view, one aspect of the "democratic deficit" in the Community originated from this lack of visibility. He emphasised that the clear determination of the citizen's reciprocal responsibilities and of the different levels of power was very important. He mentioned Tocqueville as an example of a thinker who appreciated this solution.[31]

Delors emphasised that subsidiarity is an organizational principle of a federal state. He definitely rejected to use it in the name of nation-states.[32] He was convinced that such a policy would cause dead locks with serious consequences in European social organization. He believed that the construction of the European community represents a new kind of federal-confederal union of states directed by multi-level governance in the framework of a single institutional structure. As a federalist political tactic he proposed: to continue the supranational economic policy of the federalist founding fathers; the establishment of the single market; economic and monetary union; to gradually transfer the necessary powers from the nation states' level to the supranational level; to enlarge the fields of supranational cooperation; to diminish the role of veto; and to realise the union of nation states and of peoples based on the principle of unity in diversity.

Delors's federalist vision was discussed at a colloquium organized by the European Institute of Public Administration.[33] The most important result of this discussion was the division between the federalist and the intergovernmentalist interpretations of the principle of subsidiarity: the federalists regarded it as a means of solving the democratic deficit of the EU, whereas the intergovernmentalists used it to strengthen the role of national governments in EU policy, and to keep things in the hands of national states.[34]

The new type federalist-confederalist union of states

The Treaty on European Union represented another logical step toward the

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[30] Ibid., 18.

[31] Ibid., 18.

[32] Ibid., 8.

[33] *Subsidiarity: The Challenge of Change.* Proceedings of the Jacques Delors Colloquium 1991. European Institute of Public Administration, Maastricht, 1991.

[34] Lord Mackenzie-Stuart: Assessment of the Views Expressed and Introduction to the Panel Discussion. In: *Subsidiarity: The Challenge of Change*, 160.

building of Europe, a process that started in 1950. The federalist influence of Monnet, Schuman, Spinelli, and of Delors is undeniable. The TEU established a European Union based upon the existing EC, together with two new intergovernmental pillars, namely cooperation in foreign and security policies and justice and home affairs. For the federalists remained much to do: the meaning of federalism was questioned; the European Parliament was still not fully integrated into the decision-making process on an equal basis with the Council; important competences – including foreign, security, defence, immigration, and social policies – were left as an intergovernmental responsibility; the "single institutional framework" serving a two-level governance was open to serious doubt. The definition of the principle of subsidiarity remained ambiguous in practical legal terms. However, subsidiarity could work in practice as a balance between the federalist and intergovernmentalist elements of the EU. But the question arose: how long would this balance work?

The federalists regarded the TEU as a provisional solution and continued their struggle for the democratisation of the co-decision procedure between the EP and the Council of Ministers. Their aim was to enlarge the fields of the supranational cooperation and to transfer the necessary powers from the member states' level to the supranational level. However, the TEU strengthened the nation states and the intergovernmentalist forces.

It was Joschka Fisher who warned European politicians to avoid a collapse of the European Union. He gave a speech "From Confederacy to Federation: Thoughts on the Finality of European Integration"[35]at the Humboldt University in Berlin, on the 12th May 2000 in which he emphasised the necessity to finalise the construction of the European Community. He believed that it would be necessary to follow the steps described by Robert Schuman 50 years before toward a transition from a union of states to a full parliamentarisation as a European federation. In his view "it means nothing less than a European Parliament and a European government which really do exercise legislative and executive power within the Federation. This Federation will have to be based on a constituent treaty".[36] Fischer also acknowledged the importance of the division of sovereignty between Europe and the nation states by the means of the principle of subsidiarity. In his view a European Parliament must always represent two aspects of a multicultural and multinational Europe: a Europe of nation-states and a Europe of citizens. This will only be possible if this European Parliament actually brings

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[35]   Speech by Joschka Fischer at the Humboldt University in Berlin, 12 may 2000. In: Christian Jeorges -Yves Mény - J. H. H. Weiler (eds.) (2000): *What Kind of Constitution for What Kind of Polity?* The Robert Schuman Centre for Advanced Studies at the European University Institute, Florence, 19-30.

[36]   Ibid., 25.

together the different national political elites and, consequently, the different national publics, too. In his opinion this can be achieved if the European Parliament has two chambers. One will be for elected members who are also members of their national parliaments. Thus there will be no clash between national parliaments and the European Parliament, between the nation-state and Europe. For the second chamber a choice must be made between the approaches of the US Senate, with directly elected senators from the member states, and a chamber of states along the lines of Germany's Bundesrat. (In the United States, every state elects two senators; in the German Bundesrat, in contrast, there are different numbers of votes.) He proposed to solve Europe's governance by one of two ways: either to develop the European Council into a European government, i.e., the European government is formed from the national governments, or – to take the existing Commission structure as a starting point – one can opt for the direct election of a president with far-reaching executive powers.[37]

Fischer emphasised that the Monnet-method is not effective any more. Instead, he proposed to create a centre of gravity: "Such a group of states would conclude a new European framework treaty, the nucleus of a constitution of the Federation. On the basis of this treaty, the Federation would develop its own institutions; establish a government, … a strong parliament and a directly elected president. Such a centre of gravity would have to be the avant-garde, the driving force for the completion of political integration and should, from the start, comprise all the elements of the future federation. … Such a centre of gravity must have an attractive interest in enlargement and it must be attractive to the other members."[38] He believed that "this is the way from closer co-operation towards a European constituent treaty and the completion of Robert Shuman's great idea of a European Federation."[39] He warned that the only way Europe could participate in the global economic and political competition of the 21st century is if it had a finalised European Federation with a legal personality.

What the European integration process could achieve is to be found in the Draft Treaty on the European Constitution, 2003.[40] It merged the basic treaties into a new constitutional treaty on the European Union. However, it has both a

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[37] Ibid., 25-26.

[38] Ibid., 29.

[39] Ibid., 30.

[40] Draft Treaty Establishing a Constitution for Europe. Submitted to the President of the European Council in Rome, 18 July 2003. *Official Journal of the European Union. 2003/C 169/01.* On-line

federalist and an intergovernmentalist interpretation. Following the federalist interpretation the draft treaty on constitution outlines the frameworks of a new type federation-confederation of states directed by multilevel governance within the framework of a single institutional system. It is composed of federalist and confederalist elements following the principle of division of competences between the union and the member states. Although the federalist elements dominate, the emphasis is on the member states: the member states – and not the European citizens – constitute the European Union. It is a federation of nation states: the member states are the citizens of the European Union; the state forming constitutional force of citizens is absent. According to the Draft Constitution of 2003 the European Parliament represents the peoples of the European states and not the European people. Put it differently, the European Parliament represents many peoples, and not one European people. In the Council each national government represents the interests of its own state. In this system – thanks to the supranational institutions – subsidiarity plays the role of a balance between the federalists and the intergovernmentalists, keeping the integration process alive.

The Draft Constitution of 2003 is an important achievement. It represents the fifth step – the first was the establishment of the Council of Europe, the second of the ECSC, the third of the EEC, and the fourth the EU – on the way of European integration. However, to name this important European legal document a constitution was a mistake. It is an important "summary treaty", a "treaty of assessment": a necessary summary, combination, and assessment of the achievements of the construction of the European Community. It keeps the door open for future federalist reforms in a personalist federalist direction: the establishment of the European Parliament of European citizens and of citizens of member states.

In search of future federalist alternatives

The EU represents a new type of federalist-intergovernmentalist union of states directed by multilevel-governance within the framework of a single institutional system. The EU governance is supranational on economic cooperation, and intergovernmental on political cooperation. The European Union can be regarded as a puzzle composed of intergovernmental and supranational elements. However, it is a federation of nation states. The citizens could become European through their own nation states only. There is a lack of European identity. The problem of democratic deficit has not been solved. Therefore, the real challenge for the European federalist policy is to find ways and means to involve the persons as Europeans (representing European interests) in the construction of the democratic European Community. This requires a solution to the problem of democratic deficit, as the European Parliament does not occupy a central role in the

Community's decision-making process. The only way to solve the Community's democratic deficit would be to invert the roles of the Council and of the European Parliament in the legislative process: the Parliament should occupy the central position overall and the Council should become the equivalent of chambers of territorial representation. [41]

The future of the EU depends on the strength of the two oppositional forces of European history: sovereignty and autonomy (subsidiarity). Subsidiarity as an opposite principle to nation state sovereignty could provide future alternatives to European integration only if the construction of Europe developed in the personalist federalist direction. A Europe of free persons and free states could then emerge, a *'European Parliamentary Federation'*. But if the persons (citizens), in the lack of a democratic European identity and of a democratic international legal knowledge, choose to strengthen the interest of sovereign nation states and if they awake national sovereignty again, one has to face a new age of authoritarian states, and a new form of world nationalism. In this case the responsibility of the persons (citizens) and of their governments would be undeniable Europe-wide, while the tragic consequences of such a mentality and vote are already known for everybody.

Rethinking the democratic federalist European visions, ideas, principles, treaties on European Community, and draft constitutions could help to find new peaceful international legal ways to shape a real democratic European Union as regional part of a democratic world federation.

On this subject see also:

Éva Bóka: Europe in Search of Unity in Diversity. Can Personalist Federalism and Multilevelism Manage Diversity? *ISES Füzetek* 14. Társadalomtudományok és Európa-tanulmányok Intézete, Szombathely-Kőszeg, 2010. Also available on line

3. Values and principles of the EU as a new regional union

The *Treaty of Lisbon* (2007) followed the unsuccessful constitutional attempt. It continued to elaborate on the federalist principles and on the principle of *unity in diversity* by:
1. The principles of *subsidiarity* and *multilevelism*;
2. The incorporation of the *Charter of Fundamental Rights* into European

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[41] Antonio Estella (2002): *The EU Principle of Subsidiarity and its Critique.* Oxford University Press, Oxford, 70-71.

primary law

3. The provisions for new solidarity mechanisms better protections of European citizens.

The treaty continued to shape the EU, essentially in line with the ideas of Tocqueville, Monnet, Spinelli or Delors on *subsidiarity* and *multilevelism*. It defined what the EU could and could not do; i.e., which competences belong to the union and which to the members states. As a consequence, there are now three categories of competences in the EU: *union competences*, *shared competences*, and *coordinated competences*[42]:

− The Union has *exclusive competence* (only the union may legislate) in the following areas: customs union, internal market, monetary policy of the euro countries, common fisheries policy, and common commercial policy.

− The Union *shares competence* with the Member States in the following areas: social policy; economic, social and territorial cohesion; agriculture; environment; consumer protection; transport; trans-European networks; energy; area of freedom, security and justice; common safety concerns in public health matters.

− The Union has the competence to carry out actions to *support*, *coordinate* or *supplement* the actions of the Member states. The areas of such actions are: protection and improvement of human health; industry; culture; tourism; education, vocational training, youth and sport; civil protection; administrative cooperation.

Regarding *citizens' rights* and the *Charter of Fundamental Rights* the Treaty of Lisbon preserved existing rights while also introducing new ones. While guaranteeing the freedoms and principles set out in the Charter of Fundamental Rights, its provisions regarding civil, political, economic, and social rights have become legally binding. Diversity is also well protected by the following rights and duties: right to human dignity, to liberty and security; respect for private and family life; prohibition of slavery; freedom of thought, conscience and religion; freedom of expression and information; freedom of assembly and association; freedom of the arts and sciences; right to education; equality before the law, and citizens rights. Any discrimination based on any ground, such as sex, race, colour, ethnic or social origin, religion or belief are prohibited.[43]

The division of competences by the Treaty of Lisbon means that member states could safeguard their autonomy in the area of culture and education. Management

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[42] Treaty of Lisbon, Common Provisions, Categories and Areas of Competences. *Official Journal of the European Union*. C 306. 46-48.

[43] Charter of Fundamental Rights of the European Union. (2010/C 83/02). Official Journal of the European Union. 30. 3. 2010. C 83/389.

of diversity is based on a *double identity* in the EU: a *European civil identity* for everyone, and a *linguistic and cultural* (*national*) *identity* depending on the Member State to which the person belongs on basis of his or her *mother tongue* and *school language.* In other words, citizens in the EU can be identified as nationals and as European, where national identification belongs to the Member States. I.e., Member States continue to play an important role in the management of diversity.

4. Enlargement and the dilemma of Europeanization: the case of Central and Eastern Europe [44]

Following the *Consolidated Version of the Treaty on European Union* any European country, which accepts the principle of liberty, democracy, respect for human rights and fundamental freedoms, and the rule of law, can apply to become the member of the European Union. [45]

The acceptance of a new member to the EU is a process guided by the adoption by the applicant country of the values and principles of the EU, and by its implementation of the *aquis communautaire*. This may mean the transformation of the economic, political, and cultural structure of the applicant country. One of the problems raised by this "*guided Europeanization*" process is how to provide safeguards to maintain diversity. Can one trust that the principles of multilevelism, subsidiarity, and the adoption of EU values would solve this issue automatically?

The 10+2 enlargement round[46] started with the application of Cyprus and Malta in 1990. It continued with applications of a number of former communist countries, of Central and Eastern European countries (CEECs) in 1990. All the Central and Eastern European countries established liberal democratic and market based systems. East-West relations were transformed, and the road was open for

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[44] Éva Bóka: Europe in Search of Unity in Diversity. Can Personalist Federalism and Multilevelism Manage Diversity? *ISES Füzetek* 14. Társadalomtudományok és Európa-tanulmányok Intézete, Szombathely-Kőszeg, 2010. Also available on-line

[45] "Any European State which respects the principles set out in Article 6(1) may apply to become a member of the Union. It shall address its application to the Council, which shall act unanimously after consulting the Commission and after receiving the assent of the European Parliament, which shall act by an absolute majority of its component members.

The conditions of admission and the adjustments to the Treaties on which the Union is founded, which such admission entails, shall be the subject of an agreement between the Member States and the applicant State. This agreement shall be submitted for ratification by all the contracting States in accordance with their respective constitutional requirements".
Consolidated Version of the Treaty on European Union.

[46] The 10 CEECs were Bulgaria, the Czech Republic, Hungary, Estonia, Latvia, Lithuania, Poland, Slovakia, Slovenia, and Romania. The +2 were Cyprus, and Malta

CEECs to join the EU.[47]

A key step in the process occurred at the June 1993 *Copenhagen European Council* where EU leaders declared in the conclusion of the Presidency:

> „The associated countries in Central and Eastern Europe that so desire shall become members of the European Union. Accession will take place as soon as an associated country is able to assume the obligations of membership by satisfying the economic and political conditions required"[48]

The *Copenhagen conditions*—or *criteria*, as they came to be known—were designed so that there would be a convergence between existing and new member states with respect to their political and economic systems and also their adoption of Union laws and policies. These laws and policies were generally referred to as the *acquis*. The key paragraph setting out the *Copenhagen criteria* stated:

> "Membership requires that candidate country has achieved stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities, the existence of a functioning market economy as well as the capacity to cope with competitive pressure and market forces within the Union. Membership presupposes the candidate's ability to take on the obligations of membership including adherence to the aims of political, economic and monetary union". [49]

Between 1994, when Hungary applied, and January 1996, when the Czech Republic applied, 10 CEECs formally applied for EU membership. The Commission published the *Agenda 2000: For a Stronger and Wider Union* (European Commission, 1997) on the recommendations.[50] The Nice summit in December 2000 confirmed the negotiations and, in December 2002, the Copenhagen summit decided to sign the accession treaties with all negotiating states apart from Bulgaria and Romania. This indeed happened with the 10 states —eight CEECs, plus Malta and Cyprus—in April 2003. By September 2003, all eight CEECs had held successful ratification referendums, and they joined the EU in May 2004. Bulgaria and Romania followed suit in 2007.

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[47] On the CEECs 10+2 enlargement see Neill Nugent (ed.) (2004): *European Union Enlargement*. Palgrave Macmillan, New York

[48] Copenhagen conditions for enlargement

[49] European Council in Copenhagen, 21-22 June 1993. Conclusion of the Presidency. DOC/93/3.

[50] Agenda 200. For a stronger and wider European Union, European Commission

Contradictions in EU principles regarding liberal market economy expansion

The desire of the formerly communist Central and Eastern European countries to join the EU and their acceptance of the *acquis communautaire* gave an unprecedented influence to the EU in restructuring their societies. The consequences of this great transformation are more visible by now, and analysts have different opinions as for the value and results of this period.[51] Some analyst see the EU as akin to a colonial power that exploits a superior bargaining power to the disadvantage of socio-economic and democratic developments in the CEECs. Others see the influence of the EU as fundamentally positive: in their view, the EU helps in achieving political and market economy reforms which, eventually, are advantageous for the CEESs in comparison with other transition countries. Some also consider that the EU has a moral obligation to foster the development of democracy and human right. As usual, the truth is somewhere in the middle: what one can see today is the result of a cooperation that resulted in positive and negative effects.

On the positive side: the CEES enlargement was undoubtedly a great opportunity for democracy and modernization. One should not forget that this enlargement was born out of the dramatic changes that swept through the CEES countries after 1989. The EU assisted and contributed to establish democratic states in the region, it contributed to the solution of a range of economic problems, and it also helped to shape, for example, new environmental and immigration policies.[52] The EU fosters further cooperation among these countries, thereby strengthening their mutual relationships and helping to attenuate possible frictions inherited from their complex history (e.g., national minority issues).

However, there are of course major problems, too. Based on the liberal market economy, the Central and Eastern European countries provided new markets for the economies of the leading Western countries that found themselves in an outstanding investment position. This often meant the weakening or even the disappearance of local companies and institutions that could not compete with the experience, the technological and financial background of their Western counterpart. Although these foreign investments also brought new jobs and technological developments, it nevertheless led, many times, to unemployment elsewhere, to the downgrade of work quality and personal satisfaction. This was aggravated by the fact that the societies in the CEECs were not socially or psychologically prepared to handle issues like, for example, unemployment.

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[51] Frank Schimmelfennig – Ulrich Sedelmeier (eds) (2005): *The Europeanization of Central and Eastern Europe*. Cornell University Press, Ithaca and London, 5.

[52] John O'Brennan (2006): *The Eastern Enlargement of the European Union,* Routledge, New York and London, 182.

Tensions have appeared between those who could benefit from the changes and could exploit the new possibilities (mainly in the big cities) and those who found themselves on the fringe of society.

In his monograph entitled *From the Soviet Bloc to the European Union* Ivan Berend tries to draw some conclusions. In his view, mistakes were made on both sides, basically because the parties did not know each other's economic and social systems. As a result, instead of catching up with the EU-15, a dual economy *may* emerge in several new member countries of the European Union.

> "In such a scenario, the level of development would improve after joining, but would remain stuck behind the Western level. Multinational companies would constitute the advanced sector of the economy, while an adequate national innovation system would not develop and local companies would remain in a backward situation. In this case multinationals may form isolated enclaves in the national economy, while the host countries remain on the periphery of Europe, with an institutionalised division of labour separating advanced countries from laggards. In other words some countries of the region could remain behind and profit less from globalization with a resource driven specialization and/or as providers of cheap-labour in lawtech sectors for advanced partners. A much lower living standard than in the core would result. Instead of calculating the years and decades of catching up, one has to consider markedly different outcomes of the ongoing transformation, which would result from the failure to catch up in some countries or in subregions of Central and Eastern Europe. Different models and development levels may emerge in the region in the coming decades". [53]

This process has shown the contradiction between the expansionist nature of a liberal market economy and the values and the principles of the EU. An expansion of a market economy is based on the competition among states and persons while the enlargement process tried to emphasize the importance of securing peace and stability in Central Europe. Handling this contradiction is not obvious.[54] More on the process level, the Central and Eastern European enlargement raised questions on the rightfulness and the usefulness of a *guided enlargement process*, as represented by the EU. It has become clear that the EU-model could not be forced upon less-developed transforming countries with different social and economical basis without negative consequences, even if the political elite and the citizens of

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[53] Berend T. Ivan (2009): *From the Soviet Bloc to the European Union.* Cambridge University Press, Cambridge, 265.

[54] John O'Brennan (2006): *The Eastern Enlargement of the European Union.* 132-140.

these countries made a voluntary choice. A *partnership policy*, based on more negotiations and mutual agreements, and serving as a gradual transition, may have been a better solution. In the case of the 2004 enlargement this did not happen and the Central and Eastern European countries have paid a price for it. This is also why the consequences of the Central and Eastern European enlargement of the EU became one of the most fascinating subjects for scholars; the EU's enlargement policy as „*Europeanization through conditionality*" has become again a subject of further discussion.[55]

Searching ways for the reform of the EU one should not forget that the original goal of the founding fathers of the EU was to establish a new type democratic federalist market economy replacing the classical capitalist liberal market economy. In managing the European integration they aimed to avoid the revival of classical capitalist market expansionist attitudes. Coudenhove-Kalergi, Schuman, Monnet, Spinelli, De Gasperi or Adenauer have seen the solution in a new European economic federation, which could be a model for the whole world. History has proven the validity of their project; after all, peace has been maintained on the continent, at least within the countries of the EU, ever since. Rethinking the federalist bases of EU could help to find alternative ways for the reform of the EU. This includes finding a solution for the problem of a democratic deficit, for the strengthening of multilevelism and supranational institutions, and the necessary revision of the enlargement policy.

5. The EU-model and the world[56]

Jean Monnet and Walter Hallstein believed that the new *European supranationalism* could serve as a model for the whole World.

Jean Monnet thought that the federalist-functionalist method of transferring sovereignty of nation states to independent supranational institutions would be a new step on the way of realising the vision of a peaceful world federal union. It could result in the changing of the thinking of people on the state and on international policy (Monnet 1962: 203-211).

Walter Hallstein also believed that the European Community could be a model for the World. In his words:

> "The Unification of Europe is truly an organic process, with long lived
> cultural,   economic   and   political   roots.   That   process   with   the

[55] Heater Grabbe (2006): *The EU's Transformative Power. Europeanization through Conditionality in Central and Eastern Europe.* Palgrave Macmillan, Basingstoke and New York

[56] Éva Bóka: Europe in Search of Unity in Diversity, 43-46.

establishment of the EEC has a concrete shape and structure, which in essence are political. That is why the Community organization of Europe could be a model for the World"[57]

With these in mind the question arises whether *European supranationalism* can serve as an example for the different states and regional unions belonging to different civilizations and to different models of the organization of state. Is it really conceivable that different states worldwide would start to cooperate within the framework of supranational institutions in all fields where cooperation is necessary following the EU-model.

The answer is "*yes and no*".

No, due to the historical and cultural differences among the states around the globe.

Yes, because of *modernization*, more precisely economic, commercial, financial, and technical/technological modernization. *Modernization* established similar economic and financial states world wide, and demanded legal harmonization. In the first phase of globalization different states, belonging to different civilizations, were forced to become involved in the process of modernization (the adaptation of the capitalist economic, political and social system) by European/Western colonization and imperialism. In the second phase they also became developers, and participants of the world economy and finances. Therefore they also had to investigate and consider the possible new ways of economic and political cooperation in the framework of global economy.

The EU-model is important for the different states worldwide because EC tested first the ideas on such a new type intergovernmental and federalist supranational regionalism, which is based on reformed states and inter-states relations aiming to safeguard the states in a modernized form. As an answer to the challenges of modernization and globalization the European states gradually transcended the former structure as a network of sovereign states, and states cede/ share sovereign power over commercial, economic and monetary policies through a series of legal constitutional initiatives. However, non-European states belonging to different civilizations cannot simply copy the supranational European model. They have to develop their own "scenarios" and alternative models, and using the achievements of the EU-model (supranationalism, multilevel governance and subsidiarity) as an inspiration to reform on the basis of the reality and needs of their own society. [58]

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[57] Walter Hallstein (1972): *Europe in the Making*. George Allen & Unwin Ltd., London, 18.

[58] Bóka Éva (2009): Az EU-modell és a nemzetközi kapcsolatok (The EU-model and the International Relations). *Európai Tükör* 14. 2009: 5, 16- 28.

5.1 New regionalism

History showed that states all over the World created functional regional economic and/or trade associations after the Second World War. It was in harmony with the aims of the United Nations Organization. The most important regional experiences are the EU itself, MERCOSUR (grouping a number of countries in Latin America), NAFTA (North American Free Trade Area), ASEAN (Association of South-East Asian Nations), and African regionalism. On the basis of these emerging new regions one can say that the reality of the contemporary World is not *globalization* but *new regionalism*. More precisely associations in which the sovereign states are embedded. This means that the states voluntarily create different functional associations with the aim to safeguard their statehood. States (governments) as regional actors aim to participate in the *global economy* without denying the sovereignty of the state and the cultural specificities associated with it. They are for inter-state coordinating agencies, and did not establish supranational new regional institutions. Reality shows that *globalization* as the dominant idea of our age is only a political imagery.

In these circumstances European supranationalism can be regarded as a unique product of history. Its future is uncertain: it depends on the world politics. We do not know where the European experiment will lead. The EU as a new regional union of states could develop as a global competitor, a continental trading state, a new mercantile fortress, and as a new civilian power. Only one thing is certain, *new regionalism* would play an important role in the shaping of the international system as a theoretical and as a practical construct. [59]

The problem with *EU-type new regionalism* is twofold:

On the one hand it can turn globalization into a peaceful process by contributing to the emergence of a *multipolar World* and a multilevel world governance. Only a multipolar, pluralist and tolerant World can be democratic. I.e., new regionalism can be interpreted as an important step toward world democracy. EU-type open new regions certainly would be able to cooperate peacefully with each other in the framework of a reformed UN, or they can establish a new-type multilevel world governance.

On the other hand, the opposite also can be true. Undemocratic new regionalism can strengthen competition and rivalry among regions. Therefore regions could become rival groups. In the case of new regionalism everything depends on how the EU, the ASEAN and the others will behave: as partners or

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[59] Mario Telo (ed) (2007): *European Union and New Regionalism. Regional Actors and Global Governance in a Post Hegemonic Era*. Ashgate Publishing Limited, Aldershot, Hampshire, xii-xv.

enemies. [60]

History shows that the way towards a new World system goes through a gradual creation of larger and larger units being able to cooperate among each other in peace, and there is a hope.

In conclusion, the EU is not a model for the other regions in the world to copy. But the *EU-model* – representing supranationalism and multilevel governance – can suggest new concepts on renewing international policy to states and regions belonging to different civilizations. It can also motivate the reform of the United Nations Organization. [61]

5.2. New regionalism and diversity

The last question to investigate is how new regionalism represented a challenge to universal human rights. Three issues are worth emphasizing here:

The first issue is that new regionalism requires autonomous persons being able to identify themselves democratically with a multilevel and multicultural World. In other words, persons have to develop a multilevel – economic, political and cultural – identity. This makes it necessary to rethink, in the circumstances of a global world economy and global finances, the ancient moral wisdom saying: Do not do with others what you do not want for yourself.

The second issue is that, in a World composed of different civilizations, the reconsideration of Kant's ideas on *universal hospitality* becomes necessary. This demands the strengthening of *religious, cultural and linguistic toleration*; rejection of all kind of slavery, racism, and of neocolonialism; the protection of the livelihood of people, and to elaborate on how to defend mankind against global economic and financial crises.

Finally, the third issue is that the rules of a renewed universal human rights should be crystallised through dialogues among the different civilizations world wide. This could contribute to the framing of a *common moral codex of mankind*.

International human rights have to be rethought in this direction.

6. Europe and Asia

Europe and Asia (textbook)

Bóka Éva (2010): Európa és Ázsia. Modernizáció és globalizáció (Europe and

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[60] Mario Telo (ed) (2007): *European Union and New Regionalism,* 305-321.

[61] Jürgen Habermas (2004): Hat die Konstitutionalisierung des Volkerrechts noch eine Chance? In: Jürgen Habermas (2004): *Der gespaltene Westen.* Suhrkamp, Frankfurt am Main, 174-178.

Asia. Modernization and Globalization: India, China, Japan and Singapore). Grotius Könyvtár 4. Pannonprint Kft, Veszprém.

This book investigates the phenomenon of modernization and globalization within the framework of the classical idea of World federation ("One World") in a historical perspective. It investigates the characteristics of European modernity, and how it challenged and changed the traditional Asian civilizations of India, China, Japan, or Singapore, the latter being considered as an example for a global city-state.

The book concentrates on the European civilization and compares the development of its values and principles in the economic, political, social, and cultural domains with the East-Asian civilizations. European civilization has developed and renewed itself in close interaction with other civilizations of the World. It played an important role in the creation of the phenomenon of modernization, i.e., the development of capitalism as a global economic, commercial, financial, and political system during the 19th and the 20th centuries. The whole World had to face, in all this period, the necessity to understand and interpret modernization as a way for peoples from different countries and civilizations to live and interact with each other. "Western" countries played a leading role in this process by opening up, by force, the classical agrarian civilizations worldwide. Their goal was to involve these in a free market based economic and commercial world system.

The economic, commercial, financial, and political principles of the West, as well as its idea of a democratic civil society represented a challenge for the political elite of the Chinese, Japanese, or Indian civilizations, reinforced by the issues around colonization, imperialism, or, more recently, the Cold War and globalization. Comparing their own societies to "Western modernity" they investigated what to adopt and what to reject; this investigation often resulted in bringing forward the contradictions and possible criticisms of those Western values and principles. At the same time, they became actively involved in the emergence of a capitalist economic, commercial, and financial system in their own countries, which gradually replaced the traditional agrarian societies. As a consequence, these Asian peoples have developed their own "Asian" ways of modernization, which gradually resulted in an economic prosperity in this part of East Asia. Modernization became a universal process, transcending the ideas and values of Europe or the United States. As part of the globalization process that characterizes our time, the European Union, India, China, Japan, and Singapore already participate as partners pursuing a policy of dialogue among each other.

The book quotes and describes the works of a number of important European and Asian thinkers their interpretations of the phenomenon of modernization; these include Kant, Tocqueville, Rougemont, Schuman, Monnet and Spinelli;

Mohandas Karamchand Gandhi, Rabindranath Tagore, Jawaharlal Nehru, Kang Youwei, Sun Yat-sen, Deng Xiaoping, Fukuzawa Yukichi, and Lee Kuan Yew. The book also deals with the influence of the European integration process on the East-Asian integration counterparts (ASEAN, ASEM, SAARC), and the possible ways for a reform of the international organizations.

Europe and China (textbook)

Éva Bóka (2009) : The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 2009. Grotius e-book

Abstract: This e-book based on documents investigates and compares two civilizations, the Chinese and the European, through European eyes in a historical perspective. Both civilizations were based on similar moral and social organizational principles. However, the different geography, differences in ways of thinking, and local specificities led to very different realizations of these principles. The Chinese civilization was the first to develop, and it had its influence on the development of its European counterpart. Later, primarily in the 19th and 20th centuries, it was the European trend of modernization that influenced and challenged Chinese development. This documentary essay deals with the interpretations of some important European political thinkers of the values and principles of the Chinese civilization, as well as the thoughts of their Chinese contemporaries. It also investigates the answers given by some important Chinese thinkers to the challenge of European modernization in the area of state and international organization in the 19th and the 20th centuries. The goal is to contribute to the dialogue between the two civilizations.

7. Websites to study

The values and principles of international law, human rights, and the European Union

Charter of the United Nations, 1945

Universal Declaration of Human Rights, 1948

Draft Treaty Establishing the European Union, 1984 (Spinelli draft) or

Draft Treaty Establishing the European Union, 1984 (Spinelli draft)

The legal practice of the European integration, including all EU treaties

Draft Treaty Establishing a Constitution for Europe, 2003

Gateway to the European Union

Global Policy Forum
United Nations
UNESCO

Western (European) legal and historical documents, and political writings
The On-line Library of Liberty
The Internet Classics Archive

Legal documents
The American Constitution. A Documentary Record
The Federalist Papers
US Constitution
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Part II

European and Asian Thinkers in Search of Peaceful State and International Organization

Collection of Documents and Readings

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The model of world economy

"Any attempt to explain expansion as such is one of model-building. ... Imagine that behind me there is a board; that I draw a circle on it, and that that circle is the space at issue. It is a space with limits, with a frontier or, in mathematical terms, an envelope, which can be distorted. Clearly, this envelop is something important. Also you may presume that this space is unbroken and that, in so far as it is made up of parts, they are dependent on one another. It is not a space without a certain hierarchy, since the various spaces are interdependent, enclose each other and converge in something like a centre. The centre is also extremely important." [62]

In Braudel's view "our economic worlds are thus economies with boundaries, a centre and a hierarchisation of the component spaces". [63]

"At the core of the central zone can be found everything that is best and most alive in the economy of the time. Including credit, banks, gold ... . Towards the centre can be found all the advantages, the profitable businesses and the nascent industries. There, too, can be found capitalist success, even, when its time has come, the industrial revolution, the intellectual revolution, the scientific revolution and, as well, liberty. Liberty is not everywhere in the world. That liberty we love, Western liberty *par excellence*, is to be found in Amsterdam or London." [64]

...

"As against this, on moving to the middle zones, to France, to Italy, even to Spain, there could be seen an economic life that was much

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[62] Fernand Braudel (1978): The Expansion of Europe and the "Longue Durée". In: H. L. Wesseling (ed.) (1978): *Expansion and Reaction.* Leiden University Press, Leiden, 20.

[63] Fernand Braudel (1978): The Expansion of Europe and the "Longue Durée", 22.

[64] Ibid., 25.

less vibrant, an agriculture still bound, to a certain extent, by seigneurial or feudal ties, an industrial sector scarcely moving and a capitalism which if it existed at all, was in contradiction with the rest of society. But looking at the margins, the contrast is overwhelming. To the east there was serfdom, a level of industry very much behind the times, and no liberty. And in the western margins, in America, there was slavery, too. This, in short, is a complete vision of the world. Acceptance of this schema, of this matrix of the Weltwirtschaft leads to a new, even revolutionary vision of the world."[65]

"We are, whether we like it or not, influenced by the Marxist way of thinking. We have all undergone the shock of Marxist thought, which is linear – a few years ago it would have been called diachronic – and in which slavery, feudalism and capitalism succeed one another; thus a linear vision. On the other hand, if you have a synchronic view of the world, you find that slavery, feudalism and capitalism coexist and that a certain hierarchisation takes place. This phenomenon, then is a matrix of both capitalism and noncapitalism at the same time." [66]

Immanuel Wallerstein on European universalism [67]

European-universalism

In Wallerstein's view *European-universalism* developed during colonisation.

He believes that there are three main varieties of this appeal to universalism [68] :

The first is the argument that the policies pursued by the leaders of the pan-European world are in defence of „human rights" and in furtherance of something called „democracy".

The second comes in the jargon of the clash of civilizations, in which it is always assumed that „Western" civilization is superior to „other" civilizations because it is the only one that has come to be based on these universal values and truths.

The third is the assertion of the scientific truths of the market, the concept that „there is no alternative" for governments but to accept and act on the laws of

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[65] Ibid., 25-26.

[66] Ibid., 26.

[67] Immanuel Wallerstein (2006): *European Universalism. The Rhetoric of Power*. The New Press, New York, London

[68] Immanuel Wallerstein (2006): *European Universalism*, xiii-xiv.

neoliberal economics.

Wallerstein emphasises that these are not new themes: These are very old themes which have constituted the rhetoric of the powerful throughout the history of the modern world system, since at least the sixteenth century. There is a history of this rhetoric, and there is a history of the opposition to this rhetoric.

In Wallerstein's view *European universalism* is the universalism of those European leaders and intellectuals (governing elite) who aim to dominate the world-system. Genuine universalism is *"universal universalism"* based on the cooperation of all civilisations.

Wallerstein believes that the struggle between *European universalism* and *universal universalism* is the central ideological struggle of the contemporary world, and its outcome will be a major factor in determining how the future world-system, into which we shall be entering in the next twenty-five to fifty years, will be structured. [69]

In his view the problem with European universalism is that it is an inegalitarian and undemocratic world system. As alternative to the existing world-system Wallerstein proposes to find the path to enunciating and institutionalising *universal universalism* – a universalism that is possible to achive, but that will not automatically or inevitably come into realization. [70]

In conclusion, Wallerstein warns us not to believe that the Western concept of human rights and democracy, the superiority of Western civilization because it is based on universal values and truths, and the inescapability of submission to the market are self-evident ideas (as Westerners believe and offer to the world to believe). These Western ideas and principles are not self-evident, and need rethinking. [71]

The bases of European political thinking

Plato [72]

Plato (428-348 BC), in his political essay on *Republic* [73] regarded *truthfulness*

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[69] Ibid., xiv-xv.

[70] Ibid., xv.

[71] Ibid., xv.

[72] Bóka Éva: The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 10-11.

[73] Plato (1958): *Plato's Republic*. Translated with an introduction by A. D. Lindsay. J. M. Dent & Sons Ltd, London; Plato: The Republic

as the basic principle of Western philosophy. He was convinced that philosophers love reality. They search for reality, and by searching for reality they can realize what is good. So, he believed that the philosophers know truth and reality. Their knowledge is based on the principle of truth. The principle of truthfulness means in his words:

> "Truthfulness; that is, a determination never voluntarily to receive what is false, but to hate it and to love the truth" (Plato, 1958: 176).

In Plato's view, only the philosophers were capable of understanding the real principles underlying the legislation of the city because they search for reality. They are the lovers of reality. They alone ought to be the leaders of the state (Plato, 1958: 176).

State forms

Regarding the state forms, Plato differentiated between five forms: the *aristocracy*, *timocracy*, *oligarchy*, *democracy*, and *tyranny* (Plato, 1958: 240). In his eyes, the ideal state was aristocratic ruled by philosophers and virtue. The other four forms are the result of the gradual degradation of the ideal state and the values of the persons. So, the timocratic, the oligarchical, the democratic, and the tyrannical man represent the gradual degradation of values. The aristocratic man is just and good. The timocratic man arises out of aristocracy. After comes the oligarchic man, and then the democratic man and finally the tyrannic man. The tyrannic man can be seen as the most unjust and the extreme of wickedness (Plato, 1958: 238-239).

In Plato's view the first stage of degradation of state was timocracy, then oligarchy, democracy, and finally tyranny.

Timocracy: the first step on the way to the degradation of the ideal state. Timocracy developed when the ideal state became wrong: inequality and inharmonious life arose; freemen were enslaved and became serf and servant; compulsion and not persuasion characterized education; rivalry and ambition occurred and caused troubles and wars.

The characteristics of the timocratic man: less musical; less educated, less virtuous; cruel to slaves; civil to freemen; obedient to rulers; love rule and honour for warlike deeds and warrior qualities; he is a lover of gymnastics and of hunting. He becomes more and more fond of money as he gets older; his virtue gradually becomes damaged (Plato, 1958: 244).

Timocracy changes to oligarchy:

The oligarchic constitution rests on the valuing of property, the rich rule, and a poor man is debarred from office; people try to rival each other. Money-making and fortune is important. In oligarchy there is a progress in money-making; the more men honour money the less they honour virtue. There is a strife between

wealth and virtue. Wealth is honoured, virtue is not honoured. People elect the rich man to govern them. The poor man is unimportant. Oligarchy elects the rulers on the basis of property qualification. They describe a sum of money as a precondition of bearing office. Who has no money is declared disqualified from bearing office. Arms, threats, terrorism are used to achieve the power aims of the rich people. This is the city where the poor and the rich live within the same walls and always conspire against one another. All these result in a bad government (Plato, 1958: 245-248).

The problems of democracy

Oligarchy could degrade into democracy. Democracy is established as follows:

> "Then a democracy, I fancy, comes into being when the poor have gained the day; some of the opposite party they kill, some they banish, with the rest they share citizenship and office on equal terms; and, as a general rule, office in the city is given by lot" (Plato, 1958: 253).

A *democratic man is free*. In democracy everybody is free, there are no slaves. The great goodness of democracy is *freedom*:

> "In a democratic city men will tell you that liberty is their fairest possession, and that therefore theirs is the only city where a man who has a free nature can rightly dwell" (Plato, 1958: 259).

In democracy the *permissive principle* rules: each man arranges his own life, and can do whatever he desires. The permissive principle allows all kinds of constitutions, and it looks like the fairest of constitutions (Plato, 1958: 253-254). It is permitted for people to make choices and to found a city. But permissiveness can be dangerous because a democratic man knows no order or necessity in life, he lives following his desires, pleasures and freedoms of life (Plato, 1958: 258). Permissiveness and liberty can turn democracy into tyranny. Excessive liberty can give place to excessive slavery both for individuals and the state (Plato, 1958: 261).

Some of the most important reasons for the degradation of democracy into tyranny are the followings: First of all, in democracy the leaders plunder the propertied classes, divide the spoils among the people, and keep the biggest share for themselves. So, they gradually become oligarchs (Plato, 1958: 263). Secondly, in democracy people elect one person as *president* with a large power of governing. The president can easily misuse his power. He can change from president to *tyrant*. So a tyrant can spring from presidency. In Plato's words:

> "And is it not the invariable custom of the public to put one man in high presidency over them, and to foster and strengthen him till he becomes great?
>
> It is.

This is then clear, I said, that when a tyrant is begotten he springs from this root of presidency, and from nowhere else" (Plato, 1958: 263).

A president fairs of loss of power. Therefore he gradually defeats his opposition by accusations and murders. This gradually changes him into a wolf instead of man. He gradually becomes a cruel tyrant, a "cruel guardian", who makes people slaves. (Plato, 1958: 263-268).

Aristotle [74]

Aristotle (384-322 BC) in his political essay on *Politics* [75]   outlined the principles of a *parliamentary democracy* based on the assembly of the people and on rules of government declared in the *constitution*. In his view, man was by nature a political animal, coming together in cities for the sake of a good life. The constitution of the city contains the rules of communal life. If the constitution aims at the common good it is just. But if it aims only at the good of the rulers, it is despotic and perverted (Aristotle, 1962: 19). Thinking on the different forms of the state in his *Politics*, Aristotle recognized that

"The sovereign must be one or few or the many. When the sovereign rules for the common advantage, we have the three correct constitutions: *kingship, aristocracy*, and the so called *'constitution'* (politeia). Their perversions, aiming at the advantage of the ruler, are t*yranny, oligarchy*, and *democracy*" (Aristotle, 1962: 22).

Kingship is the customary name for a monarchy that aims at the common advantage. *Aristocracy* is a rule of more than one, but only a few, aiming at the best for the city. The so called '*constitution*' is when the majority [citizens] governs for the common advantage. In his words:

"The customary name for a monarchy that looks to the common advantage is 'kingship'. For a rule of more than one but only a few it is 'aristocracy', either from the rulers' being the best men or from its aiming at the best for the city and its participants. When the majority governs for the common advantage, this is called by the common name of all the constitutions, a 'constitution'" (Aristotle, 1962: 23)

The perversions of the above mentioned forms are tyranny, oligarchy and democracy. Tyranny is the perversion of kingship, oligarchy of aristocracy, and

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[74] Bóka Éva: The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 11-13.

[75] Aristotle (1962): *Aristotle's Politics*. Translated with introduction and comments by Richard Robinson. Clarendon Press, Oxford; Aristotle: Politics.

democracy of 'constitution'. Tyranny is a monarchy aiming at the advantage of the monarch. Oligarchy aims at that of the prosperous, democracy at the advantage of the needy, but none of them at the common profit (Aristotle, 1962: 23).[76]

"Democracy is what the free and needy, being in a majority, are in control of the government. It varies according to the class of person predominating. The first kind is the equal kind, that is, where neither the needy nor the prosperous have any ascendancy, but they are both alike. There are three intermediate kinds. The fifth and last is where the mass is sovereign and not the law. Here demagogues arise" Democracy should not be taken simply as the constitution where the majority is in control. (Aristotle 1962. 74).

'Mean'

Aristotle was for the *'mean'*. He believed that the virtuous life based on a certain middle way, 'mean', is the best. It is true also when it is about government. The most perfect political community must be based on the middle class; composed of citizens having a moderate fortune. The most important rule is to avoid the extremes in anythings. The middle class is the best because it represents the more stable government; there are few troubles in the middle constitution. The middle constitution (the constitution representing the 'mean') is best as being least liable to those seditions and insurrections which disturb the community.

> "The happy life is the unimpeded life of goodness. Goodness is a mean. The middle in the cities is the class of persons who are neither very prosperous nor very needy. They are the most fortunate, reasonable, and stable, class in the city. They ought to be numerous, and they ought to be in control. But they rarely are numerous, and so the middle constitution rarely occurs" (Aristotle, 1962: 95).

Therefore for Aristotle the best constitution was the middle constitution based on the middle class.

Asiatics and Europeans

About the state organization of the Asian people, Aristotle had not a very good opinion because, in his view, they were cowards and accepted eternal subordination and slavery. In his words:

> "Asiatics, on the other hand, are intelligent and inventive; but being without spirit, they are always in a state of subjection and slavery" (Aristotle, 1959: 201).

People who live in cold regions, particularly in Europe, are full of spirit but lacking in intelligence and skill. They remain comparatively free but are backward

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[76] 'Constitution' is translated also as 'polity' see Aristotle (1959): *Aristotle's Politics and Athenian Constitution*. Edited and translated by John Warrington. J. M. Dent & Sons LTD, London, 78.

as regards organization and are unable to govern others.

> "The Hellenic race inhabits an area midway between the two and
> shares likewise in the characteristics of both; it is at once high-spirited
> and intelligent. These circumstances enable it to remain free and make
> it the best governed of all nations; indeed it might rule the world if
> only it could be welded into a single state" (Aristotle, 1959: 201).

So, Aristotle accepted the *mission* of the best governed nation with civilizational aims. It can civilize the others exporting the principles of its perfect state. He believed in the world-wide mission of the Hellenic people who, from their single state as a center, could govern others. But the problem with the Aristotelian idea was that Hellenic people could not solve the challenge of establishing a single state. Greek-type city states remained divided and struggling for might. Their descendants, the Europeans, continued to face the same problem.

In conclusion, Plato and Aristotle represented all those ideas and principles of state and international organization which characterize European history: different state forms, the closed nation state, confederation, democracy, freedom, mission, expansion. European political philosophers studied and continued the ancient ideas, discussed and reformed them. Therefore the European political philosophy, in Chinese parallels, can be regarded as reform-Platonist or reform-Aristotelian.

European democratic federalist principles in forming

Against the wars of European rulers

Desiderius Erasmus (1466-1536)

The Complaint of Peace

> "But if this be a fatal disease of man's wit, that by no means it cannot
> endure without war, yet let this evil than rather be shed [expended]
> against the Turks; although it were better to allure them by doctrine,
> good deeds, and by the innocency of life, to Christ's religion than to
> invade them with war. But if war, as I have said, cannot in no wise be
> avoided, yet that were a lighter and an easier harm than that Christian
> men should so wickedly make war and be hurt and destroyed among
> themselves. And if mutual charity does not unite them, some common
> enemy by some means or other shall join them; so that there shall be,
> as it were, a certain concord, although that true concord be absent and

lacking."[77]

...

"The Englishman is enemy unto the Frenchman for no other cause that he is a Frenchman. The Englishman for no other cause doth hate a Scot but because he is a Scot. The German is at debate with the Frenchman; the Spaniard, with them both. O overwartness [overthwartness: i.e., perversity]! The vain vocable [empty name] of the place disjoineth men. Why should not so many things rather reconcile them? Thou Englishman dost hate a Frenchman. Why dost not thou, a man, rather be well-willing unto man? A Christian man, unto a Christian?"[78]

...

"This world is the common country of all men"[79]

Hugo Grotius (1583-1645)

War, peace, and the law of nations

Grotius was the first to elaborate on a legal framework for making wars impossible. He believed that states should be organized based on common legal principles, and he also proposed to do the same for the community of states. He developed his ideas on a "jus gentium", or law of nation. In his "De jure belli ac pacis",[80] he laid the foundations of international law.

> "But just as the laws of each state have in view the advantage of that state, so by mutual consent it has become possible that certain laws should originate as between all states or a great many of states; and it is apparent that the laws thus originating had in view the advantage, not of particular states, but of the great society of states. And this is what is called the law of nations, whenever we distinguish that term

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[77] Erasmus (1946): *The Complaint of Peace by Erasmus*. Ed. W. J. Hirten. Scholars' Fascimiles and Reprints, New York, 1946, 45.

[78] Erasmus: *The Complaint of Peace by Erasmus*, 46; Erasmus: The Complaint of Peace

[79] Ibid., 47.

[80] H. Grotius (1688): *Le droit de la guerre et de la paix*. Amsterdam, 1688; H. Grotius (1814): *The Right of War and Peace: Including the Law of Nature and of Nations*. Transl. A. C. Campbell. 3 vol. London, 1814; Grotius (1814): On the Law of War and Peace, London

from the law of nature."[81]

…

If no association of men can be maintained without law, as Aristotle showed … also that association which binds together the human race, or binds many nations together, has need a law; [82]

…

Least of all should that be admitted which some people imagine, that in war all laws are in abeyance. On the contrary war ought not to be undertaken except for the enforcement of rights; when once undertaken, it should be carried on only within the bounds of law and good faith.[83]

The dilemma of sovereign state

Jean Bodin versus Johannes Althusius

Centralisation contra decentralisation

Jean Bodin (1530-1596) described sovereignty as the embodiment of centralization policy in his "Les six livres de la République", published in 1576.[84] His work became the classic rationalization of the unitary monarchical state: the authority of the state should be absolute, centralised, and indivisible.

"SOVEREIGNTY is that absolute and perpetual power vested in a commonwealth which in Latin is termed *majestas* ...

The people or the magnates of a commonwealth can bestow simply and unconditionally upon someone of their choice a sovereign and perpetual power to dispose of their property and persons, to govern the state as he thinks fit, and to order the succession, in the same way that any proprietor, out of his liberality, can freely and unconditionally make a gift of his property to another. Such a form of gift, not being qualified in any way, is the only true gift, being at once unconditional and irrevocable. Gifts burdened with obligations and hedged with conditions are not true gifts. Similarly sovereign power given to a prince charged

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[81]   Hugo Grotius: Prolegomena to the law of war and peace. In: Paul R. Viotti – Mark V. Kauppi (1993): *International Relations Theory. Realism, Pluralism, Globalism*. Macmillan Publishing Company, New York, 549-550.

[82]   Hugo Grotius: Prolegomena to the law of war and peace. 550.

[83]   Ibid., 550.

[84]   Jean Bodin (1955): *Six Books of the Commonwealth*, Basil Blacwell, Oxford; Available on-line

with conditions is neither properly sovereign, nor absolute, unless the conditions of appointment are only such as are inherent in the laws of God and of nature. "[85]

The supreme sovereign power should reside in a Monarch answerable only to God and to natural law.[86] In his words:

> "If justice is the end of the law, the law the work of the prince, and the prince the image of God, it follows of necessity that the law of the prince should be modelled on the law of God"[87]

Bodin called for the establishment of centralised states where all powers were embodied by a divinely ordained king at the top of the power pyramid or in a sovereign centre.

In opposition to Bodin, Althusius called for the creation of decentralised federal states and of a federal international policy. He was a German Calvinist intellectual and political magistrate. He emerged from the reformist tradition, and built his political philosophy based upon the covenant theology in his *Politica Methodice Digesta*, written in 1603. Althusius declared, in opposition to Bodin:

> "Bodin disagrees with our judgement by which supreme power is attributed to the realm or universal association. He says that the right of sovereignty, which we have called the right of the realm, is a supreme and perpetual power limited neither by law (lex) nor by time. I recognize neither of these two attributes of the right of sovereignty, in the sense Bodin intends them, as genuine. For this right of sovereignty is not the supreme power; neither is it perpetual or above law. It is not supreme because all human power acknowledges divine and natural law (lex divina et naturalis) as superior. … Indeed, an absolute and supreme power standing above all laws is called tyrannical. … Augustine says, 'when justice is taken away, what are realms except great bands of robbers'. … But by no means can this supreme power be attributed to a king or optimates, as Bodin most ardently endeavours to defend. Rather it is to be attributed rightfully only to the body of a universal association, namely, to a

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[85] Jean Bodin (1955): Six Books of the Commonwealth, Basil Blacwell, Oxford, Book I. Chapter VIII.

[86] Bodin believed that the sovereign princes were established by God, as his lieutenants to command the rest of mankind.

[87] Jean Bodin (1955): *Six Books of the Commonwealth*. Abridged and translated by M. J. Tooley. Book I. Ch. VIII. Basil Blackwell, Oxford, 25-35; Jean Bodin (1955): Six Books of the Commonwealth, Book I. Ch. VIII.

commonwealth or realm, and as belonging to it."[88]

For Althusius the supreme magistrate is the one

"who, having been constituted according to the laws (leges) of the universal association for its welfare and utility, administers its rights (jura) and commands compliance with them. Although the rights of the universal association belong to the body of the universal association, or to the members of the realm, by reason of ownership and proprietorship, they also relate to its supreme magistrate to whom they have been entrusted by the body of the commonwealth by reason of administration and exercise. … The magistrate is called supreme because he exercises not his own power, but that of another, namely the supreme power of the realm of which he is the minister. … Moreover, he is called supreme in relation to individuals. But he is not supreme in relation to his subjects collectively, nor to law, to which he is himself subject."[89]

The conception of Althusius is based on a political organization ranging from private associations composed of small groups, families, and voluntary corporations to public associations and territorial units such as the local community, the province, the canton, and later the state. It started with the persons who established public associations:

"The public association exists when many private associations are linked together for the purpose of establishing an inclusive political order (politeuma). It can be called a community (universitas), an associated body, or the pre-eminent political association. It is permitted and approved by the law of nations (jus gentium). …. The community is an association formed by fixed laws and composed of many families and collegia living in the same place. It is elsewhere called a city (civitas) in the broadest sense, or a body of many and diverse associations."[90]

These public associations create universal and major public associations:

"In this association many cities and provinces obligate themselves to hold, organize, use, and defend, through their common energies and

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[88] J. Althusius (1965): *Politica methodice digesta*. An abridged translation of the third edition. Translated, with an introduction by Frederick S. Carney, Eyre & Spottiswoode, London, 66-67; Johannes Althusius (1964): Politica metodice digesta, Beacon Press, Boston, 1964. Althusius: Politica

[89] J. Althusius (1965): *Politica methodice digesta*. 115.

[90] Ibid. 34-35.

expenditures, the right of the realm (jus regni) in the mutual communication of things and services. "[91]

The universal and major public associations create confederal associations: "The augmentation and extension of the goods of the associated body is accomplished through confederation or association with others, or through other legitimate means and titles. In such a confederation other realms, provinces, cities, villages, or towns are received into and associated with the communion and society of the one body. By their admission, the body of the universal association is extended, and made stronger and more secure. This cannot be done, however, without the consent and authority of the body and its administrators. … Such confederation with a foreign people or another body is either complete or partial.

A *complete confederation* is one in which a foreign realm, province, or any other universal association, together with its inhabitants, are fully and integrally co-opted and admitted into the right and communion of the realm by a communicating of its fundamental laws and right of sovereignty. To the extent that they coalesce and are united into one and the same body they become members of that one and same body. …

A *partial confederation* is one in which various realms or provinces, while reserving their rights of sovereignty, solemnly obligate themselves one to the other by a treaty or covenant made preferably for a fixed period of time. Such a partial confederation is for the purpose of conducting mutual defence against enemies, for extending trust and cultivating peace and friendship among themselves, and for holding common friends and enemies, with a sharing of expenses."[92]

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[91]   Ibid. 61.

[92]   Ibid. 84-85.

Three models of cooperation among sovereign states: Hobbes, Kant, Tocqueville

Thomas Hobbes (1588-1679)[93]

Leviathan

Hobbes believed that the state of nature is 'bellum omnium contra omnes' (the war of all against all), and this could only be averted and reguleted by a social contract, a strong central government, and an absolute sovereign.

Hobbes writes the followings on sovereign power, and on the indivisibility of the sovereign power:

Of Commonwealth

Part II, Chapter, 17, 18.

> "The only way to erect such a Common Power, as may be able to defend them form the invasion of Foreigners, and the injuries of one another, and thereby to secure them in such sort, as that by their owne industrie, and by the fruites of the Earth, they may nourish themselves and live contentedly; is, to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one man, or Assembly of men, to beare their Person. ... This is more than Consent or Concord; it is a real Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like Manner.* This done, the Multitude so united in one Person, is called a COMMON-WEALTH, in latine CIVITAS. This is the generation of that great LEVIATHAN, or readher (to speake more reverently) of that *Mortall* God, to which wee owe under the *Immortal* God, our peace and defence. ... And in him consisteth the Essence of the Common-wealth; which (to define it) is *One Person, of whose Acts a great Multitude, by mutuall Covenants one with another, have made themselves every one the Author, to the end he may use the strength and means of them all, as he shall think expedient, for their Peace and Common Defence.*
>
> And he that carryeth this Person, is called SOVERAIGNE, and said to

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93 Thomas Hobbes (1985): *Leviathan*. Hobbes: Leviathan or Hobbes (1660): Leviathan

have Sovereign Power; and every one besides, his SUBJECT.

The attaining to this Sovereigne Power, is by two wayes. One, by Naturall force; as when a man maketh his children, to submit themselves, and their children to his government, as being able to destroy them if they refuse; or by Warre subdueth his enemies to his will, giving them their lives on that condition. The other, is when men agree amongst themselves, to submit to some man, or Assembly of men, voluntarily, on confidence to be protected by him against others. This later may be called a Political Common-wealth or Commonwealth by *Institution*; and the former, a Commonwealth by *Acquisition*." [94]

....

Of Commonwealth, part II, chapter 29.

Dividing of the Sovereign Power

"There is a sixth doctrine, plainly, and directly against the essence of a Common-wealth and 'tis this, T*hat the Sovereign Power may be divided.* For what is it to divide the Power of a Common-wealth, but to Dissolve it; for Powers divided mutually destroy each other. And for these doctrines, men are chiefly beholding to some of those, that making profession of the Awes, endeavour to make them depend upon their own learning, and not upon the Legislative Power."[95]

Immanuel Kant (1724-1804)

Kant on perpetual peace [96]

Immanuel Kant (1991): *Perpetual Peace: A Philosophical Sketc*h [97]

Preliminary articles [98]

1. 'No conclusion of peace shall be considered valid as such if it was made with

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[94] Thomas Hobbes (1985): *Leviathan*. Penguin Books Ltd, London, Part II, Chapter 17, 18, 227-228.

[95] Thomas Hobbes (1985): *Leviathan*. Penguin Books Ltd, London, Part II, Chapter 29. 368.

[96] Immanuel Kant (1991): Perpetual Peace: A Philosophical Sketch. In: *Kant Political Writings*. Edited by H. Reiss, translated by H.B. Nisbet. Cambridge University Press, Cambridge, New York; Kant: Perpetual Peace or Kant: Perpetual Peace

[97] Immanuel Kant (1991): Perpetual Peace: A Philosophical Sketch. In: *Kant Political Writings*. Edited by H. Reiss, translated by H.B. Nisbet. Cambridge University Press, Cambridge, New York, 97-130.

[98] Immanuel Kant (1991): Perpetual Peace: A Philosophical Sketch, 93-97.

a secret reservation of the material for a future war.'

2. 'No independently existing state, whether it be large or small, may be acquired by another state by inheritance, exchange, purchase or gift.'

3. 'Standing armies (*miles perpetuus*) will gradually be abolished altogether.'

4. 'No national debt shall be contracted in connection with the external affairs of the state'.

5. 'No state shall forcibly interfere in the constitution and government of another state.'

6. 'No state at war with another shall permit such acts of hostility as would make mutual confidence impossible during a future time of peace. Such acts would include the employment of *assassins* (*percussores*) *or poisoners* (*venefici*), *breach of agreements*, *the instigation of treason* (*perduellio*) within the enemy state, etc."

Definitive articles

A state of peace among men living together is not the same as the state of nature, which is rather a state of war. For even if it does not involve active hostilities, it involves a constant threat of their breaking out. Thus the state of peace must formally instituted, for a suspension of hostilities is not in itself a guarantee of peace.[99]

1.First Definitive Article of a Perpetual Peace: The Civil Constitution of Every State Should Be Republican. [100]

> "A *republican constitution* is founded upon three principles: firstly, the principle of *freedom* for all members of a society (as men); secondly, the principle of the *dependence* of everyone upon a single common legislation (as subjects); and thirdly, the principle of legal *equality* for everyone (as citizens). It is the only constitution which can be derived from the idea of an original contract, upon which all rightful legislation of a people must be founded. Thus as far as right is concerned, republicanism is in itself the original basis of every kind of civil constitution, and it only remains to ask whether it is the only constitution which can lead to a perpetual peace." [101]

2. Second Definitive Article of a Perpetual Peace: "The Right of Nations Shall

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[99] Ibid., 98.

[100] Ibid., 99.

[101] Ibid., 99-100.

be based on a Federation of Free States. [102]

> "Peoples who have grouped themselves into nation states may be judged in the same way as individual men living in a state of nature, independent of external laws; for they are a standing offence to one another by a very fact that they are neighbours. Each nation, for the sake of its own security, can and ought to demand of the others that they should enter along with it into a constitution, similar to the civil one, within which the rights of each could be secured. This would mean establishing a federation of peoples. But a federation of this sort would not be the same thing as an international state. For the idea of an international state is contradictory, since every state involves a relationship between a superior (the legislator) and an inferior (the people obeying the laws), whereas a number of nations forming one state would constitute a single nation. And this contradicts our initial assumption, as we are here considering the right of nations in relation to one another in so far as they are a group of separate states which are not to be welded together as a unit." [103]
>
> ...
>
> "But peace can neither be inaugurated nor secured without a general agreement between the nations; thus a particular kind of league, which we might call a *pacific federation* (*foedus pacificum*), is required. It would differ from a *peace treaty* (*pactum pacis*) in that the latter terminates *one* war, whereas the former would seek to end *all* wars for good. This federation does not aim to acquire any power like that of a state, but merely to preserve and secure the *freedom* of each state in itself. ... It can be shown that this idea of *federalism*, extending gradually to encompass all states and thus leading to perpetual peace, is practicable and has objective reality. For if by good fortune one powerful and enlightened nation can form a republic (which is by its nature inclined to seek perpetual peace), this will provide a focal point for federal association among other states. These will join up with the first one, thus securing the freedom of each state in accordance with the idea of international right, and the whole will gradually spread further and further by a series of alliances of this kind." [104]
>
> "It would be understandable for a people to say: 'There shall be no war

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[102] Ibid., 102-107.

[103] Ibid., 102.

[104] Ibid., 104.

among us; for we will form ourselves into a state, appointing for ourselves a supreme legislative, executive and juridical power to resolve our conflicts by peaceful means." [105]

...

"There is only one rational way in which states coexisting with other states can emerge from the lawless condition of pure warfare. Just like individual men, they must renounce their savage and lawless freedom, adapt themselves to public coercive laws, and thus form an *international state* (*civitas gentium*)*,* which would necessarily continue to grow until it embraced all the peoples of the earth. But since this is not the will of the nations, according to their present conception of international right (so they reject *in hypothesi* what is true *in thesi*)*,* the positive idea of a *world republic* cannot be realised."[106]

3. Third Definitive Article of a Perpetual Peace: Cosmopolitan Right shall be limited to Conditions of Universal Hospitality. [107]

"In this context, hospitality[108] means the right of a stranger not to be treated with hostility when he arrives on someone else's territory." [109]

...

"In this way, continents distant from each other can enter into peaceful mutual relations which may eventually be regulated by public laws, thus bringing the human race nearer and nearer to a cosmopolitan constitution". [110]

"The peoples of the earth have thus entered in varying degrees into a universal community, and it has developed to the point where a violation of rights in *one* part of the world is felt *everywhere*. The idea of a cosmopolitan right is therefore not fantastic and overstrained; it is a necessary complement to the unwritten code of political and international right, transforming it into a universal right of humanity.

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[105] Ibid., 104.

[106] Ibid., 105.

[107] Ibid., 105-106.

[108] The right of hospitaliti, i.e. the right of strangers

[109] Ibid., 105.

[110] Ibid., 106.

Only under this condition can we flatter ourselves that we are continually advancing towards a perpetual peace." [111]

...

"If it is a duty to bring about in reality a state of public right (albeit by an infinite process of gradual approximation), and if there are also good grounds for hoping that we shall succeed, then it is not just an empty idea that *perpetual peace* will eventually replace what have hitherto been wrongly called peace treaties (which are actually only truces)". [112]

Alexis de Tocqueville (1805-1859)

Alexis de Tocqueville on a federal type state

In opposition to Kant, Tocqueville – interpreting the American constitution in his political essay *Democracy in America* - made the emphasis on the *division of sovereignty* of states and *multilevelism* as the means of peaceful cooperation among civil states. He believed that only the division of sovereignty – more precisely the voluntarily fusion of states into one in specific areas of common interest – and a multilevel governance was able to establish peace among states. Tocqueville expressed this in his "Democracy in America"[113] as follows. In his words:

> *"Another form of society is afterwards discovered in which several states are fused into one with regard to certain common interests, although they remain distinct, or only confederate, with regard to all other concerns. In this case the central power acts directly upon the governed, whom it rules and judges in the same manner as a national government, but in a more limited circle. Evidently this is no longer a federal government, but an incomplete national government, which is neither exactly national nor exactly federal; but the new word which ought to express this novel thing does not yet exist."* [114]

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[111] Ibid., 107-108.

[112] Ibid., 130.

[113] Alexis de Tocqueville (1990): *Democracy in America*. The Henry Reeve text as revisited by Francis Bowen, now further corrected and edited with introduction, editorial notes, and bibliographies by Phillips Bradley. vol. 1-2. Vintage Books Edition, A Division of Random House INC., New York; Tocqueville: Democracy in America   or   Alexis de Tocqueville: Democracy in America

[114] Alexis de Tocqueville (1990): *Democracy in America*. The Henry Reeve text as revisited by Francis Bowen, now further corrected and edited with introduction, editorial notes, and bibliographies by Phillips Bradley. vol. 1. Vintage Books Edition, A Division of Random House INC., New York, 158-159.

Tocqueville on the complex nature of the Constitution of the United States:

"It consists of two distinct social structures, connected, and, as it were, encased one within the other; two governments, completely separate and almost independent, the one fulfilling the ordinary duties and responding to the daily and indefinite calls of a community, the other circumscribed within certain limits and only exercising an exceptional authority over the general interest of the country. In short there are twenty-four small sovereign nations, whose agglomeration constitutes the body of the Union." [115]

Division of authority between the federal government and the states

"The thirteen colonies, which simultaneously threw off the yoke of England towards the end of the last century, had, as I have already said, the same religion, the same language, the same customs, and almost the same laws; they were struggling against a common enemy; and these reasons were sufficiently strong to unite them into one nation."[116]

...

"The first question which awaited the Americans was to divide the sovereignty that each of the different states which composed the Union should continue to govern itself in all that concerned its internal prosperity, while the entire nation, represented by the Union, should continue to form a compact body and to provide for all general exigencies. The problem was a complex and difficult one."[117]

"The obligations and the claims of the Federal government were simple and easily definable because the Union had been formed with the express purpose of meeting certain general wants; but the claims and obligations of the individual states, on the other hand, were complicated and various because their government had penetrated into all the details of social life." The attributes of the Federal government were therefore carefully defined, and all that was not included among them was declared to remain to the governments of the several states. Thus the governments of the states remained the rule, and that of the

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[115] Alexis de Tocqueville (1990): *Democracy in America*, vol. 1, 59.

[116] Ibid., 112.

[117] Ibid., 114.

confederation was the exception."[118]

"The exclusive right of making peace and war, of concluding treaties of commerce, raising armies, and equipping fleets was therefore granted to the Union. ... The Union was invested with the power of controlling the monetary system, carrying the mails, and opening the great roads that were to unite the different parts of the country. The independence of the government of each state in its sphere was recognized."[119]

...

"In examining the division of powers as established by the Federal Constitution, remarking on the one hand the portion of sovereignty which has been reserved to the several states, and on the other the share of power which has been given to the Union, it is evident that the Federal legislators entertained very clear and accurate notions respecting the centralization of government. The United States form not only a republic but a confederation; yet the national authority is more centralized there than it was in several of the absolute monarchies of Europe". [120]

...

"The Federal legislature of the Union was composed of a Senate and a House of Representatives. A spirit of compromise caused these two assemblies to be constituted on different principles. I have already shown that two interests were opposed to each other in the establishment of the Federal Constitution. These two interests had given rise to two opinions. It was the wish of one party to convert the Union into a league of independent states, or a sort of congress, at which the representatives of the several nations would meet to discuss certain points of common interest. The other party desired to unite the inhabitants of the American colonies into one and the same people and to establish a government that should act as the sole representative of the nation, although in a limited sphere. The practical consequences of these two theories were very different." [121]

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[118] Ibid., 114.

[119] Ibid., 115-116.

[120] Ibid., 116-117.

[121] Ibid., 117-118.

"The principle of independence of the states triumphed in the formation of the Senate, and that of the sovereignty of the nation in the composition of the House of Representatives. Each states was to send two senators to Congress, and a number of representatives proportioned to its population."[122]

...

"The House of Representatives is chosen by the people, the Senate by the legislature of the states. The former is directly elected, the later is elected by an elected body; the term for which the representatives are chosen is only two years, that of the senators is six. The functions of the House of Representatives are purely legislative, and the only share it takes in the judicial power is in the impeachment of public officers. The Senate co-operates in the work of legislation and tries those political offences which the House of Representatives submits to its decision. It also acts as the great executive council of the nation; the treaties that are concluded by the President must be ratified by the Senate; and the appointments he may make, in order to be legally effective, must be approved by the same body." [123]

...

"The president is an elective magistrate. His honor, his property, his liberty, and his life are the securities which the people have for the temperate use of his power. But in the exercise of his authority he is not perfectly independent; the Senate takes cognizance of his relations with foreign powers, and of his distribution of public appointments, so that he can neither corrupt nor be corrupted. The legislators of the Union acknowledge that the executive power could not fulfill its task with dignity and advantage unless it enjoyed more stability and strength than had been granted it in the separate states." [124]

...

"I am of opinion, for several reasons, that the federal constitution is superior to any of the state constitutions." [125]

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[122] Ibid, 118.

[123] Ibid., 120.

[124] Ibid., 121.

[125] Ibid., 153,

Europeans in search of union

The way towards European integration

The Paneuropean Union

Richard N. Coudenhove-Kalergi (1894-1972) [126]

Appeal to all Europeans! September 1939, Bern [127]

The unspeakable sacrifices of this cruel war demand the establishment of a lasting peace which shall render any new wars amongst Europeans impossible.

After the collapse of the world-wide League of Nations, of unrestrained nationalism and of Bolshevist internationalism there remains but a single solution ensuring a long period of peace, prosperity and liberty:

THE UNITED STATES OF EUROPE

This Federation must be organized to secure the following fundamental objects:

1. European solidarity in foreign, military, economic and currency policies.

2. An effective guarantee to all the federated states of their independence, integrity, security and equality, and of the maintenance of their national character.

3. An obligation on all European states, regardless of differences in their constitutions, to respect the rights of human personality and the equality of their citizens belonging to ethnic or religious minorities.

4. The peaceful settlement of all disputes between European states by a Court of Justice having at its disposal material and moral means necessary to make its decisions respected.

5. The establishment of a European institution designed to help state members of the Federation to meet their monetary and financial difficulties.

6. The progressive suppression of inter-European economic restrictions which are wrecking and ruining the European market.

7. A constructive plan for the necessary transition from war production to peace production designed to avoid the risk of unemployment.

8. The systematic organization of collaboration in colonial matters with a view to fitting colonial raw-materials and markets into the economic complex of Europe.

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[126] On Coudenhove-Kalergi see European Navigator

[127] Appeal to all Europeans! September 1939, Bern. In: R. N. Coudenhove-Kalergi (1940): *Europe must unite.* Paneuropa Editions LTD, Glarus, Swtzerland, Annex, 158-160.

9. The maintenance of and respect for the political, economical and cultural links uniting various states of Europe with other parts of the world.

10. The promotion of international peace by collaboration with the British Dominions, the American Continent, the Soviet Union and the nations of Asia and Africa in a world-wide organization.

In this tragic and decisive moment of human history we appeal to all of you:

Struggle for a European Federation!

Europeans, save Europe!

PANEUROPA UNION.

Berne, September, 1939.

Constitutional federalism

Europe must unite [128]

R. N. Coudenhove-Kalergi was the founder of the constitutional federalist direction of European integration: he was in favour of a voluntary union of Europe in a league of free and equal nations and citizens. He believed that Europe could not imitate the United States of America. It has to follow the Swiss example. In his words:

> "Europe can learn only from a European example – from the Swiss federation, which has for centuries furnished the laboratory and the test-tubes for the European unification experiment. In any time which we care to foresee, for example, there can be no European president on the American model, but only a European directorate with changing presidency, as in the Swiss Bundesrat. As in Switzerland no canton may nominate more than one of the seven members of the Bundesrat, so the same principle would have to apply for the states of Europe. Similarly the two chambers furnish a model, one of which, the *Ständerat*, furnishes equal representation for all cantons, large and small, and the other, the *Nationalrat*, equal representation for all Swiss citizens. We can also take as a model the division of the seven common federal offices into the Foreign Office, the Home Office, the War Office, and the Ministries of Commerce, Finance, Communications, and Justice. Further examples for imitation are the division of sovereignty and financial power between the federation and the cantons, and the fundamental rights of Swiss citizens, and the

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[128] R. N. Coudenhove-Kalergi (1940): *Europe must unite.* Paneuropa Editions LTD, Glarus, Switzerland; See also European Navigator. Coudenhove-Kalergi (1938): Europe must unite. The aim and the method. European Navigator

safeguards for their equality irrespective of differences of language or religion."[129]

The Swiss federal constitution, adopted to the European order of magnitude and to the different historical development and constitutions of the European states furnishes the broad lines for the constitution of Paneuropa, the aim of which cannot be achieved at a blow, but which all Europeans must keep before their eyes as a proof that the peoples of Europe can unite when they wish."[130]

"As a first step towards this great aim[131] we can use the services of a Pan-European union of states formed on the model of the Pan-American Union[132], which has for half a century included all the Republics of the New World in a common organization."[133]

Draft Federal Constitution for a United States of Europe, 1948

(Draft European Constitution drafted by the European Parliamentary Union, 1948)

See: European Navigator, Coudenhove-Kalergi

The Briand Memorandum, 1930

One of the most important political successes of the Pan European Movement was The Briand Memorandum.[134] Briand was the first politician who officially proposed the establishment of the European political and economic union within the framework of the League of Nations:

"The creation of a federal system in Europe would always be placed to the credit of the League of Nations as bringing about progress of

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[129] R. N. Coudenhove-Kalergi (1940): *Europe must unite.* Paneuropa Editions LTD, Glarus, Swtzerland, 148.

[130] R. N. Coudenhove-Kalergi (1940): *Europe must unite*, 149.

[131] The unification of the peoples of Europe

[132] " It [The Pan-American Union] is, in fact, a kind of American League." R. N. Coudenhove-Kalergi (1940): *Europe must unite*, 149.

[133] Ibid. 149.

[134] The Briand Memorandum 1 May 1930. In: A.G. Harryvan and J. van der Harst (1997): *Documents on European Union*. London, 28-33.

which even nations outside Europe could reap the benefit."[135]

Briand emphasised the need for a general agreement laying down the essential principles of cooperation. He was for the general subordination of economic problems to the political problems. As basic principles of the union of states he proposed:

> "It is on the level of absolute sovereignty and of complete political independence that the understanding between European nations must be brought about."[136]

> "The principle that the European political cooperation should be directed towards the following essential object: a federation based on the idea of union and not unity – that is to say, a federation elastic enough to respect the independence and national sovereignty of each State while guaranteeing to all the benefits of collective solidarity in the settlement of the political questions affecting the destiny of the European commonwealth or that of one of its members."[137]

> "The principle that the economic organisation of Europe should be directed towards the following essential object: a rapprochement of the European economic system effected under the political control of the governments acting in concert." … For this purpose, the governments might themselves settle, definitively, in a document confined to general principles which would constitute a simple pact of economic solidarity, the objective which they intend to define as the ideal of their economic policy (the establishment of a common market which shall raise to the maximum the standard of human well-being in all the territories of the European commonwealth). In the favourable atmosphere of such a general orientation could be begun the immediate practical construction of a rational organisation of production and of European exchanges, by means of the progressive liberation and the methodical simplification of the circulation of goods, capital and individuals, due account being taken of the requirements of each State as regards national defence. …"[138]

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[135] The Briand Memorandum, 29.

[136] Ibid., 30.

[137] Ibid., 30-31.

[138] Ibid., 32-33.

Functionalism, unionism, constitutional federalism: Mitrany, Churchill, Coudenhove-Kalergi

David Mitrany (1888-1975)

Functionalism

"It is in the light of this task, of how to achieve unity in diversity (and in the domestic sphere, too, the problem is how to have planning without breaking too many individual liberties), that we must look at the various ideas for international organization. These have followed in the main three lines of thought. (1) An association of nations, like the League, which would leave the identity and policy of states almost untouched; though comprehensive, it would be a loose association merely suggesting the need for a measure of material integration. (2) A federal system, favoured because it is thought to provide the chosen lacking in a league; but this would be so only within the limits of some new continental or regional group, and so would tend to divide the world again into a number of potentially competing units. (3) The functional approach, which by linking authority to a specific activity, seeks to break away from the traditional link between authority and a definite territory (perpetuated by either an association or a federation of nations). This approach resolves the dilemma of creating either too loose or too narrow an international organization by building up authorities which would be both comprehensive and solid, in selected fields of common life".[139]

...

"The point that matters is that whatever the form and the manner, international organisation must do the same things which national governments do in modern society, only with a difference in scale – it must do those things which cannot be done well, or without friction, except on an international scale. That would mean something very different from the scope of the League of Nations. It was in keeping with our former outlook that international law in general and the Covenant in particular were concerned primarily with defining the formal relationship of states, in a negative sense, and only vaguely with initiating positive common activities. The economic, financial

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[139] David Mitrany: A Working Peace System (1943). In: David Mitrany (1975): *The Functional Theory of Politics*. London School of Economics & Political Science. Martin Robertson & Company Ltd., London, 124-125.

and other sections of the League were mere secretariats, and so in fact is the ILO. The functional bodies contemplated here would be executive agencies with autonomous tasks and powers; they would not merely discuss but would do things jointly, and that would be in keeping with the needs of the time. The trend at present is to enlarge and co-ordinate the social scope of authority, but national planning cannot work in harness with laissez-faire in international field. The Charter of the United Nations has at least come near to recognising the true nature of the problem. It has entrusted to the Security Council a first definite function of common government, that of law and order; and the Economic and Social Council, while not endowed with equally definite powers, does express by its mere existence a sense that the problem of our time is not how to keep the nations peacefully apart but how to bring them actively together." [140]

David Mitrany: Territorial, Ideological, or Functional International Organisation?

"The task that is facing us is to build up the reality of a common interest in peace. But with a revolutionary element injected into war, we need also a new sense of peace. The systems set up or proposed hitherto had their roots in a static and strategical view of peace; the need seems to be great for a social view of it. Or, one might say, that we must put our faith not in a protected peace, but in a working peace.

This suggests that the time for loose association has passed. And in any case, the growth of planned society everywhere must be followed up also in the international sphere, if the latter is to be more than a shadow. Universal organisation on such lines is not yet practicable. Federal schemes, though they take account of that new factor, are logical only on a limited scale, at the expense of general unity. In any case, they are all bogged at the first hurdle, that of the selection of their members.

There remains the functional method. It is by no means free of difficulties, but they are less than in any other conception. On the whole, they are technical difficulties, which one might hope to overcome, and not political difficulties, made the very act of creating the new organisation.

In no other way does it seem possible to combine national autonomy with universality. National agencies would not be supplanted; they

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[140] David Mitrany: A Working Peace System, 125-126.

might indeed derive fresh scope and life from wide functional co-ordination." [141]

Churchill (1874-1965)

Unionism

Churchill's Speech on the necessity of European unity, 1946

The Tragedy of Europe, September 19, 1946, Zurich University [142]

"I wish to speak to you to-day about the tragedy of Europe. This noble continent, comprising on the whole the fairest and the most cultivated regions of the earth, enjoying a temperate and equal climate, is the home of all great parent races of the western world. It is the fountain of Christian faith and Christian ethics. It is the origin of most of the culture, arts, philosophy and science both of ancient and modern times. If Europe were once united in the sharing of its common inheritance, there would be no limit to the happiness, to the prosperity and glory which is three or four hundred million people would enjoy"[143]

...

"I must now sum up the propositions which are before you. Our constant aim must be to build and fortify the strength of U.N.O. Under and within that world concept we must re-create the European family in a regional structure called, it may be, the United States of Europe. The first step is to form a Council of Europe. If at first all the states of Europe are not willing or able to join the Union, we must nevertheless proceed to assemble and combine those who will and those who can. The salvation of the common people of every race and of every land from war or servitude must be established on solid foundations and must be guarded by the readiness of all men and women to die rather than submit to tyranny. In all this urgent work, France and Germany must take the lead together. Great Britain, the British Commonwealth of Nations, mighty America, and I trust Soviet Russia - for then

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[141] David Mitrany: War-time Submission (1941). Territorial, Ideological, or Functional International Organization? Memorandum submitted to the FPRS (Foreign Office) early 1941. In: David Mitrany (1975): *The Functional Theory of Politics,* 121-122.

[142] Winston S. Churchill (1974): *Winston S. Churchill His Complete Speeches, 1897-1963.* Ed. by Robert Rhodes James. Vol. VII. 1943-1949. Chelsea House Publishers in association with R.R. Bowker Company, New York and London, 7379-7382.

[143] Winston S. Churchill (1974): *Winston S. Churchill His Complete Speeches, 1897-1963,* 7379.

indeed all would be well - must be the friends and sponsors of the new Europe and must champion its right to live and shine."[144]

Richard Coudenhove-Kalergi

Constitutional European Parliamentary Federation

Richard Coudenhove-Kalergi: Appeal to all Europeans, 28 April 1947

"Two years have elapsed since the collapse of the Third Reich, and our unhappy Europe still knows no peace. This tragic state of affairs will go on as long as the world tries to rebuild Europe on the same obsolete foundations which have twice ruined our generation: those of unrestricted national sovereignty, national tariffs and currencies, nationalistic hatred and the arms race.

We urge you to put a stop to these conditions by at once inaugurating the United States of Europe – with a Supreme Council and a Supreme Court, a joint police force, equal human rights for all, a European market and a European currency.

...

The parliaments of Europe are destined to take the lead in this decisive battle. Our poll of all West European parliamentarians has produced hopeful results. (...)

You must repeat again and again the simple truth that the division of Europe must inevitably lead us into war and destruction, and only the union of Europe can save us."[145]

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[144] Ibid., 7381-7382.

[145] Richard Coudenhove-Kalergi: Appeal to all Europeans, 28 April 1947. In: Documents on the History of European Integration, vol. 4. Edited by W. Lipgens and W. Loth. De Gryter, Berlin, New York, 123-124.

European reform: emergence of a new type federation and confederation of states in Europe [146]

Principles of a new federalism

Robert Schuman (1886 -1963) [147]

The Schuman Declaration, 1950

> "World peace cannot be safeguarded without the making of creative efforts proportionate to the dangers which threaten it."
>
> ...
>
> "By pooling basic production and by instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realisation of the first concrete foundation of a European federation indispensable to the preservation of peace. " [148]

The full text of the declaration: Declaration of 9 May 1950. Foundation Robert Schuman

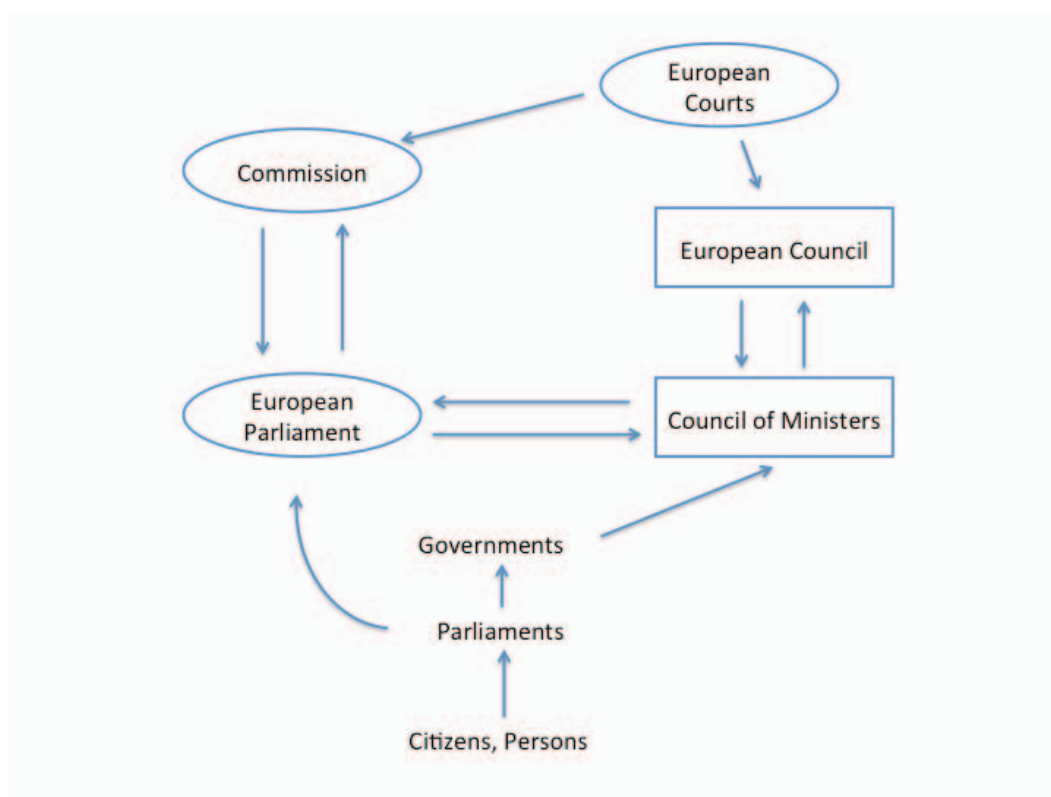*The forms of economic integration*

Balassa criteria:

> "Economic integration, as defined here, can take several forms that represent varying degrees of integration. These are free-trade area, a customs union, a common market, an economic union, and complete economic integration. In a free-trade area, tariffs (and quantitative restrictions) between the participating countries are abolished, but each country retains its own tariffs against non-members. Establishing a customs union involves, besides the suppression of discrimination in the field of commodity movements within the union, the equalization of tariffs in trade with non-member countries. A higher form of economic integration is attained in a common market, where not only trade restrictions but also restrictions on factor movements are abolished. An economic union, as distinct from a common market, combines the suppression of restrictions on commodity and factor

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[146] On European federalism see: Burgess, M. (2000): *Federalism and European Union: the Building of Europe 1950-2000*. Routledge, London and New York

[147] On Robert Schuman see the Schuman Foundation.

[148] Declaration of 9 May 1950. Foundation Robert Schuman

movements with some degree of harmonization of national economic policies, in order to remove discrimination that was due to disparities in these policies. Finally, total economic integration presupposes the unification of monetary, fiscal, social, and countercyclical policies and requires the setting-up of a supra-national authority whose decisions are binding for the member states" [149]

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[149] Béla Balassa (1962): *The Theory of Economic Integration.* George Allen & Unwin LTD, London, 2.

Theories on European integration

Jean Monnet (1888-1979) [150]

The Monnet-method

European integration started with the Schuman Plan and the establishment of the first supranational institution, the High Authority in the framework of the European Coal and Steel Community (ECSC). The Treaty of Paris equipped the ECSC with a Parliamentary Assembly and a Court of Justice. It safeguarded the Council of Ministers, too, which worked as a mediator between the member states and the Community. In other words, the Treaty establishing the ECSC laid the foundation of the community structure that still exists today. It was not federalist, but it could be developed in both federal governmental, and confederal council type direction, too. The aim of the ECSC was:

> "By pooling basic production and by instituting a new High Authority, whose decisions will bind France, Germany and other member countries, this proposal will lead to the realization of the first concrete foundation of a European federation indispensable to the preservation of peace."[151]

I.e., through the ECSC Monnet aimed to establish the first federalist-functionalist organization, which was to become the core of the European integration by initiating chain reaction: one change induces the other. So always new and new fields of economy would be transferred to the supranational level, and all these could influence policy, too.

> "Le gouvernment francais propose de placer l'ensemble de la production franco-allemande d'acier et de charbon sous une Autorité internationale ouverte a la participation des autres pays d'Europe. Celle-ci aurait pour tache d'unifier les conditions de base de la production et de permettre ainsi l'extension graduelle aux autres domaines d'une coopération effective a des fins pacifiques." [152]

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[150] About Jean Monnet see the Fondation Jean Monnet

 See also the European Navigator

[151] Declaration of 9 May 1950. Foundation Robert Schuman; The Schuman Declaration. In: A.G. Harryvan and J. van der Harst: *Documents on European Union*. Macmillan Press LtD, London, 1997. 61-63.

[152] Jean Monnet (1976): *Mémoires*. Fayard, Paris, 350.

"The European Coal and Steel Community was set up. In itself this was a technical step, but its new procedurs, under common institutions, created a silent revolution in men's minds" [153]

The essence of the Monnet-method was (in his words):

"Par la mise en commun de productions de base et l'institution d'une Haute Autorité nouvelle, dont les décisions lieront la France, l'Allemegne et les pays qui y adheront, cette proposition réalisera les premieres assises concretes d'une fédération européenne indispensable a la préservation de la paix." [154]

In his article entitled "A Ferment of Change" he defined this new method (Monnet-method) as follows:

"This profound change[155] is being made possible essentially by the new method of common action which is the core of the European Community. To establish this new method of common action, we adopted to our situation the methods which have allowed to individuals to live together in society: common rules which each member is committed to respect, and common institutions to watch over the application of these rules. Nations have applied this method within their frontiers for centuries, but they have never yet been applied between them. After a period of trial and error, this method has become a permanent dialogue between a single European body, responsible for expressing the view of the general interest of the Community and the national governments expressing the national views. The resulting procedure for collective decisions is something quite new and, as far as I know, has no analogy in any traditional system. It is not federal because there is no central government; the nations take their decisions together in the Council of Ministers. On the other hand, the independent European body proposes policies, and the common element is further underlined by the European Parliament and the European Court of Justice."[156]

...

"Beyond the economic integration of our countries and the increase in

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[153] J. Monnet: A Ferment of Change. *Journal of Common Market Studies*, 1. 1962. 1, 205.

[154] Jean Monnet (1976): *Mémoires*, 353.

[155] This profoun change meant the transcendence of the national framework, the conception of the indivisibility of national sovereignty, and national interest as an end in itself. J. Monnet (1962): A Ferment of Change. *Journal of Common Market Studies*, 1. 1962. 1, 204-205.

[156] J. Monnet: A Ferment of Change, 206-207.

our wealth which it will bring there remains the problem of achieving our political union which was our aim from the beginning. As you know, I have always felt that the political union of Europe must be built step by step like its economic integration. One day this process will then lead us to a European Federation". [157]

As a main achievement of the Monnet-method supranationalism was born in Europe: the European system of sovereign nation states was transcended. A new period started in the history of international relations that transcended the former world of sovereign nation states, and the nationalist mentality. By accepting the supranational economic law and institutions the governments subordinated a part of their sovereignty to supranational institutions. Monnet believed that as a result of his method the external and internal behaviour of the nation states changed:

"We have seen that Europe has overcome the attitude of domination which ruled state policies for so many centuries. But quite apart from what this means for us in the old continent, this is a fact of world importance. It is obvious that countries and peoples who are overcoming this state of mind between themselves will bring the same mentality to their relations with others, outside Europe. The new method of action developed in Europe replaces the efforts at domination of nation states by a constant process of collective adaptation to new conditions, a chain reaction, a ferment where one change induces another."[158]

"What conclusion can we draw from all these thoughts?" – raises Monnet the question. His answer is the following:

"Unity in Europe does not create a new kind of great power; it is a method for introducing change in Europe and consequently in the world. People, more often outside the European Community than within, are tempted to see the European Community as a potential nineteenth-century state with all the overtones of power this implies. But we are not in the nineteenth century, and the Europeans have built up the European Community precisely in order to find a way out of the conflicts to which the nineteenth-century power philosophy gave rise. The natural attitude of a European Community based on the

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[157] Ibid., 207-208.

[158] Ibid., 208.

exercise by nations of common responsibilities will be to make these nations also aware of their responsibilities, as a Community, to the world. In fact, we already see this sense of world responsibilities developing as unity in Europe begins to affect Britain, America and many other areas of the world. European unity is not a blueprint, it is not a theory, it is a process that has already begun, of bringing peoples and nations together to adapt themselves jointly to changing circumstances."[159]

To sum, Monnet believed that the aim of building Europe is to find way out of the conflicts of the 19th century power philosophy, and policy. The European Community successfully accomplished this aim because it is based on the exercise by nations of common responsibilities, as a community. In Monnet's words:

"European unity is the most important event in the West since the war, not because it is a new great power, but because the new institutional method it introduces is permanently modifying relations between nations and men. Human nature does not change, but when nations and men accept the same rule and the same institutions to make sure that they are applied, their behaviour toward each other changes. This is the process of civilisation itself."[160]

"Europe's first draft-constitution", 1953

The constitutional federalists led by Spinelli emphasised the necessity to solve the problem of the political governance of the European Community by a constitution. Europe's first constitutional draft (1953), the Draft Treaty Embodying the Statute of the European Community, Strasbourg, on the 11th March 1953 [161] shows the federalist aims of the founding fathers:

"The present Treaty sets up a European Community of a supranational character.

The Community is founded upon a union of peoples and States, upon respect for their personality and upon equal rights and duties for all. It

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[159] Ibid., 210-211.

[160] Ibid., 211.

[161] Selected articles of the Draft Treaty embodying the Statute of the European Community. Strasbourg, 11 March 1953. In: A.G. Harryvan and J. van der Harst (1997): *Documents on European union*. St. Martin Press, Cambridge, 75-79; See also in: Richard T. Griffiths (2000): *Europe's First Constitution. The European Political Community, 1952-1954*. Federal Trust for Education and Research, London, 189-226.

shall be indissoluble.

The Community has the following mission and general aims:

To contribute towards the protection of human rights and fundamental freedoms in the Member States;

To cooperate with the other free nations in ensuring the security of Member States against all aggression;

To ensure the cooperation of the foreign policy of Member States in questions likely to involve the existence, the security or the prosperity of the Community;

To promote, in harmony with the general economy of Member States, the economic expansion, the development of employment and the improvement of the standard of living of the Member States, by means, in particular, of the progressive establishment of a common market, transitional or other measures being taken to ensure that no fundamental and persistent disturbance is thereby caused to the economy of Member States;

To contribute towards the endeavours of Member States to achieve the general objectives laid down in the Statute of the Council of Europe, the European Convention for Economic Cooperation, and the North Atlantic Treaty, in cooperation with the other States parties thereto.

…

The Community together with the European Coal and Steel Community and the European Defence Community shall constitute a single legal entity.

The institutions of the Community shall be:

The Parliament, The European Executive Council, The Council of National Ministers, The Court of Justice, The Economic and Social Council

The Parliament shall enact legislation and make recommendations and proposals. It shall also approve the budget. It shall be composed of two Chambers which, unless the present Statute otherwise provides, shall have the same powers and competences. The first Chamber, entitled the Peoples' Chamber, shall be composed of deputies representing the peoples united in the Community. The Second Chamber, entitled the Senate, shall be composed of senators representing the people of each State. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State.

Members of Parliament and of the European Executive Council shall have the right to initiate legislation. Members of Parliament shall have the right of amendment and interpellation.

The European Executive Council shall undertake the general administration of the Community. It shall have no powers other than those conferred upon it by the present Statute. The Senate shall elect the President of the European Executive Council in secret ballot, by majority vote of its Members. The President shall appoint the other Members of the European Executive Council. The Members of the European Executive Council shall have the title of Ministers of the European Community. The European Executive Council shall take decisions, make recommendations or express decisions. The President of the European Executive Council shall represent the Community in international relations.

The Council of National ministers shall exercise the power and competence in the cases specified and in the manner indicated in the present statute with a view of harmonising the action of the European Executive Council with that of the Governments of Member States. The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

The Council of National Ministers shall be composed of representatives of the Member States. Each state shall delegate a member of its government as a representative." [162]

Charles de Gaulle (1890-1970)

Intergovernmentalism

De Gaulle strongly opposed the establishment of federalist Europe based on supranational institutions. He emphasised that the federalist policy, including the Monnet-method, is mistaken because the European Communities had no legal personality. Consequently Europe had no governance. The institutions of the European Economic Community were very week, and they could not govern and represent Europe as a legal entity in the world policy. Therefore Europe's political governance had to be based on the historically developed sovereign states which were the only legally valid units. The states had to organize common actions by the regularly meetings of their ministers, and head of states and governments

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[162] Selected articles of the Draft Treaty embodying the Statute of the European Community. Strasbourg, 11 March 1953. In: A.G. Harryvan and J. van der Harst: *Documents on European union,* 75-79.

based on agreements. This would lead to their confederation: "the Concert of European states". He also proposed to establish the European Council of the head of states or governments as the organ of political discussion.

> "At all events, as could have been foreseen, it was now clear to all that in order to achieve the unification of Europe, individual states are the only valid elements, that when their national interest is at stake nothing and nobody must be allowed to force their hands, and that co-operation between them is the only road that will lead anywhere."[163]

...

> "On the other hand, while recognizing that each of these countries had its own national personality which it must preserve, there was no reason why they should not organize concerted action in every sphere, arrange for their ministers to meet regularly and their Heads of State or Government periodically, set up permanent organs to discuss politics, economics, culture and defense, have these subjects debated in the normal way by an assembly of delegates from their respective parliaments, acquire the taste and habit of examining together problems of common interest, and as far as possible adopt a united attitude towards them." [164]

...

> "Now, what are the realities of Europe? What are the pillars on which it can be built? The truth is that those pillars are the States of Europe ... States each of which, indeed, has its own genius, history and language, its own sorrows, glories and ambitions; but States are the only entities with the right to give order and the power to be obeyed." Then, while recognizing "the technical value of a certain more or less extra-national or supra-national organisms, I pointed out that they were not and could not be politically effective, as was proved by what was happening at that very moment in the European Coal and Steel Community, Euratom and the Brussels Community." [165]

De Gaulle was not completely against the supranational organisms. He recognised the technical value of certain more or less extra-national or supra-national organisms, but he believed that they couldn't be politically effective, as was proved by the ECSC, EURATOM, and the Brussels Community. Therefore

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[163] Charles de Gaulle (1971): *Memoirs of Hope.* Renewal 1958-62; Endeavour 1962. Weidenfeld and Nicolson Limited, London, 189.

[164] Charles de Gaulle (1971): *Memoirs of Hope*, 191.

[165] Ibid., 194-195.

instead of supranational institutions he proposed the following plan:

> "To arrange for the regular co-operation of the States of Western Europe in the political, economic and cultural spheres, as well as that of defense, is an aim that France deems desirable, possible and practical. ... *It will entail organized, reguliar consultations between the governments concerned and the work of specialist bodies in each of the common domains, subordinated to those governments*. It will entail periodic deliberations by an assembly made up of delegates of the national parliaments. It must also, in my view, entail as soon as possible a solemn European referendum, in order to give this new departure for Europe the popular backing which is essential to it."[166]

To sum, De Gaulle did not want to subordinate the sovereignty of the French government to the supranational institutions of the ECSC, Euratom, and the European Economic Community. He believed that the pillars on which Europe could be built up were the states of Europe. The supranational organizations could not be politically effective. The states were the only entities with the right to give orders and the power to be obeyed. "Regular co-operation among the Six has to happen by the means of organized regular consultations between governments concerned and the work of specialised bodies in each of the common domains, subordinated to those governments. The governments have to consult regularly with the specialised bodies in each of the common domains, subordinated to the governments. It will entail periodic deliberations by an assembly made up of delegates of the national parliaments."[167]

European compromise: renewing the federalist policy in an intergovernmentalist Europe

Altiero Spinelli (1907-1986) [168]

Altiero Spinelli was born on 31 August 1907, in Rome. From 1924 to 1927 he studied law at the University of Rome, until he was arrested by the police and condemned by the Special Tribunal to 10 years' imprisonment for anti-fascist activities. After his 10 years in prison, he was condemned to a further 6 years of

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[166] Ibid., 195.

[167] Brent F. Nelsen – Alexander C-G. Stubb (2003): *The European Union. Readings on the Theory and Practice of European Integration*. 3. edition, Lynne Rienner Publishers, Inc. Boulder, London, 2003. 44.

[168] About Spinelli see Europa and European Navigator.

'confino' first in the Island of Ponza, and then in the Island of Ventotene. In the later island, he wrote – along with Ernesto Rossi – the Ventotene Manifesto[169], a fundamental political text for the federalist struggle in favour of European unity.[170]

In 1943 Altiero Spinelli, his wife, Ursula Hirschmann, along with other anti-fascists and federalists, founded the Movimento Federalista Europeo (MFE) in Milan. They organized federalist meetings at Geneva and Paris. From 1948 to 1962 Spinelli was Secretary General of the MFE in Italy, and leader of the UEF (Union of European Federalists) in Europe. [171]

The constitutional federalist (USA model)

The main ideas of the Ventotene Manifesto, 1941 [172]

Altiero Spinelli, one of the most important leaders of the international Resistance Movement, regarded the *Federalist papers*, the American constitution, and Tocqueville's ideas on American democracy as examples for a European social organization after the Second World War. He founded the *European Federalist Movement* that adopted the Ventotene Manifesto, 1944 [173] as its political program.

The Manifesto emphasised that the nation states system after a period of progressive results ceased to be progressive, and resulted in totalitarian nation states in Europe. [174] Therefore the main division was between the supporters of the national sovereignty and the supporters of the creation of a solid international state. The latter used national power for achieving international unity. International unity could be achieved by establishing single federal state in which

"Each states will retain the autonomy it needs for a plastic articulation

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[169] Ventotene Manifesto, 1944, Spinelli Organization and Ventotene Manifesto, European Navigator

[170] Altiero Spinelli: *Towards the European Union*, Florence ,13 June 1983. Sixth Jean Monnet Lecture, European University Institute. Florence, 2.

[171] Altiero Spinelli: *Towards the European Union*, Florence, 2.

[172] Ventotene Manifesto, 1944. Spinelli Organization

[173] In 1941, Spinelli and his fellow prisoner Ernesto Rossi have written the Ventotene Manifesto, entitled   "Towards a Free and United Europe". The manifesto suggested that, if the fight against the fascist was successful, it would be necessary to transcend the European system of nation states which lead to war. It called for the establishment of a European democratic federation after the war.

[174] Ventotene Manifesto, 1944. Spinelli Organization

and development of political life according to the particular characteristics of its people".[175]

Spinelli's Constitutional Federalist strategy had a strong institutional component and focused on the immediate establishment of federal political institutions, above all a supranational government directly responsible to the European citizens instead of national governments. The idea was that, once these organs were established, further transfer of authority from the nation-state to the federal state would occur automatically.

The aims of the European Union of Federalists (EUF)

In his speech on the III International Congress of the European Union of Federalists, Strasbourg 17-19 November 1950, Spinelli outlined the aims of the EUF, which was to achieve a European federal pact. At the same time he rejected the Council of Europe, and criticized the Shuman Plan, too, as a solution for the cooperation among European states. In his words:

> "The EUF did not confine itself to calling for a pact, but indicated the essential minimum of what it should contain. We called for a common foreign policy and military defence, a joint human right policy, and joint efforts to achieve by degrees a single market in a framework of social justice. We declared that these minimum functions should be entrusted to an articulated legislative power reflecting the social and federal characteristics of the new European community; an executive controlled by the legislature, but able to take effective and continuous action unhampered by too narrow an application of the system of 'parliamentary responsibility'; and a federal Court to interpret federal law and ensure that it was equitably applied. We proposed that the pact should enter into force as soon as it was adopted by a number of countries with an aggregate population of at least 100 million, while remaining open to other signatories." [176]
>
> ...
>
> "We must have the wisdom to confide the task to a European assembly of theparliamentary type and not a diplomatic conference of

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[175] Ventotene Manifesto. In: Walter Lipgens (ed.) (1985): *Documents on the History of European Integration.* 1. *Continental Plans for European Union 1939-1945.* Walter de Gruyter, Berlin, 471-473; Ventotene Manifesto. Spinelli Organization

[176] Altiero Spinelli: Report on the Proposal for a European Assembly to draft a Pact of Federal Union, 17-19 November 1950. In: Walter Lipgens and Wilfried Loth (1991): *Documents on the History of European Integration*. Vol. 4. Walter de Gruyter, Berlin-New York, 95.

government   representatives.[177]

...

"It [the federal pact] will enter into force immediately upon ratification by a certain number of countries. One this strong federal nucleus has come into being, its political, military, economic and ideological advantages will be so manifest that other states cannot fail to join in."[178]

Critic of the Council of Europe

"The Council of Europe is useful as a place where the representatives of all European nations can meet and debate, but it is quite the wrong forum for the drafting a federal pact."[179]

"The Assembly has no authority to draft such a pact. Among its members are delegates of European countries which, even today, are not disposed to envisage a limitation of their sovereignty, and which do all they can to prevent the countries most disposed to take this step from doing so. Finally the Assembly is paralysed by the tutelage imposed by the Committee of Ministers, which, being a conference of representatives of sovereign states, is automatically a jealous defender of national sovereignties."[180]

Critic of the Schuman plan

"Three Continental countries of Western Europe – France, Germany and Italy – have declared in their constitutions that they are prepared to limit their sovereignty on terms of reciprocity. These countries cannot fail to respond to the appeal. Three others – Belgium, Holland and Luxemburg – have already shown in the context of the Schuman plan that they do not shrink from a partial limitation of sovereignty.

...

At this point the analogy with the Schuman plan comes to an end, since when we come to determine the constitution of the organization which is to draft the federal pact, we must take care not to set up a

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[177] Altiero Spinelli: Report on the Proposal for a European Assembly to draft a Pact of Federal Union, 17-19 November 1950, 97.

[178] Ibid., 97.

[179] Ibid., 95.

[180] Ibid., 95.

body which may subsequently turn out to be incapable of the task." [181]

Critic of the Monnet method

Spinelli, for example, strongly criticised Monnet's "wait and see" method.[182] He emphasised the dangers of the lack of Europe's governance and legal personality: this could strengthen the former intergovernmentalist and the nationalist forces.

The ideas of Europe's "first constitutional draft, 1953"

With the aim to finalise the European federation and to establish a European federalist government, Spinelli protected the *Draft Treaty embodying the Statute of the European Community* (published in Strasbourg, on the 11th March 1953).[183] Europe's first constitutional draft (1953) shows the federalist aims of the founding fathers (Spinelli played an important role in drafting this document). The draft treaty proposed a parliamentary solution based on two chambers, representing the interests of the citizens as Europeans as well as citizens of their own states. The first Chamber, called the Peoples' Chamber, shall be composed of deputies representing the peoples united in the Community. The Second Chamber, called the Senate, shall be composed of senators representing the people of each State. Senators shall be elected by the national Parliaments for five years in accordance with the procedure determined by each Member State. The establishment of the European Executive Council shall solve the problem of European governance. It shall undertake the general administration of the Community. The Council of National Ministers shall harmonise the actions of the European Executive Council with the Governments of the Member States. The Council of National Ministers and the European Executive Council shall exchange information and consult each other.

Europe's first constitutional draft was not federal, but it could have been developed in this direction. The new European international legal policy was very different from the former policy of sovereign nation states. However, the governments did not favour such a change. The defeat of the *European Defence Community* and of the *Draft Treaty Embodying the Statute of European Political Community* (1953) were setbacks for the federalist movement. Constitutional federalism, represented by framework of a European Parliament with two

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[181] Ibid., 96.

[182] Michael Burgess (2000): *Federalism and European Union: the Building of Euro*pe, 1950-2000 Routledge, London and New York, 31-36.

[183] See above 97-99.

chambers and based on the personal principle and the principle of autonomy (subsidiarity) of the member states, was defeated in 1954.

In opposition to Charles de Gaulle

Spinelli, emphasised the importance of the supranational institutions (Parliament, Commission, European Court) and the European law in the building of the European Community. In his view these institutions worked as a counter balance to intergovernmental policy. Consequently, classical conservative confederalism could not gain. He thought that de Gaulle's political philosophy could change the spirit of the European treaties, and could successfully hinder their development:

> "Commitments with the Community would be respected, even new common commitments could if necessary be made, but on condition that the supranational features of the Community were diminished or at the limit abolished and simple inter-governmental co-operation developed inside and outside the Community. The Commission would be given progressively greater power, so as to become the nucleus of a European government, but reduced to the role of an international secretariat at the service of the governments. Each common commitment would have had to depend on the free and, therefore, unanimous consent of the associated governments, not only at the time when the decision was taken, but during the entire period of its execution, and in each of its stages. In their own way de Gaulle was, and his party now is in favour of Europe, but a Europe of individual countries or states, a confederation endowed with common rules but with no common organs to manage them." [184]

Federalist compromise with European intergovernmentalism

Federalist criticism of European intergovernmentalism

After the success of Charles de Gaulle's intergovernmentalist policy, Spinelli realized the necessity to renew the European federalist policy. He proposed, as alternative, to establish a two-level/multilevel-governance based on subsidiarity. His aim was to strengthen the federalist character of the European integration.

Spinelli realised that the building of a federalist Europe could start from the level of economic sectoral integration. Therefore he wanted to revitalise the Monnet-method by proposing the completion of the internal market, the

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[184] A. Spinelli (1971): *The European Adventure. Tasks for the Enlarged Community*. Charles King & Co. LTD, London, 12.

establishment of the European Monetary System, and the continuation of the sectoral integration policy. He hoped to renew the chain reaction, too.

Spinelli started a European democratic policy: he accepted the intergovernmentalists as democratic political opposition of the federalists. He accepted also the European Council as a necessary advisory body. As political organizational principle he proposed to the intergovernmentalists to accept the principle of subsidiarity. By this way he aimed to achieve a clear division of the competences between the union and the member states. The governments could define precisely what belong to them, and what to the union; they could safeguard what they could manage, but they had to transfer gradually to the supranational level all those things what they could not do.

He emphasised also the necessity of the institutional reform. First of all, he wanted to diminish the influence of the veto right in European policy by proposing to extend the qualified majority voting in the Council. He aimed also to strengthen the European Parliament as a legislative organ. He struggled for equal rights for the Parliament with the Council by proposing ideas on a democratic codecision procedure. This could lead to a bicameral parliamentary system. By involving the Parliament into the European policy, he wanted to solve the democratic deficit of the European Community. He continued to believe that the establishment of a European Parliamentary Federation composed of two chambers would be necessary.

He proposed his reforms because he could not believe in intergovernmentalist policy on the basis of historical experiences. He regarded intergovernmentalists as oppositional partners in a democratic policy. He believed that intergovernmentalists wanted to build up a European union under the control of the national political establishment. At the same time they recognised the necessity to have European institutions:

> "But they postpone as long as possible the creation of such political institutions and when they are obliged to take action they create them in as modest and limited form as possible; there is a tendency to take away with one hand what is given with the other. … Each government sees and desires the European objective above all from the national point of view and is disposed to accept it only in so far as it finds this point of view reflected there." [185]

In his view this behaviour makes agreements more and more difficult. When an agreement is reached it is reduced regularly to the lowest common denominator of very limited importance. Governments seek European decisions by means of an abortive combination of national decision-making procedures.

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[185] A. Spinelli (1971): *The European Adventure. Tasks for the Enlarged Community*, 13.

"In their normal daily activity they [the governments] are the conservatives of the old national system, in that every day they must legislate, govern, make decisions and guide their peoples along well-known, traditional paths. From time to time, when they are confronted with this or that serious problem which weighs heavily on the life of the nation and cannot be kept under control by national measures, they become innovators of the new European system " [186]

Spinelli emphasised that only in the moments of crisis [the moments of creative tension] do governments pay more attention to European-orientated proposals and become more inclined to feel the profound meaning of history. At that time they are able to take a step to advance the European enterprise. But the critical moments of high European tensions for national governments never last very long. … Then the customs, interests and mental reservations of the nation re-emerge, and begin to corrode the European sentiment which appeared in the moment of crisis.[187] National conservatism has a corrosive effect. The permanent uncertainty of the governments results in their limited participation in the creation of Europe. The corrosive effect of intergovernmentalism could cause the collapse of the European Community, and the rebirth of nationalism.

In summary, Spinelli believed that the main actors of intergovernmental policy, the national governments, see and desire the European objective only from a national point of view. This makes agreements among governments difficult, because all is reduced to the lowest common denominator. Governments seek European decisions by means of an abortive combination of national decision-making procedures. Consequently, reaching consensus is as difficult as to break out of a vicious circle. Only in the moment of crisis do governments pay more attention to European oriented proposals.[188]

Spinelli's federalist reform plan aiming to establish the European Union

In 1976 Spinelli was elected to Parliament in Italy, as an independent in the PCI list. The same year, he was also appointed member of the European Parliament. He retained this seat in 1979 in the direct elections.

On 9 July 1980, with eight other members, Spinelli founded at Strasbourg (in the Crocodile restaurant) the Crocodile Club, with the goal of inducing the European Parliament to take on the task of drawing up a draft treaty instituting the European Union.

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[186] Ibid., 15.

[187] Ibid., 15.

[188] Ibid., 14.

On 9 July 1981, the Assembly adopted the Club's proposal by a large majority, and decided to set up, as from January 1982, a committee with the task of drawing up the project for a European Union. Altiero Spinelli was the general rapporteur to this committee. [189]

Spinelli, as the leader of the reform group (Crocodile Movement) of the European Parliament, in his famous lecture, *Towards the European Union, Florence 13 June 1983*, outlined his ideas on the federalist reform of the European Community.[190] He has spoken on his personal initiative with the aim to encourage the European Parliament and its institutional committee to do a new step towards European unification which reached its final stage of a parliamentary decision at that time. After the adoption of Spinelli's reform plan by the Parliament, it has to consider the Draft Treaty establishing the European Union.

The ideas of the Spinelli-reform

In Spinelli's view the aim of the reform is to establish gradually a new type European union. The gradual stages of integration are the followings:

> "Intergovernmental cooperation is seen as the basic and hazardous area of integration.
>
> Beyond that there is a sphere which will ultimately become one of common actions which will be decided and put into effect by the institutions of the Union but will continue to be carried out by the Member States until they are superseded by the decisions of the Union.
>
> Lastly, there is a sphere in which the Union will have sole power to act by its own decisions." [191]
>
> ...
>
> "The transition from one sphere to the other is subject to the principle of subsidiarity in cases where an objective can be achieved more effectively in common than separately, when achievement can only be reached jointly." [192]
>
> ...
>
> "The institutions of the Union should as far as possible be the same as

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[189] Altiero Spinelli (1983): *Towards the European Union*, Florence,13 June 1983. Sixth Jean Monnet Lecture, European University Institute. Florence, 2.

[190] Altiero Spinelli (1983): *Towards the European Union*, Florence, 2.

[191] Ibid., 19.

[192] Ibid., 19.

those of the present Community although with some important changes.

The European Council becomes an institution of the Union, but is quite distinct from the Council of the Union. The European Council is to consists of the Heads of State and Government and is the body responsible for cooperation.

It can decide to transform certain forms of cooperation into common actions by delegating their administration to the legislative and executive organs of the Union. It has been calculated that by force of circumstance the Heads of Government will frequently recognize the need for common actions in which case, instead of instructing their own ministers or national officials to carry out their ideas, which would result in a rapid return to the traditional national frameworks, they will assign them to the Union's own organs.

The European Council thus takes on a similar role to that of the Heads of State when they appoint the President of the Commission and instruct him to from the Commission.

The Council of the Union as distinct from the European Council is made up of representatives of the governments who will vote by a more or less qualified weighted majority although never by unanimity. The Council of the Union will share legislative power, adoption of the budget and the investiture of the Commission with the Parliament. Parliament will finally cease to be a merely consultative body and will become a branch of the legislative authority and the budgetary authority. The Commission becomes a genuine centre of government with a political function and responsibilities. The European Council appoints the president who then appoints the Commission.

...

The Commission becomes the only executive body of the Union. In particular it has the power to issue implementing regulations, putting an end to its current obligation to submit virtually all its implementing regulations to parliamentary opinions and Council decisions, and to the Council's habit of withdrawing regulations from the executive through its consultative committees and commandeering them.

The Court of Justice has its powers strengthened on the basis of priority of Union law over national law." [193]

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[193] Ibid., 20-21.

The most important reform ideas of the Draft Treaty establishing the European Union, 1984 (Spinelli-draft)[194]

Spinelli proposed his reform ideas with the aim to start a democratic European policy with the participation of the intergovernmentalists and the federalists as democratic opposition of each other. The most important reform ideas were the followings: subsidiarity, transfer of competences from the member state level to the union level, multilvelism, precise division and definition of the competences belonging to the union and to member states.

The principle of subsidiarity [195]

It was Altiero Spinelli who introduced the principle of subsidiarity in the EU's formal legal document, when he first led the European Commission to make a contribution to the Tindemans Report in 1975, and then the European Parliament to adopt the Draft Treaty on European Union in 1984.[196] Seeing the crisis of the European integration, Spinelli insisted on the necessity of institutional reforms, which were outlined in the Draft Treaty establishing the European Union[197] (Spinelli draft). In this document he put forward a system of two chambers: the European Parliament and a Council consisting of ministers for Europe residing in Brussels. In his proposal the unifying federal force should also include a supranational institutional system. As a compromise between the federalists and the intergovernmentalists on supranationalism, he proposed to introduce the principle of subsidiarity in the EU Treaty:

> "Intending to entrust common institutions, in accordance with the principle of subsidiarity, only with those powers required to complete successfully the tasks they may carry out more satisfactorily than the States acting independently."[198]

All these meant in practice the division and transfer of competences between

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[194] Draft Treaty Establishing the European Union. In: *An Ever Closer Union. A Critical Analysis of the Draft Treaty Establishing the European Union*. Eds.: R. Bieber, J-P. Jacqué, J. H.H. Weiler. Office for Offcial Publications of the European Communities, Luxembourg, 1985. 306-329; Draft Treaty Establishing the European Union and Draft Treaty Establishing the European Union

[195] On the history of the idea of subsidiarity see: Éva Bóka (2007): The Idea of Subsidiarity in the European Federalist Thought. Grotius, 2007.

[196] K. Endo (2001): *Subsidiarity & its Enemies. To What Extent is Sovereignty Contested in the Mixed Commonwealth of Europe?* EUI Working Papers, European University Institute, San Domenico (FI), 2001. 23.

[197] Draft Treaty Establishing the European Union. In: An Ever Closer Union, 306-329.

[198] Ibid., 306.

the union and the member states:

> "1. To attain these objectives, the Union shall act either by *common actions* or by *cooperation* between the Member States; the fields within which each method applies shall be determined by this Treaty.
>
> 2. *Common action* means all normative, administrative, financial and judicial acts, internal or international, and the programmes and recommendations, issued by the Union itself, originating in its institutions and addressed to those institutions or to States, or to individuals.
>
> 3. *Cooperation* means all the commitments which the Member States undertake within the European Council. The measures resulting from cooperation shall be implemented by the Member States or by the institutions of the Union in accordance with the procedures laid down by the European Council." [199]

Transfer from cooperation to common action is possible by the fallowing way:

> "On a proposal from the Commission, or the Council of the Union, or the Parliament, or one or more Member States, the European Council may decide, after consulting the Commission and with the agreement of the Parliament, to bring those matters within the exclusive or concurrent competence of the Union."[200]

The Spinelli-draft expressed the meaning of the *subsidiarity principle*, in the case of defining competences, in the following terms:

> "1. Where this Treaty confers exclusive competences on the Union, the institutions of the Union shall have such power to act; national authorities may only legislate to the extent laid down by the law of the Union. Until the Union has legislated, national legislation shall remain in force.
>
> 2. Where this Treaty confers concurrent competences on the Union, the member States shall continue to act so long as the Union has not legislated. The Union shall only act to carry out those tasks which may be undertaken more effectively in common than by the Member States acting separately, in particular those whose execution requires action by the Union because their dimension or effects extend beyond national frontiers."[201]

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[199] Ibid., 309.

[200] Ibid., 309.

[201] Ibid., 309-310.

The competences left to the Union by the specific articles of the Draft Treaty were sufficiently broad: monetary policy, sectorial policy (agriculture, transport, telecommunications, research and development, industry, energy), social and health policies, environmental policy, education and research policy, cultural policy, industrial policy. Spinelli proposed to extend the field of cooperation to defence, disarmament and foreign policies, too.[202]

In Spinelli's view the establishment of the subsidiarity principle would constitute a guarantee against centralization. This was a direct consequence of his classical world federalist thinking. Actually, Spinelli's political actions are only understandable in a historical context. The intellectual origins of his federalist ideas stretched back to the inter-war years. In the resistance movement he became a constitutional federalist. His whole political life proves his unbroken continuity of the federalist ideas; the *Draft Treaty establishing the European Union* of the European Parliament is only a late manifestation of those. He regarded subsidiarity in conjunction with the personal principle: both were basic principles of federalism in the European federalist thought. For Spinelli, who believed in the classical idea of world federalism, and who supported the democratic international law and human rights, subsidiarity served as a means of federalism in social organization. In his view, the European Federation has to become the federation of persons and of autonomous member states. In such a federation subsidiarity was the means of placing the autonomous member states into the framework of a larger federation, in harmony with federal constitutional law, international law, and human rights. Such a federation could only function if the interests of the persons, as citizens of the union and also of the states, were represented in the European Parliament. He believed that subsidiarity could work in an optimal manner only in a federation where there was harmony between the personal principle, and the subsidiarity principle within the framework of the European Parliament. [203]

Codecision procedure between the Council and the Parliament

Spinelli emphasised the necessity to reform the European Parliament because European decisions on European matters had to be made by the Parliament in cooperation with the Commission, and not by the national ministers whose

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[202] Ibid., 318-324.

[203] Éva Bóka (2007): The Idea of Subsidiarity in the European Federalist Thought. Grotius; Éva Bóka (2010): Europe in Search of Unity in Diversity. Can Personalist Federalism and Multilevelism Manage Diversity? ISES Füzetek 14. Társadalomtudományok és Európa-tanulmányok Intézete, Szombathely-Kőszeg, 2010.

political roots were in the soil of their national political life, and they represented national interests and not European ones. Therefore the European Parliament has to develop so that it could become the representative of the citizens as Europeans:

> "The European Parliament shall be elected by direct universal suffrage in a free and secret vote by the citizens of the Union.
>
> ...
>
> The Parliament shall:
>
> - participate, in accordance with this Treaty in the legislative and budgetary procedures and in the conclusion of international agreements.
>
> - shall enable the Commission to take office by approving its political programme
>
> - exercise political supervision over the Commission,
>
> - have power to adopt by a qualified majority a motion of censure requiring the members of the Commission to resign as a body,
>
> - have the power to conduct inquiries and receive petitions addressed to it by citizens of the Union..
>
> - exercise the other powers attributed to it by this Treaty"[204]

Spinelli believed that the reform of the cooperation among the Commission, the European Parliament, and the European Court of Justice could start the necessary institutional reform. He thought that the antidote of the Commission's weakness laid in strengthening the EP's legislative power.

Regarding the democratic parliamentary reform the most important idea of Spinelli was to set out a new legislative procedure involving a bicameral system of codecision by the EP and the Council of Ministers. He believed that it would alter the community's institutional balance in favour of the Commission and the European Parliament. Art. 38 could be regarded as the key article of the Draft Treaty: it serves as a means of political struggle to achieve the most important federalist aim which was a bicameral parliament representing the interests of the European citizens as Europeans, and as the members of their states. The Parliament embodies the legislative power, and elects the European government representing the executive power. The institution of the Conciliation Committee between the Parliament and the Council served the aim of achieving the equal status of the Parliament with the Council.

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[204] Draft Treaty Establishing the European Union, 311.

Article 38 – Voting procedure for draft laws (the case of the Conciliation Committee)

"1. All draft laws shall be submitted to the Parliament. Within a period of six month, it may approve the draft with or without amendment. In the case of draft organic laws, the Parliament may amend them by an absolute majority; their approval shall require a qualified majority.

Where the majority required for approval of the draft is not secured, the Commission shall have the right to amend it and to submit it to the Parliament again.

2. The draft law, approved by the Parliament with or without amendment, shall be forwarded to the Council of the Union. With a period of one month following approval by the Parliament, the Commission may deliver an opinion which shall also be forwarded to the Council.

3. The Council shall take a decision within a period of six months. Where it approves the draft by an absolute majority without amending it, or where it rejects it unanimously, the legislative procedure is terminated.

Where the draft has been put to the vote but has not secured the majorities referred to above, or where the draft has been amended by a simple majority or, in the case of organic laws, by an absolute majority, the conciliation procedure laid down in paragraph 4 below shall be opened.

4. In the cases provided for in the final subparagraph of paragraph 3 above, the Conciliation Committee shall be convened. The Committee shall consist of a delegation from the Council of the Union and a delegation from the Parliament. The Commission shall participate in the work of the Committee.

Where, within a period of three months, the Committee reaches agreement on a joint text, that text shall be submitted for approval to the Parliament and the Council; they shall take a decision by an absolute majority or, in the case of organic laws, by a qualified majority within a period of three months. No amendments shall be admissible.

Where, within the period referred to above the Committee fails to reach agreement, the text forwarded by the Council shall be submitted for approval to the Parliament which shall, within a period of three months, take a decision by an absolute majority or, in the case of organic laws, by a qualified majority. Only amendments tabled by the

Commission shall be admissible. Within a period of three months, the Council may reject by a qualified majority the text adopted by the Parliament. No amendments shall be admissible." [205]

In the lack of a federal European government Spinelli recognised the importance of the advisory function of the heads of governments of member states. In the Draft Treaty he introduced a new institution, namely the European Council, consisting of the Heads of State or Government of the Member States of the Union, and the President of the Commission. The European Council's function was to formulate recommendations and undertake cooperative commitments. He emphasised that, although the Summit was not formally institutionalised, it had in fact become an institution that laid dawn from time to time certain important guidelines and common political tasks for the member states. [206]

In conclusion, Spinelli proposed his ideas in the interest of a democratic European parliamentary federation representing the interests of the citizens. Because of the lack of a bicameral European Parliament the role of subsidiarity was to bind the European Community and its institutions. He believed that subsidiarity could function as a balance of power between the federalists and the intergovernmentalists and the integration process could continue. However, the federalists had to struggle further for the democratisation of the EU institutions. Spinelli's reform policy and The Draft Treaty establishing the European Union started a new federalist élan in the European integration, with a major role given to subsidiarity.

Spinelli's ideas influenced the establishment of the European Union through the Treaty on the European Union, 1992. His ideas can be found in the Draft

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[205] Draft Treaty Establishing the European Union, 316.

[206] Ibid., 314.

Constitution, 2004, and in the Treaty of Lisbon, 2007. [207]

Jacques Delors [208]

Delors, as a financial expert continued on the way of the Monnet-method and the Spinelli's federalist reform ideas. In the so-called Paquet Delors he proposed budgetary reforms and changes to structural fund distribution. After the approval of the Paquet Delors, he started to focus on the subject of Economic and Monetary Union producing a three-stage scheme that was eventually ratified as part of the Maastricht Treaty.

In his report on economic and monetary union[209] Delors summarized the history of gradual emergence of an Economic and Monetary Union, and emphasised its importance in the European economic integration process:

Economic and monetary union in Europe would imply complete freedom of movement for persons, goods, services, and capitals, as well as irrevocably fixed exchange rates between national currencies and finally, a single currency. This in turn, would imply a common monetary policy and require a high degree of compatibility of economic policies and consistency in a number of other policy areas particularly in the fiscal field. All these be resulted in price stability, balanced growth, converging standards of living, high employment, and external equilibrium. In his view economic and monetary union would represent the final

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[207] The Treaty of Lisbon, 2007 continued to shape the EU, essentially in line with the ideas of Tocqueville and Spinelli on *subsidiarity* and *multilevelism*. It defined what the EU could and could not do; i.e., which competences belong to the union and which to the members states. As a consequence, there are now three categories of competences in the EU: *union competences*, *shared competences*, and *coordinated competences*:

- The Union has *exclusive competence* (only the union may legislate) in the following areas: customs union, internal market, monetary policy of the euro countries, common fisheries policy, and common commercial policy.
- The Union *shares competence* with the Member States in the following areas: social policy; economic, social and territorial cohesion; agriculture; environment; consumer protection; transport; trans-European networks; energy; area of freedom, security and justice; common safety concerns in public health matters.
- The Union has the competence to carry out actions to *support*, *coordinate* or *supplement* the actions of the Member states. The areas of such actions are: protection and improvement of human health; industry; culture; tourism; education, vocational training, youth and sport; civil protection; administrative cooperation.

See: Éva Bóka, Europe in Search of Unity in Diversity, 46.

[208] On Jacques Delors see European Navigator

[209] Jacques Delors (1989): Report on Economic and Monetary Union in the European Community, Apr. 1989. Committee for the Study of Economic and Monetary Union. *Office for Official Publications of the European Communities,* 1989. 63-67.

result of the process of progressive economic integration in Europe.[210]

Delors emphasised that after attaining economic and monetary union, the community would continue to consist of individual nations with differing economic, social, cultural and political characteristics. Transfer of decision-making power from member states to the Community as a whole – in the field of monetary policy and economic policy would occur step by step by the means of the principle of subsidiarity. Delors emphasised also that the Treaty of Rome as amended by the Single European Act is insufficient for the full realization of economic and monetary union. A new treaty is necessary. The Monnet-method is not enough.

In his view the Community faces to three alternatives in the future:

> "The Community is in fact facing a choice between three possible scenarios for the large market, the key element in our strategies. A choice must be made between a large market in name only where different arrangements and requirements exist in the various countries and from which our economies as a whole would not benefit, or a free trade area which is not regulated, and is subject to divergent economic policies and, I might add, has no conscience, no soul, no political will, or else finally, a true economic area which is in touch with reality and genuinely united, so that it can unleash the energy required to make our economic policies converge and lead us towards European union. The third option is the only one that is in keeping with the spirit of the Single Act, the only one worthy of what is expected of us; it is our battle standard."[211]

In his speech (Bruges, 17th October 1989)[212] Delors defined himself as a personalist European federalist, a disciple of Emmanuel Mounier:

> "I often find myself invoking federalism as a method, with the addition of the principle of subsidiarity. I see it as a way of reconciling what for many appears to be irreconcilable: the emergence of a United Europe and loyalty to one's homeland; the need for a European power capable of tackling the problems of our age and the absolute necessity to preserve our roots in the shape of our nations or regions; and

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[210] Jacques Delors: Report on Economic and Monetary Union, 63-67.

[211] Jacques Delors (1986): *The Single Act and Europe: A Moment of Truth.* Ninth Jean Monnet Lecture, Florence, 21 November 1986, European University Institute, Florence, 36.

[212] J. Delors (1994): A Necessary Union. Address by Mr. Jacques Delors, President of the Commission of the European Communities, Bruges, 17 October 1989. In: Brent F. Nelsen – Alexander C-G. Stubb (1994): *The European Union. Readings on the Theory and Practice of European Integration.* Lynne Rienner Publishers, Boulder, London, 51-75.

decentralization of responsibilities, so that we never entrust to a bigger unit anything that is best done by a smaller one. This is precisely what subsidiarity is about."[213]

His teacher, Mounier was the spiritual conspirator and leader of the Personalist Movement in opposition to the totalitarian state and all kinds of classical centralisation policies.[214]

With important changes in world policy Delors stood before the challenge of democratisation of European policy. He proposed a vision of a federation of nation states. He emphasised that his vision did not follow previous examples. He wanted to unite not only the people, but the nation states, too. His goal was that all Europeans could feel to belong to a Community that they see as a second homeland.[215] He emphasised that a radical change was necessary in the way persons think of the community and in the way they act on world stage.[216]

Delors thought that the problem of European integration was that the European construction did not start with a clear announcement of what the repartition of powers would be at the end of the process. In his words:

> "The Treaty has transferred limited competences to the Community in well-defined fields: realizing the common market, developing common policies (agriculture, trade policy, structural policies)". Therefore "the extension of the competences of the union to areas which are 'federal' by nature should imply a rethinking of the European construction towards real equilibrium between the Community level, the national level, and the local level."[217]

His vision on the federation of nation states was based on the basic principles of federalism, which were the personal principle and the principle of autonomy (subsidiarity). He turned towards the principles of federalism because they provided all the necessary guarantees on pluralism and efficiency for the emergent institutional machinery. Regarding cooperation among nation states, federalism, in his view, represented two essential rules:

> "1. The rule of autonomy (subsidiarity), which preserves the identity of each member state and removes any temptation to pursue

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[213] J. Delors: A Necessary Union, 52.

[214] E. Mounier (1936): *Manifeste au Service du Personalisme.* Fernand Aubier, Edition Montaigne, Paris

[215] J. Delors: A Necessary Union, 60-61.

[216] Ibid., 63.

[217] J. Delors: The Principle of Subsidiarity. In: J. Delors (1992): *Le Nouveau Concert Europeen.* Edition Odile Jacob, Paris, 11.

unification regardless;

2. the rule of participation, which does not allow one entity to be subordinated to another, but on the contrary, promotes cooperation and synergy, on the basis of the clear and well-defined provisions contained in the Treaty."[218]

"This is the starting point for an original experiment which resists comparison with any other models, such as the United States of America, for instance. I have always shied away from such parallels, because I know that our task is to unite old nations with strong traditions and personalities. There is no conspiracy against the nation state. Nobody is being asked to renounce legitimate patriotism. I want not only to unite people, as Jean Monnet did, but also to bring nations together. As the Community develops, as our governments emphasize the need for a people's Europe, is it heresy to hope that all Europeans could feel that they belong to a Community which they see as a second homeland? If this view is rejected, European integration will founder and the specter of nationalism will return to haunt us, because the Community will have failed to win the hearts and minds of the people, the first requirement for the success of any human venture".[219]

In Delors' explanation subsidiarity can be applied in two different situations:

"on the one hand, as the dividing line between the private sphere and that of the State, in the broad meaning of the term; on the other hand, as the repartition of tasks between the different levels of political power."[220]

He believed that subsidiarity as federal principle comprised two infrangible aspects:

"the right of each to exercise his responsibilities there where he can perform them best, and the obligation of the public authorities to give to each the means to reach his full capacity."[221]

He emphasised the importance of letting the citizens know what belongs to each of the levels of authority; one part of the 'democratic deficit' in the

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[218]   J. Delors: A Necessary Union, 60-61.

[219]   J. Delors: A Necessary Union, 60-61.

[220]   J. Delors (1991): The Principle of Subsidiarity: Contribution to Debate. In: *Subsidiarity: The Challenge of Change. Proceedings of the Jacques Delors Colloquium, 1991*. European Institute of Public Administration, Maastricht, 1991. 7.

[221]   J. Delors: The Principle of Subsidiarity, 18.

Community originated from this lack of visibility. Thus, the clear determination of the citizen's reciprocal responsibilities and of the different levels of power was very important. As an example he mentioned Tocqueville who highly appreciated this solution.[222]

Delors also emphasised that subsidiarity is a federal state organizational and international organizational principle. He definitely rejected to use it in the name of nation-states.[223] Such a policy would cause dead locks with serious consequences in European social organization.

Fischer on the finalisation of the European integration

In his speech hold at the Humboldt University in Berlin, 12 May 2000 Joschka Fischer has spoken on the way "From Confederacy to Federation: Thoughts on the Finality of European Integration".[224] Fischer believes that the aim of European integration is to live in peace.

Fischer emphasised: European federation should be finalised. It means the transition from the union of states to full parliamentarisation as a European Federation. It means a European Parliament as legislative and a European government as executive organ.

Fischer acknowledged that nation states are reality. Therefore the solution is to involve the national institutions in the federation by the means of division of sovereignty between the European Community and the member states based on the principle of subsidiarity. The division of sovereignty has an institutional sphere and a functional sphere (i.e. the division of competences between the Community and the states).

Regarding the European institutions he proposed to establish a two chamber European Parliament representing the citizens (composed of the members of the national parliaments) and the states (directly elected senators from the member states). The government could be formed from the European Council or the Commission. A directly elected president is necessary with far-reaching executive power.

Regarding the competences Fischer proposed to define clearly what belongs to

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[222] Ibid. 18.

[223] Ibid. 8.

[224] From Confederacy to Federation: Thoughts on the Finality of European Integration. Speech by Joschka Fischer at the Humboldt University in Berlin, 12 May 2000. In: Christian Jeorges, Yves Mény, J. H. H. Weiler (eds.) (2000): *What Kind of Constitution for What Kind of Polity?* The Robert Schumn Centre for Advanced Studies at the European University Institute, European University Institute, Badia Fiesolana, San Domenico, Italy, 19-30;The text of the speech can be read on the European Navigator.

the Union, and what belongs to the states by using the principle of subsidiarity. He believed that it was important to define precisely the competences of the union and the states in a constitution.

How Fischer imagined establishing the European Parliamentary Federation?

The essence of his thought is the following (in his words):

> " These three reforms – the solution of the democracy problem and the need for fundamental reordering of competences both horizontally, i.e., among the European institutions, and vertically, i.e., between Europe, the nation states and the regions – will only be able to succeed if Europe is established a new with a constitution. In other words, through the realisation of the project of a European constitution centred around basic, human and civil rights, an equal division of powers between the European institutions and the precise delineation between European and nation-state level. The main axis for such a European constitution will be the relationship between the Federation and the nation-state." [225]

Fischer's suggestions on the nature of this so-called finality of Europe and on how we can approach and eventually achieve this goal:

> "Enlargement will render imperative and fundamental reform of the European institutions. …

> Questions upon question, but there is a very simple answer: the transition from a union of states to full parliamentarisation as a European federation, something Robert Schuman demanded 50 years ago. And that means nothing less than a European Parliament and a European government which really do exercise legislative and executive power within the Federation. This Federation will have to be based on a constituent treaty.

> ...

> *The completion of European integration can only be successfully conceived if it is done on the basis of a division of sovereignty between Europe and the nation-state. Precisely this is the idea underlying the concept of 'subsidiarity', a subject that is currently being discussed by everyone and understood by virtually no one.*"[226]

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[225]   From Confederacy to Federation: Thoughts on the Finality of European Integration. Speech by Joschka Fischer at the Humboldt University in Berlin, 12 May 2000, 27.

[226]   Ibid. 24-25.

"So, what must one understand by the term 'division of sovereignty'? As I said, Europe will not emerge in a political vacuum, and so a further fact in our European reality is, therefore, the different national political cultures and their democratic publics, separated in addition by linguistic boundaries. A European Parliament must, therefore, always represent two things: a Europe of the nation-states and a Europe of the citizens. This will only be possible if this European Parliament actually brings together the different national political elites and then also the different national publics.[227]

"In my opinion this can be done if the European Parliament has two chambers. One will be for elected members who are also members of their national parliaments. Thus, there will be no clash between national parliaments and the European Parliament, between the nation-state and Europe. For the second Chamber, a decision will have to be made between the Senate model, with directly-elected senators from the Member States, and a chamber of states along the lines of Germany's Bundesrat. In the United States, every state elects two senators; in our Bundesrat, in contrast, there are different numbers of votes.

Similarly, there are two options for the European executive, or government. Either one can decide in favour of developing the European Council into a European government, i.e., the European government is formed from the national governments, or – taking the existing Commission structure as a starting point – one can opt for the direct election of a president with far-reaching executive powers. But there are also various other possibilities between these two poles."[228]

"Now objections will be raised that Europe is already much too complicated and much too intransparent for the citizens, and here we are wanting to make it even more complicated. But the intention is quite the opposite. The division of sovereignty between the Union and the nation states requires a constituent treaty which lays down what is to be regulated at European level and what has still to be regulated at national level. The majority of regulations at EU level are, in part, the result of inductive communitarisation, as per the 'Monnet method', and an expression of inter-state compromise within today's EU. There should be a clear definition of the competences of the Union and the nation-states respectively in a European constituent treaty, with core

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[227] Ibid. 25-26.

[228] Ibid. 26.

sovereignties and matters which absolutely have to be regulated at European level being the domain of the Federation, whereas everything else would remain the responsibility of the nation states. This would be a lean European Federation, but one capable of action, fully sovereign, yet based on self-confident nation-states, and it would also be a Union which the citizens could understand, because it would have made good its shortfall on democracy."[229]

"However, all this will not mean the abolition of the nation-state. Because even for the finalised Federation the nation state, with its cultural and democratic traditions, will be irreplaceable in ensuring the legitimation of a union of citizens and states that is wholly accepted by the people. ...

...

Even when European finality is attained, we will still be British or German, French or Polish. The nation-states will continue to exist and, at European level, they will retain a much larger role than the Lander have in Germany. And, in such a Federation, the principle of subsidiarity will be constitutionally enshired. "[230]

" These three reforms – the solution of the democracy problem and the need for fundamental reordering of competences both horizontally, i.e., among the European institutions, and vertically, i.e., between Europe, the nation states and the regions – will only be able to succeed if Europe is established anew with a constitution. In other words, through the realisation of the project of a European constitution centred around basic, human and civil rights, an equal division of powers between the European institutions and the precise delineation between European and nation-state level. The main axis for such a European constitution will be the relationship between the Federation and the nation-state. "[231]

Fischer believed that the Monnet method was not enough. Therefore it was necessary to act. There were two alternatives: full integration, or the creation of a centre of gravity functioning as integration core. There would be two stages in the later case: 1. reinforced cooperation between those states that want to cooperate more closely; 2. creation of a centre of gravity based on a new European

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[229] Ibid. 26.

[230] Ibid. 26-27.

[231] Ibid. 27.

framework treaty. This will be the nucleus of a constitutional parliamentary federation acting as a driving force. In his words:

"So, if the alternative for the EU in the face of the irrefutable challenge posed by eastern enlargement is indeed either erosion or integration, and if clinging to a federation of states would mean standstill with all its negative repercussions, then under pressure from the conditions and the crises provoked by them, the EU will at some time within the next ten years, be confronted with this alternative: will a majority of member states take the leap into full integration and agree on a European constitution? Or, if that does not happen, will a smaller group of Member States take this route as an avant-garde, i.e., will a centre of gravity emerge comprising a few Member States which are staunchly committed to the European ideal and are in a position to push ahead with political integration? The question, then, would simply be: when will be the right time? Who will be involved? And will this center of gravity emerge within or outside the framework provided by the treaties? One thing at least is certain: no European project will succeed in future either without the closest Franco-German co-operation."[232]

...

"… One possible interim step on the road to completing political integration could then later be the formation of a centre of gravity. Such a group of states would conclude a new European framework treaty, the nucleus of a constitution of the Federation. On the basis of this treaty, the Federation would develop its own institutions, establish a government which within the EU should speak with one voice on behalf of the members of the group on as many issues as possible, a strong parliament and a directly elected president. Such a centre of gravity would have to be the avant-garde, the driving force for the completion of political integration and should, from the start, comprise all the elements of the future federation.

...

Such a centre of gravity must also have an attractive interest in enlargement and it must be attractive to the other members."[233]

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[232] Ibid. 28.

[233] Ibid. 29.

Andrew Moravcsik [234]

In his article "Negotiating the Single European Act: National interests and Conventional Statecraft", Moravcsik acknowledged the new élan in the European Community, but he denied its federalist character:

> "The European Community (EC) is experiencing its most important period of reform since the completion of the Common Market in 1968. This new impulse toward European integration – the "relaunching" of Europe, the French call it – was unexpected. The late 1970s and early 1980s were periods of "Europessimism" and "Eurosclerosis" when politicians and academics alike lost faith in European institutions. The current period is one of optimism and institutional momentum. The source of this transformation was the Single European Act (SEA), a document approved by European heads of government in 1986."[235]

Moravcsik argues that SEA was the result of bargaining among the heads of government and the three most powerful EC countries: Britain, France, and Germany; that these bargains represented the lowest common denominator; and that each leader jealously protected national sovereignty.[236]

He defines European intergovernmentalism as follows:

> "From its inception, the EC has been based on interstate bargains between its leading member states. Heads of government, backed by a small group of ministers and advisers, initiate and negotiate major initiatives in the Council of Ministers or the European Council. Each government views the EC through the lens of its own policy references; EC politics is the continuation of domestic policies by other means. Even when societal interests are transnational, the principal form of their political expression remains national." [237]
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> ...
>
> "The approach proposed here, intergovernmental institutionalism, accords an important role to supranational institutions in cementing

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[234] See the homepage of Andrew Moravcsik

[235] Andrew Moravcsik (1991): Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community. *International Organization* 45. 1991. 1. 651-688. In: Brent F. Nelsen –Alexander C-G. Stubb (eds.) (1994): *Readings on the Theory and Practice of European Integration*. Lynne Rienner Publishers, Boulder, London, 213.

[236] Andrew Moravcsik: Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community, 213.

[237] Ibid., 216-217.

existing interstate bargains as the foundation for renewed integration. But it also affirms that the primary source of integration lies in the interest of the states themselves and the relative power each brings to Brussels."[238]

Moravcsik emphasises that the EU is not a democratic union, it has a serious democratic deficit.

2. Asian thinkers on the modernization of state- and international organization (Collection of documents and readings)

Europe and India

Mohandas Karamchand Gandhi (1869-1948)

Gandhi: Hind Swaraj or Indian Home Rule

Hind Swaraj (home rule) is Mahatma Gandhi's fundamental work.[239] It is a key to understanding not only his life and thought but also the politics of South Asia in the first half of the 20th century. It is a conversation between editor and reader. Editor is Gandhi, who answers to the reader's questions.

Why did India become an English colony?

Gandhi (editor) raised the question in chapter VII of the Hind Swaraj: Why was India lost?

> "Editor: ... The English have not taken India; we have given it to them. They are not in India because of their strength, but because we keep them. Let us now see whether these propositions can be sustained. They came to our country originally for purposes of trade. Recall the Company Bahadur. [240] Who made it Bahadur? They had not the slightest intention at the time of establishing a kingdom. Who assisted the Company's officers? Who was tempted at the sight of their silver? Who bought their goods? History testifies that we did all this.

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[238] Andrew Moravcsik: Negotiating the Single European Act: National Interests and Conventional Statecraft in the European Community, 233.

[239] Gandhi: *Hind Swaraj and Other Writings*. Edited by Anthony J. Parel. Cambridge Texts in Modern Politics. Cambridge University Press, New York, 1-125; Mahatma Gandhi: Hind Swaraj or Indian Home Rule

[240] The Company of Bahadur: an honorific title by which the East India Company was known among Indians. Bahadur means brave, powerful, sovereign.

In order to become rich at once, we welcomed the Company's officers with open arms. We assisted them. If I am in the habit of drinking Bhang, and a seller thereof sells it to me, am I to blame him or myself? By blaming the seller shall I be able to avoid the habit? And, if a particular retailer is driven away, will not another take his place?" [241]

...

We have already seen that the English merchants were able to get a footing in India because we encouraged them. When our princes fought among themselves, they sought the assistance of Company Bahadur. That cooperation was versed alike in commerce and war. It was unhampered by questions of morality. Its object was to increase its commerce and to make money. It accepted our assistance, and increased the number of its warehouses. To protect the latter it employed an army which was utilised by us also. Is it not then useless to blame the English for what we did at that time? The Hindus and the Mahomedans were at daggers drawn. This, too, gave the Company its opportunity, and thus we created the circumstances that gave the Company its control over India. Hence it is truer to say that we gave India to the English than that India was lost." [242]

...

Many problems can be solved by remembering that money is their God. Then it follows that we keep the English in India for our base self-interest. We like their commerce, they please us by their subtle methods, and get what they want from us. To blame them for this is to perpetuate their power. We further strengthen their hold by quarrelling amongst ourselves. If you accept the above statements, it is proved that the English entered India for the purposes of trade. They remain in it for the same purpose, and we help them to do so. ... They wish to convert the whole world into a vast market for their goods. That cannot do so is true, but the blame will not be theirs. They will leave no stone unturned to reach the goal." [243]

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[241] Gandhi: *Hind Swaraj and Other Writings*. Edited by Anthony J. Parel. Cambridge Texts in Modern Politics. Cambridge University Press, New York, 39-40.

[242] Gandhi: *Hind Swaraj and Other Writings*, 40-41.

[243] Ibid., 41.

What is true civilisation?

Gandhi denounced railways, lawyers and doctors, and he wanted to discard all machinery. So the question raised what was true civilisation in his meaning. Should the Indians follow the Europeans because they are more civilised or not? Are they really more civilised?

Gandhi believed that the civilisation of India is an ancient civilization based on truth and morality. He believed that its is the best of all, and needed to be safeguarded:

> "The people of Europe learn their lessons from the writings of the men of Greece or Rome, which exist no longer in their former glory. In trying to learn from them, the Europeans imagine that they will avoid the mistakes of Greece and Rome. Such is their pitiable condition. In the midst of all this India remains immovable, and that is her glory. It is a charge against India that her people are so uncivilised, ignorant and stolid, that it is not possible to induce them to adopt changes. It is a charge really against our merit. What we have tested and found true on the anvil of experience, we dare not change. Many thrust their advice upon India, and she remains steady. This is her beauty; it is the sheet-anchor of our hope."[244]

> "Civilisation is that mode of conduct which points out to man the path of duty. Performance of duty and observance of morality are convertible terms. To observe morality is to attain mastery over our mind and our passions. So doing, we know ourselves.The Gujarati equivalent for civilisation means 'good conduct' ".

> If this definition be correct, then India, as so many writers have shown, has nothing to learn from anybody else, and this is as it should be. " [245]

Gandhi was in favour of small village communities based on "agrarian democracy" (village autonomy/self-governance in a decentralised federal state). Here (in village communities) life was organised following the true values and real needs of people. People did only what they could to do with their hands and feet. The common people lived independently and followed their agricultural occupation. They enjoyed true Home Rule. So could have everybody a place in society and contribute to the livelihood of the community as part of the whole (cast-system).

Gandhi believed where modern civilization had not reached India, it remained

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[244] Ibid., 66-67.

[245] Ibid., 67-68.

as it was. So, the real agrarian civilization, and its values and principles could survive in India. This makes it possible to develop an alternative culture to liberal capitalism based on free trade. In Gandhi's view India has to be modernised on basis of the real village communities. Modernization means to remove the mistakes and defects of the ancient civilization (child widows, etc.), and not to accept the immorality of the Western civilization. [246]

In his view a network of small village communities could represent peaceful world federalism.

How can India become free?

"If the cause of India's slavery be removed, India can become free." [247]

In Gandhi's view those parts of Indian civilization which have been affected by Western civilization have become enslaved. The remedy is swaraj when Indians learn to rule themselves. English has to remain in India but they have to become Indianised: "If they wish to remain in India along with their civilization, there is no room for them." [248]

Passive resistance

"Editor: Passive resistance is a method of securing rights by personal suffering; it is the reverse of resistance by arms. When I refuse to do a thing repugnant to my conscience, I use soul-force. For instance, the government of the day has passed a law which is applicable to me. I do not like it. If by using violence I force the government to repeal the law, I am employing what may be termed body-force. If I do not obey the law, and accept the penalty for its breach, I use soul-force. It involves sacrifice of self."[249]

...

"Control over the mind is alone necessary, and, when that is attained, man is free like the king of the forest, and his very glance withers the enemy." [250]

...

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[246] Ibid., 69.

[247] Ibid., 72.

[248] Ibid., 73.

[249] Ibid., 90.

[250] Ibid., 94.

"The fact is that, in India, the nation at large has generally used passive resistance in all departments of life. We cease to co-operate with our rulers when they displease us. This is passive resistance." [251]

Gandhi on education

"I think that we have to improve all our languages. ... Those English books which are valuable we should translate into the various Indian languages. We should abandon the pretension of learning many sciences. Religious, that is ethical, education will occupy the first place". [252]

...

"In order to restore India to its pristine condition, we have to return to it.[253] In our civilization, there will naturally be progress, retrogression, reforms and reactions; but one effort is required, and that is to drive out Western civilisation. All else will follow." [254]

Gandhi on machinery

"Machinery has begun to desolate Europe. Ruination is now knocking at the English gates. Machinery is the chief symbol of modern civilisation; it represents a great sin." [255]

...

"It is necessary to realise that machinery is bad. We shall then be able gradually to do away with it. Nature has not provided any way whereby we may reach a desired goal all of a sudden. If, instead of welcoming machinery as a boon, we would look upon it as an evil, it would ultimately go."[256]

Gandhi's message to the English:

"Reader: What, then, would you say to the English.

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[251] Ibid., 95.

[252] Ibid., 105.

[253] Return to it (Return to religious education)

[254] Ibid., 106.

[255] Ibid., 107.

[256] Ibid., 111.

"Editor: to them I would respectfully say: 'I admit you are my rulers. It is not necessary to debate the question whether you hold India by the sword or by my consent. I have no objection to your remaining in my country, but, although you are the rulers, you will have to remain as servants of the people. It is not we who have to do as you wish, but it is you who have to do as we wish. You may keep the riches that you have drained away from this land, but you may not drain riches henceforth. Your function will be, if you so wish, to police India; you must abandon the idea of deriving any commercial benefit from us. We hold the civilisation that you support, to be the reverse of civilisation. We consider our civilisation to be far superior to yours. If you realise this truth, it will be to your advantage; and if you do not, according to your own proverb, you should only live in our country in the same manner as we do. You must not do anything that is contrary to our religions.

...

If you act contrary to our will, we will not help you, and, without our help, we know that you cannot move one step forward.

...

Only on condition of our demands being fully satisfied may you remain in India, and if you remain under those conditions, we shall learn several things from you, and you will learn many from us. So doing, we shall benefit each other and the world. But that will happen only when the root of our relationship is sunk in a religious soil." [257]

Gandhi's advises to the Indians

Gandhi believed the European civilisation, based on brute force, belongs to those ephemeral civilisations which have often come and gone during history. Only soul-force and passive resistance can be a help to be able to survive as civilized.

He proposed to the Indians 19 advises on what to do. The most important are the followings [258]:

" 12. like every other Indian, will know that to blame the English is useless, that they came because of us, and remain also for the same reason, and that they will either go or change their nature only when we reform ourselves;

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[257] Ibid., 113-115.

[258] Ibid., 117-118.

17. like others, will understand that deportation for life to the Andamans[259] is not enough expiation for the sin of encouraging European civilisation;

18. like others, will know that no nation has risen without suffering; that, even in physical warfare, the true test is suffering and not the killing of others, much more so in the warfare of passive resistance;

19. like others, will know that it is an idle excuse to say that we will do a thing when the others also do it; that we should do what we know to be right, and that others will do it when they see the way; ... and that to suffer under pressure is no a suffering."

...

"Let each to do his duty. If I do my duty, that is, serve myself, I shell be able to serve others."[260]

Gandhi summarises his programme as follows [261]:

1. Real home-rule is self-rule or self-control[262].

2. The way to it is passive resistance: that is soul-force or love-force.

3. In order to exert this force, Swadeshi in every sense is necessary.

4. "What we want to do should be done, not because we object to the English or that we want to retaliate, but because it is our duty to do so. Thus, supposing that the English remove the salt-tax, restore our money, give the highest posts to Indians, withdraw the English troops, we shall certainly not use their machine-made goods, nor use the English language, nor many of their industries. It is worth noting that these things are, in their nature, harmful; hence we do not want them. I bear no enmity towards the English, but I do towards their civilisation." [263]

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[259] The Andaman Islands were India's penal colony.

[260] Ibid., 117-118.

[261] Ibid., 118-119.

[262] "One's rule over one's own mind is real swaraj" Gandhi: *Hind Swaraj and Other Writings*, note, 240., 118.

[263] Gandhi: *Hind Swaraj and Other Writings*, 118-119.

Europe and Japan

Fukuzawa Yukichi (1835-1901)

Fukuzawa Yukichi: Encouragement of Learning[264]

As a Confucian thinker, Fukuzawa rejected social privileges and status based on birth. He was for learning as the means to differentiate among people in a knowledge based society:

> "The difference comes merely from whether the man has learning or not, and that there are no Heaven made distinctions"[265]

> "Heaven does not give riches to men, but gives it to the labor of men". Therefore, as I have said before, a man is not born with rank or riches. Only those who strive for learning and are capable of reasoning will become men of rank and reaches while those without learning will become poor and lowly".[266]

> ...

> "Since the return of the Imperial rule, Japan's system of government has come to be much changed. Externally she associates with the world under international law; internally she guides the people to an understanding of freedom and independence, permitting the plain people to take family names and to go on horseback, which one may consider the finest act of all times. One may say that the movement to make the four classes – samurai, farmer, artisan, and merchant – equal has here been placed on a firm footing.

> Therefore, henceforth among the people of Japan there will be no such thing as the rank to which a man is born. Only by this ability and the position he holds will a man's rank be determined. For instance, it is proper to pay respect to a government official, but this is not the respect of the man himself. We should pay respect to the fact that he holds his position because of his ability and administers the precious laws for the benefit of the people. It is not the person that one is to

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[264] Fukuzawa Yukichi: Encouragement of Learning. In: Fukuzawa Yukichi (2007): *The Autobiography of Fukuzawa Yukichi*, Translated by Eiichi Kiyooka. Columbia University Press, New York, 448-455.

[265] Fukuzawa Yukichi: The Encouragement of Learning. In: Fukuzawa Yukichi (2007): *The Autobiography of Fukuzawa Yukichi*. Translated by Eiichi Kiyooka. Columbia University Press, New York, 450.

[266] Fukuzawa Yukichi (2007): Encouragement of Learning, 450.

respect; it is the law that one is to respect." [267]

...

"There is no one more pitiful and obnoxious than the ignorant and the illiterate." [268]

...

"The important thing for everyone for the present is that he should regulate his conduct according to humanity, and apply himself earnestly to learning in order to absorb a wide knowledge and to develop abilities worthy of his position. This will make it easy for the government to rule and pleasant for the people to accept its rule, every man finding his place and all playing a part in preserving the peace of the nation. This should be the only aim. The encouragement of learning that I advocate, too, takes this for its aim." [269]

Fukuzawa Yukichi: On Saying Good-bye to Asia

In his essay, On Saying Good-bye to Asia, Fukuzawa expressed his belief in Western civilization, and the necessity of modernisation:

"For those of us who live in the Orient, unless we want to prevent the coming of Western civilization with a firm resolve, it is best that we cast our lot with them. If one observes carefully what is going on in today's world, one knows the futility of trying to prevent the onslaught of Western civilization. Why not float with them in the same ocean of civilization, sail the same waves, and enjoy the fruits and endeavors of civilization?"[270]

"We could have prevented the entry of this civilization, but it would have meant loss of our national independence. The struggles taking place in the world civilization were such that they would not allow an Eastern island nation to slumber in isolation. At that point, dedicated men (shijin) recognized the principle of "the country is more important than the government", relied on the dignity of the Imperial Household, and toppled the old government to establish a new one.

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[267] Fukuzawa Yukichi (2007): Encouragement of Learning, 453.

[268] Ibid., 454.

[269] Ibid., 455.

[270] Fukuzawa Yukichi: "Datsu-a Ron" (On Saying Good-bye to Asia) reprinted in Takeuchi Yoshimi (ed.) (1963): Asia Shugi (Asianism) Gendai Nihon Shiso Taikei (Great Compilation of Modern Japanese Thought). vol. 8. Chikuma Shobo, Tokyo, 38-40. In: David J. Lu (1997): Japan: a Documentary History, M. E. Sharpe Inc, New York, 351.

With this, public and the private sectors alike, everyone in our country accepted modern Western civilization. Not only were we able to cast aside Japan's old conventions, but we also succeeded in creating a new axle toward progress in Asia. Our basic assumptions could be summarized in two words: "Good-bye Asia (Datsu-a)".[271]

...

"We simple erase from our minds our bad friends in Asia".[272]

Nishida Kitaro

"Japanese culture need not be forced into one of isolation, but must be respected as part of the world civilization."[273]

Europe and China

Chinese thinkers on modernization

European modernity, liberal capitalist economic, trade and market expansion, and the European imperialism challenged the traditional Chinese civilization. Chinese society was a rationally organized, peaceful agricultural society concentrating on livelihood when it met the Europeans. Confucian moral principles, education, self-cultivation, respect for the elders, ancestor worship, filial piety, a patriarchy, and the examination system all played an important role. These principles appeared in rituals which were necessary to ensure the livelihood of the persons in an agrarian society that was not profit oriented.

Confucius and the main guiding principles of a Confucian society

Chinese civilization was shaped by the teachings of the moral philosopher, Confucius.

China was an agrarian society concentrating on the livelihood. Rice farming required strong cooperation among people. The population was homogeneous. Politics was centralized and the country was closed. Rituals and Confucian teaching formed the thinking of the population. Regarding state and international organization Chinese orientation toward life was shaped by the blending of three

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[271] David J. Lu (1997): Japan: a Documentary History, 351-352.

[272] Ibid. 353.

[273] Nishida Kitaro (1917): On the Phenomenon of Japaneseness, 1917. In: David J. Lu (1997): Japan: a Documentary History, 408.

different philosophies: Taoism, Confucianism and, much later, Buddhism. Each philosophy emphasized harmony and largely discouraged abstract speculation. In the shaping of Chinese civilization, Confucianism played a major role. Confucius preceded the important Greek philosophers, Plato and Aristotle. He was less a religious leader than an ethical philosopher. He emphasized the importance of proper relations among people. His system was hierarchical and strict, serving the needs of the livelihood in an agrarian society. Each member had clear obligations toward the other. Confucianism stressed livelihood, economic wellbeing, education and self-cultivation. The individual had to work not for self-benefits but for the entire family. Family advancement was more important than self-advancement. [274]

Confucius [275]

K'ung Fu-tzu (Latinised name Confucius) (551- 479 B.C.) lived 2500 years ago (On his life see: Lin Yutang, 1938: 53-100). He belonged to the public servant class. He was a teacher who aimed to prepare men for public office. Because of his teachings and personality, Confucius was highly appreciated. He profoundly shaped the civilization of China. Confucian texts were compulsory reading in the late imperial period for all who wished to enter to the civil service or government. His sayings and those of his disciples, form the foundation of the Chinese social, ethical and intellectual system. The ideas of Confucius are still relevant, and they are still admired in China. From this point of view, Chinese political philosophy can be regarded as reform-Confucian.

The moral principles of Confucius can be find in the *Analects*. [276] It is a collection of sayings and brief anecdotes representing the spirit of Confucius. His social vision was shaped by the needs of a settled and basically agrarian society which had no conquest aims.

Confucius as a personalist thinker

Confucius loved to learn, he silently accumulated knowledge and taught others. For Confucius, learning was the most important means of self-cultivation. He taught people about the importance of *self cultivation* and *studying* in the *Great Learning* as follows:

> "The ancients who wished to illustrate illustrious virtue throughout the
> empire, first order well their own States. Wishing to order well their

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[274] Nisbett, Richard, E (2003): *The Geography of Thought. How Asians and Westerners think differently ... and Why.* Free Press, New York, London, Toronto, and Sydney, 12-17.

[275] Bóka Éva: The Europe-China Dialogue in a Historical Perspective. *Grotius E-könyvtár*, 13-20.

[276] Confucius (2000): *The Analects*. Translated with an Introduction and Notes by Raymond Dawson. Oxford University Press, New York; Confucius: The Analects

States, they first regulated their families. Wishing to regulate their families, they first cultivated their persons. Wishing to cultivate their persons, they first rectified their hearts. Wishing to rectify their hearts, they first sought to be sincere in their thoughts. Wishing to be sincere in their thoughts, they first extended to the utmost their knowledge. Such extension of knowledge lay in the investigation of things.

Things being investigated, knowledge became complete. Their knowledge being complete, their thoughts were sincere. Their thoughts being sincere, their hearts were then rectified. Their hearts being rectified, their persons were cultivated. Their persons being cultivated, their families were regulated. Their families being regulated, their States were rightly governed. Their states being rightly governed, the whole empire was made tranquil and happy.

From the emperor down to the mass of the people, all must consider the cultivation of the person the root of everything besides". [277]

In the view of Confucius people have to *follow the Way*. The most important principle for this, like in the case of Aristotle, was the '*mean*' (middle way):

"What Heaven has conferred is called the nature; an accordance with this nature is called the path of duty; the regulation of this path is called instruction. 2. The path may not be left for an instant. If it could be left, it would not be the path ... 4. While there are no stirrings of pleasure, anger, sorrow, or joy, the mind may be said to be in the state of equilibrium. When those feelings have been stirred, and they act in their due degree, there ensues what may be called the state of harmony. This equilibrium is the great root from which grow all the human actings in the world, and this harmony is the universal path which they all should pursue". [278]

Turning towards the past in search of truth

One of the most important element of the Confucian teaching was to seek truth by studying the past. Confucius had a bad opinion on those who, in his age, governed China; he did not appreciate them because they were people of small

[277] Confucius (1909): The Great Learning. In: James Legge (1909): The Chinese Classics. Vol. 1. *The Life and Teachings of Confucius*. Translated into English and explanatory notes by James Legge. Kegan Paul, Trench, Trübner & CO. Ltd, London, 266.

[278] Confucius (1909): The Doctrine of the Mean. In: The Chinese Classics. Vol. 1. *The Life and Teachings of Confucius*. Translated into English and explanatory notes by James Legge. Kegan Paul, Trench, Trübner & Co. Ltd, London, 1909, Chapter I.1, 283-284.

capacity. Analects, 13.20. [279]

Confucius turned towards the past. He believed:

"If by keeping the old warm one can provide understanding of the new, one is fit to be a teacher". Analects, 2.11. (Confucius, 2000: 7).

He wrote the following on the sources of his principles:

"I transmit but do not create. Being fond of the truth, I am an admirer of antiquity. I venture to be compared with our old Peng". Analects, 7.1. (Confucius, 2000: 24).

"I am not one who knew about things at birth; I am one who through my admiration of antiquity is keen to discover things". Analects, 7. 20. (Confucius, 2000: 25).

Confucius regarded the early Zhou period as a golden age. Similarly the Europeans, in the period of the Renaissance, regarded the ancient Greek civilization and the Roman Empire as an example for political organization. In the view of Confucius the Zhou could obtain the mandate of Heaven to replace the bad rulers of the Yin. After them a long decline followed characterized by anarchy. In the Analects Confucius is actually looking back to the golden age when the Way prevailed. He aimed to restore the values of the founders, and who won the approval of Heaven. In his eyes the ideal ruler was a successful administrator; skilful in the arts of peace; attractive to the outside world because of the cultural achievements of his regime. The idealized ruler, Zhou, for example

"Paid careful attention to weights and measures, investigated the laws and regulations ... What he most stressed was people, food, mourning, sacrifices. Since he was tolerant he won over the multitude. Since he was of good face faith, the people gave him responsibility. Since he was diligent, he obtained results. Since he was just, they were pleased". Analects, 20.1. (Confucius, 2000: 81).

Confucian values, Confucian principles

Filial piety, ancestor worship

Also belonging to a revival of past ideals was the appreciation of the *traditions* and *rituals*: *filial piety* and the *ancestor worship*. Therefore Confucius believed that anybody who appreciates filial piety indirectly participates in government. In the Analects we can find the following about this:

Someone said to Master Kong: "Why do you not take part in government? The Master said: "The Book of Documents mentions filial piety, doesn't it? "Only be dutiful towards your parents and

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[279] Confucius (2000): *The Analects*. Translated with an Introduction and Notes by Raymond Dawson. Oxford University Press, New York, 52.

friendly towards your brothers, and you will be contributing to the existence of the government". These virtues surely constitute taking part in government, so why should only that particular activity be regarded as taking part in government?" Analects, 2.21. (Confucius, 2000: 8).

In his explanation *filial piety* consisted of duties towards both the living and the dead. In the Confucian view filial piety can be applied to those who observes the intentions, the acts of his father, and makes no change from the ways of his father for three years. Analects, 1.11. (Confucius, 2000: 4); Analects, 4.20. (Confucius, 2000: 15).

Filial piety is one of the most questionable principles of the Confucian teaching in European eyes. The concept of filial piety was recognized as an excellent preserver of social stability. It preserved the family and the clan system on which the state depended. (Dawson, 1981: 48).

Self-cultivation, self-study, self-perfectionism

The most important teaching of Confucius is *self-perfectionism*, the *cultivation of the person* by *self-study*, learning, and *self-cultivation*: Confucius was fond of learning. He believed that life is a learning process. In his words:

"I silently accumulate knowledge of things; when I study, I do not get bored; in teaching others I do not grow weary – for these things surely present me with no difficulty". Analects, 7.2 (Confucius, 2000: 24).

"When I walk with two others, I always receive instructions from them. I select their good qualities and copy them, and improve on their bad qualities". Analects, 7.22. (Confucius, 2000: 26).

"The failure to cultivate virtue, the failure to put into practice what I have learnt, hearing what is right and being unable to move towards it, being unable to change what is not good – these are my worries. Analects, 7.3. (Confucius, 2000: 24).

"Extreme is my decline". Analects, 7.5 (Confucius, 2000: 24)

"Set your heart on the Way, base yourself on virtue, rely on humaneness, and take your relaxation in the arts". Analects, 7.6. (Confucius, 2000: 24)

"As for being a sage or human man, I would surely not presume to be such? On the other hand it may simply be said that I do not get tired of aiming for this and do not grow weary of teaching others". Analects, 7.34. (Confucius, 2000: 27).

Confucius believed that one is good if there is a *harmony* between *knowledge*, *humaneness*, *dignity* and *rites*. Analects, 7.6, 15. 33. (Confucius, 2000: 63).

He emphasized the importance of *education, ritual, humaneness* and *virtues,* the *duty of personal perfection* as a member of society, *filial piety, gentleman-like behaviour*, and the *government serving the livelihood* and the interests of the people.

Education

In his view *education* should concentrate on moral training. Social differentiation was based on *knowledge* and not on privileges of birth. In Confucius' words:

> "Those who know things from birth come first; those who know things from study come next; those who study things although they find them difficult come next to them; and those who do not study because they find things difficult, that is to say the common people, come last". Analects, 16. 9. (Confucius, 2000:67).

Ritual

In the Confucian philosophy *ritual* directed human conduct: it can be regarded as codes of behaviour based on precedent. Ritual became the means of controlling social behaviour and preserving political hierarchies. The correct performance of ritual by the ruler served the harmony of the Cosmos. The most important rule was not to do things which are contrary to ritual. For example rulers could secure universal harmony by rituals. In his words:

> "In the practice of the rites harmony is regarded as the most valuable thing, and in the ways of the ancient kings this is regarded as the most beautiful thing. It is adopted in all matters, both small and great. But sometimes it does not work. If you behave harmoniously because you understand harmony, but do not regulate your conduct with ritual, surely that cannot be made to work". Analects, 1.12. (Confucius, 2000: 4).

Humaneness

Confucius used *humaneness* as a philosophical term. Humaneness means *courtesy, tolerance, good faith, diligence*, and *kindness*. Analects, 17. 5 (Confucius, 2000: 69-70). The most important is to be able to *love others*; to understand others, and do not do to the others what a person does not want for him or herself:

> "Do not impose on others what you would not like for yourself" Analects, 12.2 (Confucius, 2000: 44)

> or

> "Do not inflict on others what you yourself would not wish done to you" Analects, 15.24. (Confucius, 2000: 62).

A person is human if he is able to submit to ritual and behave following the *right principles*:

"To subdue oneself and return to ritual is to practice humaneness"
Analects, 12.1 (Confucius, 2000: 44).

The most important secret of humaneness is the *harmony of thinking, speaking, and acting*. Analects, 13.20. (Confucius, 2000: 52). One can make mistakes but the realization and correction of them is important:

"If one commits an error and does not reform, this is what is meant by an error" Analects, 15.30. (Confucius, 2000: 63).

To humaneness belongs *self-perfection* which means attacking one's bad qualities.

The Gentleman

Confucius believed in the idea of the *gentleman* (the aristocrat). The gentleman was the most perfect person in the Confucian world: The gentleman holds in awe three things: the awe of he decree of Heaven, the great men, and the word of sages. Analects, 16. 8. (Confucius, 2000: 67). A gentleman was a highly qualified wise man, having wideranging studies in culture restrained by the requirements of ritual. Analects, 6. 27. (Confucius, 2000: 22). Confucius meant that the gentleman has to concentrate on the following nine things: in seeing he has to concentrate on clarity, in listening on acuteness, in expression on warmness, in demeanour on courtesy, in words on loyalty, in deeds on reverence, in doubt he asks questions, in indignation he concentrates on the problems, and when he sees opportunity for gain he concentrates on what is right. Analects, 16.10. (Confucius, 2000: 67).

Virtuous government serving livelihood

The most important goal of the government is to deal with the *livelihood* of the people, and to safeguard social *peace*.

"Enough food, enough weapons, and confidence of the people" The most important is confidence: "a people without confidence in its rulers will not stand" Analects, 12.7. (Confucius, 2000: 45).

Government was thought as a matter of instruction and example. The government has to fulfil the function of a specialist ruling group. Consultation with the people was possible in the interests of political harmony.

"To govern means to correct". If you take the lead by being correct, who will dare to be corrected?" Analects, 12.17. (Confucius, 2000: 46).

What sort of person must be in order to take part in government:

Master Kong believed that if one honours the five excellences and puts away

the four abominations, one may take part in government. The five excellences are the followings:

> "When the gentleman is not wasteful although he is bounteous, when he is not resented although he gets people to work hard, when he is not greedy although he has desires, when he is not arrogant although he is dignified, when he is not fearsome although he is awe-inspiring". Analects, 20.2. (Confucius, 2000: 82).

The five abominations: ruthlessness, harshness, oppressiveness, niggardliness in giving, officiousness. Analects, 20.2. (Confucius, 2000: 82).

> "If one does not understand fate, one has no means of becoming a gentleman; if one does not understand the rites, one has no means of taking one's stand; if one does not understand words, one has no means of understanding people" Analects, 20.3. (Confucius, 2000: 82).

Virtuous ruler

Confucius, in contrast to Plato and Aristotle, speaks only about the monarchical form. He does not mention other forms because, in his view, there is always a ruler or president at the top. He believed that government had to be based on a virtuous ruler. In his words:

> "When the way prevails in all under Heaven, the rites, music, and punitive expeditions emanate from the Son of Heaven" Analects, 16. 2. (Confucius, 2000: 66).

When the way does not prevail in all under Heaven then feudal lords, their grandees or their subordinate officials govern and control the state. Their rule represents a gradual decline. They are lost within a few generation because of many discussions, anarchy and a struggle for power. Analects, 16.2. (Confucius, 2000: 66).

Confucius believed that the best government is when a *virtuous emperor*, like the Son of Heaven, bearing the mandate of Heaven, rules in the service of the people. Feudal lords and officials represent decline, anarchy and contribute to the dissolution of the state. The most corrupted form of monarchy is absolute monarchy, the authoritarian or tyrannical rule. Confucius emphasised the importance of a morally correct relationship between the emperor, the government and the people. The ruler and the government are for the people. Their duty is the *livelihood* of the people.

The ruler has to follow the rites and the moral principles:

> "If their superior loves the rites, the people will be easy to command". Analects, 14.41. (Confucius, 2000: 59).

The true ruler has to be humane. He should bestow humane government upon

their people. The true ruler, through his humaneness, could convert the whole country to virtuous behaviour:

> "If there existed a true king, after a generation humaneness would certainly prevail". Analects, 13.12. (Confucius, 2000: 50).

Rejection of the tyrannical ruler

> Is there a single saying with which one might ruin a state? Master Kong replied: "A saying cannot be quite like that. But there is a saying among men which runs "I have no pleasure in being a ruler, except that nobody opposes me with his words". As far as his good points are concerned, it is surely good, isn't it, that nobody opposes him? But as far as his bad points are concerned, if nobody opposes him, is this not close to ruining a state with a single saying?" Analects, 13.15. (Confucius, 2000: 51).

How to deal with the people?

The people must be properly instructed:

> "The people may be made to follow something, but may not be made to understand it". Analects, 8.9. (Confucius, 2000: 29).

The government has to gain the respect of the people:

> "If you oversee them [the people] with dignity, they will be respectful. If you are dutiful towards your parents and kind to your children, then they will be loyal. If you promote the good and instruct the incompetent, then they will be encouraged" Analects, 2. 20. (Confucius, 2000: 8).

> "If you promote the straight and set them above the crooked, then the people will be obedient. If you promote the crooked and set them above the straight, then the people will not be obedient". Analects, 2.19. (Confucius, 2000: 8).

People have to *respect the ruler*, and they have to be *obedient*:

> "If the ruler desires good, the people will be good: "The nature of the gentleman is like the wind, and the nature of the small people is like the grass. When the wind blows over the grass it always bends." Analects, 12.19. (Confucius, 2000: 47).

The principles of the Confucian patriarchal state

1. Government is a matter of setting a moral example

> The ruler must deal with the people with dignity than they will respect the ruler:

> "If you oversee them with dignity, they will be respectful". Analects,

2.20. (Confucius, 2000: 8).

2. Everybody takes part in the government through filial piety and guarding morality:

Who had no political power could also contribute to policy by securing harmony in the family: Dutifulness towards the parents and friendliness towards the brothers contribute to government and constitute taking part in government. Analects, 2.21. (Confucius, 2000: 8).

3. The ruler must instruct and encourage his subjects as a father instructs and encourages his children. (He must practice filial piety):

> "To govern means to correct. If you take the lead by being correct, who will dare not to be corrected?". Analects, 12.17. (Confucius, 2000: 46).

4. Brotherhood

> "All men can have brothers if they are correct in dealing with each others" Analects, 12.5 (Confucius, 2000: 44-45).

5. Regarding foreigners, and alien people Confucius emphasised cultural differences and demanded correct behaviour with them:

> The master said: "Courtesy in private life, reverence in handling business, loyalty in relationships with others. They should not be set aside even if one visits the barbarian tribes" (Analects, 13.19. Confucius, 2000: 51-52).

6.Confucius's antipathy to litigation

Confucius believed that, if everybody observed the moral code, there would be no need to invoke the process of law.

> "At hearing legal proceedings I am no different from anybody else, but what is surely necessary is to bring it about that there is no litigation". Analects, 12.13 (Confucius, 2000: 46).

7. The people should be led by *virtue* rather than by fear. Confucius emphasized the importance of moral power and moral influence in governance.

"If you lead the [people] by means of virtue and keep order among them by ritual, they will have a conscience and will reform themselves". Analects, 2.3. (Confucius: 2000: 6).

8. Men's life should conform with the Way

> "Riches and honours – these are what men desire, but if this is not achieved in accordance with the appropriate principles, one does not cling to them". Analects, 4. 5. (Confucius, 2000: 13).

A great minister is obedient as long as the ruler accepts and follows the rules. But if the ruler breaks the rules, resistance is possible:

"What I call a great minister serves his ruler in accordance with the Way, and when it is impossible to do he resigns". Analects, 11.22. (Confucius, 2000: 41).

The teachings of Confucius can be regarded as the basis of Chinese civilization. Therefore, it is possible to speak about a Confucian China as a Confucian civilization. The education-conscious Chinese people regarded Confucius as their model. He had a great influence on traditional China and he influenced modern China, too.

Chinese agrarianism challenged by free market economy and commercial capitalism

T'ang Leang-li on Chinese society before the opium war [280]

In both civilizations there was a lack of appropriate information on the one side and the appropriate interpretation of the information on the other side. It took time till the Chinese could achieve and understand information on the West and the Western views. The Western interpretations were very one-sided and Eurocentric. Later, when Chinese thinkers started to study Western ideas in translations and studied at Western universities, they realized that Western thinkers could not understand how Chinese society had been before its opening.

It was T'ang Leang-Li who tried to explain to the Westerners the differences between Chinese and European state organization in his book entitled "*China in Revolt. How a Civilization Became a Nation*" (T'ang Leang-Li, 1927). Russell, the British philosopher, in his foreword to the book appreciated it because it helped him to understand how the Chinese society was organized before the Opium War, *the period of peace,* as T'ang called it. Chinese society was based on the virtue of persons and the Confucian principles. Western thinkers - Leibniz, Wolff and Voltaire - could well understand it. But the thinkers of the 19th century, representing the concept of stagnation, were mistaken.

T'ang believed that Westerners could not understand the followings: the role of the emperor; the organization of the state which was not absolute monarchy; the social organization of the autonomous village community; the family state as the basic unit of the state; the autonomous academic and examination system as a means of social democracy; relationships with aliens.

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[280] T'ang Leang-Li (1927): *China in Revolt. How a Civilization Became a Nation*. Noel Douglas, London. In: Bóka Éva: The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 40-44.

The role of the emperor

T'ang rejected the Western view on China as a despotic state. In his words:

> "There is a current misconception in the West that the system of government in *China in peace* has always been an absolute despotism: the Chinese emperor has always been supposed to be an autocrat with power over property, life and death" (T'ang Leang-Li, 1927: 21).

In his view the Chinese emperor reigns, he does not rule. He occupies a similar position to the King of England in the British Commonwealth of Nations. The British Empire is also governed by an unwritten constitution. The Chinese emperor's power is restricted by Confucian ethics. The violation of the Confucian tradition cost many emperors the throne and the privilege of representing Heaven to the people. The people are the most important. The emperor is only mandatory. If, for some reason, the emperor loses the mandate Heaven will not tolerate him and the people have the right to revolt against him. This right of revolt was not imaginary. It worked in Chinese history: there were twenty-four revolts in Chinese history each of which succeeded in replacing one dynasty by another. So the doctrine of popular sovereignty became reality (T'ang Leang-Li, 1927: 22). T'ang believed that among the Westerners, Voltaire was close to understanding the role of the emperor when he called imperial China a kind of *patriarchal monarchy*. He emphasized that it was based on self-government and the purely ceremonial character of the central government. The emperor was the Son of Heaven and the Father of the people. His power was subordinated to the Confucian moral principles.

On the Chinese state, the village community, the family, the examination system, the traditions of the Chinese society he writes the followings:

The organization of the state

Normally China was governed in a hierarchical order with the central government at the top. The emperor, as the representative of Heaven, is vested with supreme authority and, during his term of office, is answerable to Heaven only. Beneath this central Government are the provincial governments and, within the province, the Viceroy or Governor is nominally supreme controlling finance, the army and the administration of justice. The province is divided into districts. These districts are subdivided into prefectures, etc., till we reach the simple village or township, the government of which is independent of the authorities appointed by the Central Government and constitutes an autonomous unit (T'ang Leang-Li, 1927: 22-23).

The social organization of the autonomous village community

In its working a village is like a little republic. Apart from paying a nominal land tax, the village is entirely independent of the Central Government. It has

perfect freedom of industry and trade, of everything that concerns the government, regulation and protection of the locality. Whatever may be required for its well-being is provided, not by the agents of the Central Government, but by voluntary associations. Such duties as education, police, public health, poor relief, old age pensions are carried out, not by local authorities, as in modern Europe, but by the villagers themselves – by the families, the guilds, the gentries, all of whom act merely in accordance with immemorial custom and have no place in the official administration of the country (T'ang Leang-Li, 1927: 22-23).

Education and economy were regarded as belonging to the autonomous sphere of the people. There was no Educational and Agricultural Ministry. Culture and livelihood depended on the persons and local governance. The emperor's duty was to ask the support of Heaven for livelihood.

The family state as the basic unit of the state

In China the most important political and social unit is the family and not the individual. The family often means a whole clan working through its natural mandatory: the pater-, or mater-, familias. It is really a small state, a complete entity executing civil and judicial functions. Theoretically, supreme power is vested in the father as head of the family but, in practice, this power is collective, i.e. it is exercised by the family council.

The Chinese view on the family system is based on the thought of Confucius:

"The ancients who wished to attain the happiness of the world, first ordered well their own States. Rightly governed states depend on well regulated families, and these, in turn, are made possible by the self-development of the individuals" (The Great Learning, c. 4, T'ang Leang-Li, 1927: 22-23).

The Chinese family system is closely linked with *ancestor worship*. The continuity of generation has made the immortality of the soul a reality. Ancestor worship is a source of progress. The family is a well organized small political unit. It deals with livelihood, the education and the security of the members (T'ang Leang-Li, 1927: 24-27).

In China there is no hereditary aristocracy. The family member have equal rights and duties in ancestor worship. The doctrine of advancement is based on merit.

When several families group together in a rural district, they form a village. The elders form the village gentry who maintain the ordinary local government services including education. It also forms the judicial authority both in civil disputes and criminal cases. Only exceptional cases are brought to the notice of the magistrate by the village elders.

The system of government in the town does not differ in essence from that of

the village or family. People organize guilds which enforce discipline, arbitrate in trade disputes, provide for maintenance of the poor members and the education of children. The guilds maintain orphanages and poor-widow institutions.

In the province a similar situation prevails. The administrative power is in the hands of the provincial gentry and not in the hands of the imperial governor. The imperial governor needs the protection of the local gentry (T'ang Leang-Li, 1927: 26-27).

The autonomous academic and examination system

It worked as a means of democracy in a knowledge based social structure which was the most important achievement of ancient China. The *Han Lin Academy* was independent from the government. It dealt with public examinations and the supervision of the academies of higher learning. It was the highest possible honour to belong to this academy based on personal merit. It was like the Royal Society, and the Académie Francaise. The high imperial officers were selected from the Han Lins. From among the Han Lins a Court of Censors of some forty members was appointed. The Censorate was the highest supervisory body in the Empire. No one, even the Emperor himself, was free from its criticism and censure. They were trained in Confucian ethics, and they were absolutely independent. They were the guardians of the liberties and morals of China (T'ang Leang-Li, 1927: 28-29).

Despite its defect the *examination system* made China a democratic country. China recognized a supremacy of the intellect and refused the hereditary aristocracy of birth. Confucian ethics were based on reason and human justice. China was never dominated by a theocracy. In China there was a respect for learning, and moral virtues (T'ang Leang-Li, 1927: 32). The problem with the examination system was the content and the spirit of teaching material, and the conservatively biased interpretation of the classics. Chinese classics contain a store of all kinds of ideas from the most conservative to the most revolutionary. The interpretation of them depends on the established order. Liberal and moral training in the form of competitive examinations cannot be opposed (T'ang Leang-Li, 1927: 32). The British Civil Service competitive examinations are similar to the ancient Chinese. K'ang Yu-wei, Sun Yat-sen, and Deng Xiaoping, for example, wanted to safeguard the examination system in a reformed form and using a modern teaching material.

The structure of Chinese society

The aristocracy was founded on a democratic basis. It was open to anyone, regardless of origin, to attain a scholarly rank by successful examinations. Personal merit and not birth gave status for the Chinese. There was a freedom of occupations in China. Slavery never was a social and economic institution like in

the West (T'ang Leang-Li, 1927: 34)

The central judiciary

In China there was no written and official civil code, for civil disputes were generally settled by compromise and agreement between the family elders. In commerce the different guilds elaborated rules which took the place of a commercial code and were very strictly enforced. If the family or the guild could not find a solution they asked the magistrate to solve the problem on the basis of local custom and precedent (T'ang Leang-Li, 1927: 29).

A person's duty was to be educated and virtuous.

Chinese doctrine of collective responsibility existed and it was well-known. Written agreements were not necessary.

Relationship with the aliens and other thinkings

Soldiers had no status in China. Militarism as such, the worship of brute force and of organized homicide, has never been popular in China and never will be. For Chinese society has always been organized for peace and the soldier has always been used merely as an instrument of defence and has never become the dominating factor of Chinese life (T'ang Leang-Li, 1927: 34).

Conquering, colonizing and missionary mentality does not exist in China: China had her period of conquest. These conquests were not directed by domination, but mostly by self-defence. China's wars of conquest have never been wars with the desire to exploit the conquered people. In this respect – writes T'ang - China may be hailed as an example to the people of Europe who invariably reduce the native populations to the position of hewers of wood and drawers of water (T'ang Leang-Li, 1927: 34). China on the other hand, as history proves, had a benevolent influence on the peoples she subdued. ... China never tried to interfere in the native customs and social arrangements:

> "Not possessing the missionary instinct, China has, for instance, never preached the doctrines of Confucius except by the force of example and good conduct, nor wilfully destroyed existing native institutions" (T'ang Leang-Li, 1927: 34).

In conclusion, T'ang Leang-Li believed that China, before the Opium War, could solve a lot of problems which Europe faced. There was no theocracy, aristocratic nobility, feudalism, slavery, conquering, exploitation, wars, and missionary belief. The principle of personal merit, education, the mandate doctrine of the emperor, self-government, freedom of conscience, freedom of thought, freedom of association, right to education, and toleration were represented by Chinese state organization before its opening. T'ang aimed to emphasize to the Westerners that the government in China left much freedom of action to its citizens: China's imperial government was based on self-government.

The central government had a ceremonial and supervisory character. Therefore China was a "country with no government", an "*anarchy*" - an anarchy, however based on reason and justice, where the capacity of inward discipline and self-jurisdiction was so perfectly developed that she could afford the absence of all judicial, priestly and military castes (T'ang Leang-Li 1927: 27).

> "China in peace (before the opium war) is for practical purposes an anarchy in which the people are left to themselves, carrying out their purpose in life, in peace and order, without any reference to the fear of God or the fear of law" (T'ang Leang-Li, 1927: 35).

Tang Leang-Li believed that this approach toward a social Utopia had been realized in China, and not in the West. This is the main difference between the Western state and the Chinese state conception before modernization. Where China failed in modern Western standards was in her dealing with the problem of production. Her solution of the problems of distribution and consumption was without parallel in the world. Confucius based Chinese society on moral teaching, on the real nature of man, and the search for truth. This is why China was able to create a Utopian social system in the period of *China in peace* (T'ang Leang-Li, 1927: 36-37).

Russell on the problem of China

The problem of China [281]

Bertrand Russell (1872-1970) was more understanding regarding the problems of China. In his book on the problems of China[282] he realized that both Europeans and Chinese have to face the necessity to search alternative ways of modernization and democracy. He emphasised that the dialogue between the two civilizations could contribute to establish peaceful relationships in the world.

Russel (1872-1970) visited China and gave lectures at Chinese universities between 1920-22. In Russell's view, Western civilization was built upon industrialism, militarism, love of progress, missionary zeal, imperialism, a passion for domination, and excessive energy. The Chinese, on the contrary, went too far in practising wisdom and morality and they neglected technology and science. He was convinced that Westerners and Chinese represent two opposite attitudes. Therefore the cooperation between them could be very successful (Russell, 1922: 197).

Russell strongly criticized the Western imperialist and colonialist mentality and practice. In his words:

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[281] Russell, Bertrand (1922): *The Problem of China*. George Allen & Unwin LTD. London. In: Bóka Éva: The Europe-China Dialogue in a Historical Pespective. Grotius E-könyvtár, 45-47.

[282] Russell, Bertrand (1922): *The Problem of China*. George Allen & Unwin LTD. London.

"The evils produced in China by indolence seem to me far less disastrous, from the point of view of mankind at large, than those produced throughout the world by the domineering cocksureness of Europe and America. The Great War showed that something is wrong with our civilization; experience of Russia and China has made me believe that those countries can help to show us what it is that is wrong. The Chinese have discovered and practiced for many centuries, a way of life which, if it could be adopted by all the world, would make all the world happy. We European have not. Our way of life demands strife, exploitation, restless change, discontent and destruction. Efficiency directed to destruction can only end in annihilation, and it is to this consummation that our civilization is tending, if it cannot learn some of that wisdom for which it despises the East" (Russell, 1922: 17-18).

Russell regarded as the most important merits of the Chinese civilization: Confucianism and the examination system. In his view Confucianism can be regarded as a code of civilized behaviour, an "etiquette book". Confucius taught self-restraint, moderation, and above all courtesy. He taught how to behave, save face, moderation, absence of hate, control of the actions and toleration. In Europe these principles existed but perished with the French Revolution. Romanticism, Rousseau, and the guillotine put an end to them (Russell, 1922: 43).

He appreciated the examination system which profoundly affected the Chinese system: it encouraged a respect for learning; the possibility of doing without a hereditary aristocracy; selection of capable administrators able to deal with industry; the preservation of Chinese civilization in spite of barbarian conquests. But it made it hard to accept modern needs. The examination system – as the system of selecting officials – was better than nepotism, bribery, or insurrection. Russell expressed his hopes that these values would not perish in the struggle with the foreign exploiters (Russell, 1922: 46-47).

Russell believed that China had to be saved by her own efforts, and could not rely upon outside help (Russell, 1922: 240). He gave the following advises to the Chinese reformers:

In China an enlightened spirit was necessary: willing to learn from the foreigners, but not letting them dominate.

A spirit of patriotism was absolutely necessary to regenerate China.

If China wanted to become politically independent it had to do three things: the establishment of an orderly government; industrial development under Chinese control; the spread of education (Russell, 1922: 240-241).

China had to become independent from the European Powers in all fields.

Chinese had to recover the Treaty Ports, control of the tariff; they had also to free themselves from extra-territoriality (Russell, 1922: 245).

China had to protect *state socialism* because state socialism was acceptable in economically but not culturally backward countries like China. There were many arguments for state socialism: it was easier for the state to borrow than for private persons; it was easier for the state to borrow foreign experts; and it was easier for the state to make sure that vital industries did not come under the control of foreign powers. The state could also prevent the growth of the evils of private capitalism.

On basis of all these Russell believed:

> "If China can acquire a vigorous and honest state, it will be possible to develop Chinese industry without, at the same time, developing the overweening power of *private capitalists* by which the Western nations are now both oppressed and misled"(Russell, 1922: 246).

He emphasised that for modernization it would be necessary to do the followings:

To develop the public spirit in place of family ethic.

To transfer the honesty which existed in private business to the public service.

The Chinese had to learn to become technical experts and skilled workers. It was wise to import Western skilled workers to give instructions to Chinese workmen in all new industrial branches that it desired to develop.

To become a democracy universal education was necessary in China. Chinese experts educated in European and American Universities became foreigners. It was better to develop Chinese Universities because education influences thought processes.

To assimilate what was good in the Western culture but safeguard the own culture. China needed other types of leaders than Lenin and Marx.

To fight for the independence of China and to safeguard it

To elaborate an alternative social model

Russell emphasised that China needed Western science but they did not need to adopt the Western philosophy of life. If China adopted the Western philosophy it would become able to defend itself against foreign aggression, but it would start expansions and destructions. The great military nations of the modern world could not abstain from destruction so they brought about their own destruction. If China joined in this madness, China would perish like the rest. If Chinese reformers could have a moderation to stop when they had made China capable of self-defence, and they abstained from foreign conquest then the Chinese would be able to develop an alternative economy and establish a new peaceful culture for

mankind. It might be that China would be able to defend itself and to stop foreign conquest. So they could establish a better economic system which would give mankind a new hope.

(Russell, 1922: 247-251).

Finally Russell was convinced that Westerners and Chinese could learn from each other: The Chinese might learn the indispensable minimum of practical efficiency and the Westerners might learn from the Chinese something of that contemplative wisdom which had enabled the Chinese to survive and persist whilst all other nations of antiquity had perished (Russell, 1922: 197-198).

Russell mentioned his own example as a proof:

> "When I went to China, I went to teach; but every day that I stayed I thought less of what I had to teach them and more of what I had to learn from them" (Russell, 1922: 198).

He wished that the two civilizations could successfully influence each other. In his words:

> "I wish I could hope that China, in return for our scientific knowledge, may give us something of her large tolerance and contemplative peace of mind" (Russell, 1922: 198).

Chinese answers to the challenge of European modernization

China gave its answers to the Europeans (Westerners). The main phases of the answer were the followings: the self strengthening movement; the Reform Movement of K'ang Yu-wei, 1898; the abolition of the traditional Chinese examination system and the opening of the educational system to Western culture in 1905; the revolution of 1911-12 and the abdication of the last dynasty; Sun Yat-sen and the Chinese Republic; the new evaluation of the West: the May Fourth Movement of 1919; the anti-imperialist movement, 1925-1927; the formal ending of the "unequal treaties" between China and the Western powers; the People's Republic of China, 1949; the expulsion of most Westerners by the Chinese government, 1949.

K'ang Yu-wei the constitutional monarchical reformer [283]

The launcher of the Chinese reform movement, K'ang Yu-wei (1858-1927), also used translations as a source of his knowledge of Europe. He was a Confucian wise man continuing and at the same time renewing Chinese civilization.

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[283] Bóka Éva: The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 49-54.

Following his autobiography, K'ang Yu-wei[284] regarded himself as a Confucian reformer continuing the work of Confucius. In his view, Confucius rediscovered and reinterpreted the rationalist principles of the wise ancient Chinese philosopher emperors. Based on his concept of "Confucius as a reformer", he aimed to reform the Chinese society of his age it being in anarchy and under foreign pressure. Foreigners wanted to partition the Chinese Empire (K'ang, 1967: 54-56; Liang: 1970: 94-95). With the aim of safeguarding and modernizing China, K'ang organized the Society for Protecting the Nation (Pao-kuo-hui). K'ang was for following the example of the Japanese Meiji dynastic reform and the reforms of the Russian Peter the Great. He studied the political reforms in Germany, France, and England (K'ang, 1967: 100-101). He admitted that European civilization scientifically and technically was more developed because it had been able to develop its civilization by inventing new things, by writing new books, and by exploring new lands" (K'ang, 1967: 102).

Launching the Reform

The most important moment in K'ang's life was his audience with the emperor, Kuang-hsü, when the period of reforms started, in China, in June 1898. In his audience with the emperor and in his reform memorial, he proposed to Emperor Kuang-hsü to renew Chinese knowledge and implement the most important achievements of Western technique and science and change the institutions as the Japanese had done. He also emphasized the necessity of the abolition of the old-type examination system: more precisely to abolish the *eight-legged essays* and replace it with useful knowledge. In his words:

> "The cause for the lack of enlightenment in the mind of the people stems from the system of writing 'eight-legged' essays as a means of selecting officials. Those who learn the writing of 'eight legged' essays do not read any books published after the Ch'in and Han periods and they do not study the affairs of the other countries of the world yet they can still rise to high offices. Today there are large numbers of high officials but there are non on whom we can depend to carry out the reforms" (K'ang, 1967: 97-98).

Therefore - K'ang proposed - to abolish the old examination material and change it with a study material containing useful knowledge. Emperor Kuang-hsü supported the reform of the examination system.

K'ang aimed to revive Chinese knowledge by a renewed study of Western

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[284] K'ang Yu-wei (1967): Chronological Autobiography of K'ang Yu-wei (Nan-hai K'ang hsien-sheng tzu-pien nien-p'u). In: Jung-pang Lo (ed.) (1967): *K'ang Yu-wei. A Biography and a Symposium*. The University of Arizona Press, Tucson; Lo Jung-pang (1967): Sequel to the Chronological Autobiography. In: Jung-pang Lo (ed.) (1967): *K'ang Yu-wei. A Biography and a Symposium*. The University of Arizona Press, Tucson,

ideas. He believed, that by involving Western subjects in the study material, officials, chosen by the examination system, would be able to deal with the new problems of the changing world. So K'ang aimed to reform classical Chinese society by modernizing education, the study material and changing the thinking of people. In practice it also meant changing the old state system, the collapse of the old Confucian state, and the gradual establishment of a new system based on modern knowledge and a new type of examination system. This was the essence of the Confucian state reform represented by K'ang.

K'ang could achieve in practice that the "eight-legged" essays were abolished in the provincial and metropolitan examinations and replaced by essays on governmental affairs.　From 1898 till 1904 the examination system was gradually reformed by introducing new material in the schools; school and state examination were integrated and the old style of literary examination was abandoned in 1905. The year of 1905, when the examination system was abolished, represented a decisive turning point in the relationship of China with the West in the intellectual and cultural field. China became open to modern scientific and intellectual studies and Western social and political ideas.

K'ang in struggle for a constitutional monarchical state

Regarding the new state form, K'ang was for a constitutional monarchy. For the realization of his reforms he wanted to achieve the protection of the emperor. But the emperor was weak and the conservative forces of the court could stop the reform movement of K'ang. The empress dowager deposed the emperor who was later killed in 1908. K'ang could escape and he lived in exile. The anti-reformers could continue in the conservative way. Despite the failure of the reform of 1898 K'ang's ideas influenced the Chinese opposition and the overseas Chinese. K'ang's merit is that he could give an appropriate answer to the Western challenge. But the Chinese government was not ready to protect the modernization of the country following the example of the Meiji dynasty or the Russian Peter the First. The Chinese ruling dynasty was not able to establish a constitutional monarchy following the plans of K'ang.

K'ang You-wei believed that Chinese society could be changed only gradually and not by revolution. Revolutions could result in troubles and dead-locks as French history proves. European monarchies, like the British or Dutch, represent social stability which is necessary for the success of reforms. So, K'ang believed that China had to continue the example of the European democratic constitutional monarchies because the monarchs could insure social stability. He proposed considering the so called "*titular monarchical republic*" as the state form for China.

In 1911 K'ang wrote a long article, entitled *The Political Structure of a Republic* (*Kung-ho cheng-t'i lun*), on the government of China during the

transitional period. The ideals of democracy, he pointed out, could be found expressed in the *Book of Changes* (*I-ching*) and in the chapter on the *Evolution of Rites* (*Li-yun*) in the *Book of Rites* (*Li-chi*).

> "The ideals of popular government are what Confucius strove for and what I had hoped and worked for. I wrote the Book of Great Unity (Ta-t'ung shu, 1902) expressly to expound this ideal. But as the time [for the establishment of a republican form of government] had not arrived, I proposed a constitutional [monarchical] system"(Lo, 1976: 218).

He believed that since the people of China demanded a republic, there were many forms of democracy for China to adopt; but to imitate the French or the American system would lead to civil war, chaos and disintegration, as the examples of the Latin American republics had shown.

> "The establishment of a political system should take place in proper order of sequence just as the progress of mankind advances in stages. To disregard the order of sequence and to leap over the stages is like permitting a savage to fly on airplane. He would only kill himself"(Lo, 1967: 218).

K'ang then proposed the establishment of the system of government practiced in England and her dominions and in Belgium, in Romania, in Bulgaria, in Norway, and in Greece – a system he termed "*titular monarchical republic*" (*hsü-chün kung-ho*). Under this system the monarchy would be hereditary but powerless. The monarch would be revered but would be "no more than a temple idol, a thing of mud and wood, no more than the bearer of an august but empty title." The real power would rest in the parliament with executive authority centered in a cabinet headed by a prime minister chosen from the majority party. The presence of the monarch would preserve order during changes of government so that the state would not fall into anarchy. Thus the state would be stable and disputes would be fought out in parliament and not on the battlefield. He concluded:

> "Thus, from the standpoint of popular rights, the constitutional system I propose and a republic are very close in form. Even though there is a monarch, he is as different from an absolute monarch as ice is different from burning coal. Thus, under a republican monarch, the country would, be nonetheless, a democracy. In an absolutist monarchy, the essence is absolutism. In a constitutional monarchy, the constitution is the essence while the monarch is unimportant. In a titular monarchical republic, the republic is the essence while the titular monarch is unimportant. ... The Europeans, in their political systems, have constitutional monarchy and republic, but they have no

name [for the system I propose], so I have decided on the new term
"titular monarchical republic" (Lo, 1967: 218-219).

K'ang favoured the British system where the power rested in parliament (Lo, 1967: 231).

In the first year of the Republic, in 1912, K'ang wrote his essay *On the salvation of China* (*Chung-hua chiu-kuo lun*). He urged the revival of morality in government, respect for law, the restoration of peace and order and the preservation of the territorial integrity of China. He emphasized that a republic should rest on morality and the material well-being of the people. The republic should be established gradually. He again pleaded for the reduction of the autonomous powers of the provincial leaders and the creation of a strong centralized government composed of experts with a responsible parliament wherein political differences would be decided by debates between parties, not settled on the battlefield by provincial armies (Lo, 1967: 224).

K'ang on great unity

One of the most well-known and most discussed works of K'ang is his *Utopia* on *Great Unity* of mankind entitled *Ta-t'ung shu* (*Book of the Universal Commonwealth or Book of Great Unity*). [285] "Great Unity" was based on his belief in three epochs in the life of mankind: *the epoch of disorder; the epoch of rising peace; and the epoch of universal peace*. In his view his age belonged to the epoch of disorder, in which one could speak only of a "partial security". But during his meditations he dreamed about the Great Unity of mankind. In his autobiography he wrote on the genesis of his great peace plan as follows:

> "I made benevolence the center of my philosophy, which was to follow the will of Heaven in bringing about unity to the earth, the unity of nations, the unity of races, and the unity of religions. I also speculated on the changes in the speech, writing, food and drink, clothing, and housing of mankind after the world is united, on equality for men and women and universal laws for everyone, so that a paradise on earth for all men might be attained" (K'ang, 1967: 40-41).

K'ang realized that the world in his age was full of suffering and troubles. He believed that gradual reform of the state and international organization was the only and necessary means to improve the situation of people with the aim of diminishing suffering. He regarded the period when he lived as a period of troubles. The establishment of the League of Nations meant for him the beginning of the period of rising peace. He believed that, to establish the Great Unity of

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[285] K'ang Yu-wei (1958): *Ta T'ung Shu (The Book of Universal Commonwealth or Book of Great Unity) The One-World Philosophy of K'ang Yu-wei*. Translated from the Chinese with introduction and notes by Laurence G. Thompson. George Unwin LTD, London

mankind, it would be necessary to elaborate gradually on the following things [286]:

> Abolishing national boundaries and uniting the world
>
> Abolishing class boundaries and equalizing all people
>
> Abolishing racial boundaries and amalgamating the races
>
> Abolishing sex boundaries and preserving independence
>
> Abolishing family boundaries and becoming 'Heaven's people'
>
> Abolishing livelihood boundaries and making occupations public
>
> Abolishing administrative boundaries and governing with complete peace and equality
>
> Abolishing boundaries of kind and loving all living things
>
> Abolishing boundaries of suffering and attaining utmost happiness
>
> (Kang, 1958: 5)

The main ideas of K'ang's Ta T'ung Shu (Book of Great Unity) may be summarized as follows [287]:

1.No nations; the whole world should set up a single government and be divided into several regions

2.Both the central and regional governments should be elected by popular vote

3.No family and clans; a man and a woman should cohabit not more than a year together; upon expiration of this term, there should be a change of mates

4.Pregnant women should go to an institution for pre-natal education, and babies should go to nurseries after birth

5.Children should enter kindergarten and respective schools according to age

6.Upon coming of age they should be assigned by the government to various duties in agricultural, industrial, and other types of productive enterprise

7.The sick should go to hospitals, and the aged to Homes for the Aged

8.The establishment for pre-natal education, the nurseries, the kindergartens, the hospitals, and the homes for aged should be the highest institutions within the regional [government]; those who enter them should obtain the highest satisfaction

9.Adult men and women should as a rule serve in these establishments for a

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[286] K'ang Yu-wei (1958): *Ta T'ung Shu (The Book of Universal Commonwealth or Book of Great Unity) The One-World Philosophy of K'ang Yu-wei*. Translated from the Chinese with introduction and notes by Laurence G. Thompson. George Unwin LTD, London, 5.

[287] Hsü Immanuel, C. Y. (ed.) (1971): *Readings in Modern Chinese History*. Oxford University Press, New York, 308-309.

certain number of years, as they do at present in the military

10.Establish different classes of public dormitories and dining halls so that each may freely enjoy and use them according to his working income

11.Reproach for idleness should be the severest form of punishment

12.Those who make new discoveries in learning and those who serve with special distinction in the five establishments of pre-natal education, etc., should receive specific rewards

13.There should be cremation of the dead and fertilizer factories in the neighbourhood of the crematoria

These ideas and principles represented by K'ang correspond in many ways to internationalism and socialism. K'ang was aware that it was a plan for the future. It could only serve as a guide for directing the acts of his era. He thought that, in his era the most important step toward One World was to start peaceful cooperation between states.

He realized that there were three types of union of states: the type in which equals are allied; the type in which each states carries on its internal government but the overall administration is united under the overall government; and the type in which the names and boundaries of the states have been abolished, and there independent (i.e. locally self-governing) districts and prefectures are are formed, united however under the control of the universal government. He admitted that these three types each derive naturally from the conditions of the times, and it is impossible to force union on the world all at once. In his view these three types corresponded to the three stages of gradual evolution toward One World or Universal Union. [288] The three stages in the development of cooperation among states were the period of troubles, the period of rising peace, and the period of complete peace and equality.

Founding of a public (universal) parliament is the first step towards One World. Establishing a public government to govern all nations is the middle step towards One World. [289] The universal parliament, for example, has two chambers: the upper house represents the states, the lower house represents the world. Following his plan in the first period, the representatives of the parliament represent their own states; in the second period the representatives of the upper house represent the states, the lower house the world; in the third period the members of the public

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[288] K'ang Yu-wei (1958): *Ta T'ung Shu (The Book of Universal Commonwealth or Book of Great Unity) The One-World Philosophy of K'ang Yu-wei*. Translated from the Chinese with introduction and notes by Laurence G. Thompson. George Unwin LTD, London, 86.

[289] K'ang Yu-wei (1958): *Ta T'ung Shu (The Book of Universal Commonwealth or Book of Great Unity) The One-World Philosophy of K'ang Yu-wei*, 91-104.

parliament represent only the people of the world and not any particular region. [290]

Sun Yat-sen, the republican reformer [291]

"The revolution was my principal aim in life" - Sun Yat-sen (1866-1925) wrote in his Memoirs. [292] He aimed to change the old China into a modern democratic republican state. As a politician, Sun was a mixture of a Western type republican politician and a wise Confucian philosopher. His political program was based on *the three Principles of the People*, *San Min Chu I*, (nationalism, democracy and livelihood). He explained his three Principles of the People in a series of popular lectures.[293] His program was based on the analysis of the Western interpretation of these principles in a Chinese framework. From the Western ideas on state and international organization Sun tried to safeguard what he regarded as good and proposed to implement only what was useful for Chinese society.

For Sun the most important problem was how to improve the international situation of China. He realized that China was not only a semi-colony but in his words:

> "In reality we are being crushed by the economic strength of the Powers to a greater degree than if we were a full colony. China is not a colony of one nation but of all and we are not the slaves of one country but of all. I think we ought to be called a "hypo-colony" (Sun, ca. 1960: 10).

On basis of historical reality Sun emphasised that Westerners used two means to destroy China: military force and diplomacy. These methods worked because foreigners realized that China was not united politically. In his words:

> "Foreigners are constantly saying that Chinese are a "sheet of loose sand" (Sun, ca. 1960: 31).

He believed that the most important thing was to find the way to become

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[290] Ibid., 110-111.

[291] Bóka Éva: The Europe-China Dialogue in a Historical Pespective. *Grotius E-könyvtár*, 55-64.

[292] Sun Yat-sen (1970): *Memoirs of a Chinese Revolutionary*. A Programme of National Reconstruction for China. Reprinted from the first edition of 1927. AMS PRESS INC, New York, 193.

[293] Sun Yat-sen (ca. 1960): The three Principles of the People San Min Chu I by Dr. Sun Yat-sen. In: Sun Yat-sen – Chiang Kai-shek (ca. 1960): *The three Principles of the People San Min Chu I by Dr. Sun Yat-sen with two Supplementary Chapters 1. National Fecundity, Social Welfare and Education 2. Health and Happiness by President Chiang Kai-shek. China Publishing CO. Taipei, Taiwan, Republic of China, 1- 212.*

economically and politically independent and united in a democratic state by arousing the national spirit and seeking solutions for the problems of democracy and livelihood. To unite China, Sun proposed his *principle of nationalism*. In his interpretation the much discussed Western national principle was placed in the Chinese tradition and reality. His national principle had three components: national unity composed of families and clans as the basic national/state units; the renewal of the Confucian moral principles and state wisdom as national values; and adopting useful Western values, science and technology. To establish democracy he proposed a government composed of experts in the service of the sovereign people chosen by using the renewed form of the old examination system. To achieve livelihood Sun proposed "*state capitalism*" which was based on the idea of using profit for improvement of the living standard of the people under the direction of the government.

The principle of nationalism

The *principle of nationalism* had three components: *national unity*, *Confucian values* and the adaptation of *Western science and technology*.

Regarding the first component, *national unity*, Sun realized that there was no national feeling in China because *clan/family feeling* dominated. In the West *unitary national states*, in some cases representing the centers of national empires, were established. Nationalism played the role of identity formation of the people. Sun realized the lack of *national feeling* and *national identity* in China and concluded that the unity of the Chinese state could be built only upon the dominating *clan feeling/identity*. In China there were *clans, families*, as traditional units. Therefore Chinese ignored their country, they did not know who was the emperor, but they did everything for their clans. Based on this fact Sun proposed a very questionable solution. Namely, to chose clans as units of the state and to build up Chinese national unity based on ethnicity, families, clans and not on the individual citizens. In his words:

> "If we take the clans as our social units and, after improving their internal organization, join them together to form a state, our task will naturally be easier than that of foreign countries which make the individual the unit". Where the individual is the unite, there will be at least millions of units in a country, four hundred millions in China; the knitting together of such a huge number of separate units would naturally be very difficult (Sun, ca. 1960: 32).

Therefore Sun proposed the followings:

> "Let us take the clans as small foundations and work at building up the nation upon these. Suppose China has four hundred clans: it would be just as if we were working with four hundred individual people. We

would make use of the original organization that each family name already has, and, in the name of the clan, begin to rally the people together, first in the neighbourhood and prefecture, then in the province, and finally throughout the country, until each family name had become a large united group" (Sun, ca. 1960: 33).

All members bearing the surname of Chen could create a clan unit: Chen clan. When every clan was organized in this way, as a next step increasingly larger units could be created. He believed that the only safeguard was to cooperate and establish the *Republic of China as a nation*.

The second component of Sun's principle of nationalism was morality and the wisdom of the old learning, - the *Confucian values*. Sun aimed to restore, as the Chinese national value, the ancient morality which he regarded as a basic value of Chinese civilization. In his view China's old moral standards, ancient virtues were the following: "*Loyalty, Filial Devotion, Kindness, Love, Faithfulness*"(Sun, ca. 1960: 41), and *Harmony* and *Peace*: Loyalty to the nation and the people; Filial devotion, or filial duty, or filial piety covered almost the whole field of human activity; Kindness and love rejected discrimination; Love meant "universal love", love of government; Faithfulness had to be the rule in dealing with neighbouring countries. Sun emphasized that China, in her mightiest days, never utterly destroyed another state and it continued to represent harmony and peace among states and peoples as the principle of international organization (Sun, ca. 1960: 38- 41).

Sun believed that these principles were, in their very nature, superior to foreign virtues. He believed that the Chinese surpassed the people of other lands in the moral quality of peace. These moral principles could be regarded as the special characteristic and the spirit of the Chinese nation. The Chinese had to cultivate these moral principles and restore China as a state and a nation based on these principles (Sun, ca. 1960: 41). He emphasised that China had also to revive, as the national value, its old learning because, among the human theories of the state, China's political philosophy held a high place. It was systematic and clear. It was found in the *Great Learning*:

"Search into the nature of things, extend the boundaries of knowledge,
make the purpose sincere, regulate the mind, cultivate personal virtue,
rule the family, govern the state, pacify the world" (Sun, ca. 1960: 42).

In Sun's view the Great Learning called upon a man to develop outwards, to begin with his inner nature and not cease until the world was at peace. This wisdom of Chinese philosophy was worthy to be preserved (Sun, ca. 1960: 42).

Sun mentioned another thing which would be worthy to be preserved from the Confucian principles. It was the *cultivation of the person* (personalism in the

meaning of self-education, self-cultivation, the cultivation of the own person) and dealing with the *livelihood of the masses*.

He acknowledged that it is hard for foreigners to understand the age-long Chinese civilization. However there were exceptions, like the British philosopher, Russell who could understand it (Sun, ca. 1960: 43). Foreigners in general thought that the Chinese were barbaric. Only those who had spent ten or more years could appreciate Chinese culture. Regarding Chinese behaviour with the foreigners he advised the following:

> "On meeting foreigners not rudely trespass upon their freedom, then foreigners would certainly respect the Chinese" (Sun, ca. 1960: 43-44).

In Sun's view China had not been successful in realizing the above mentioned principles in the past hundred years. Chinese had stopped refining their principles. As a result the Chinese could not govern their own country, and the foreigners easily made use of China's weakness. In his words:

> "And foreigners, seeing that we cannot do so, want to come and establish international control over us" (Sun, ca. 1960: 42-43).

He emphasized that after restoring the personal morality/personal culture and the ancient wisdom and comprehensive philosophy the Chinese had to learn the *modern science of the West*. The Chinese had invented a lot of things a millennium ago: the compass, printing, porcelain, gunpowder. The Westerners used it and improved it. As regards food, clothing and other things China had also contributed many discoveries: tea, house building and suspension bridges. Ancient China was not without capabilities. But China became backward. She needed to learn the strong points, first of all in science, of Europe and America before she could progress at an equal rate with them. Chinese had to learn the best features of Western nations.

Sun believed that China could catch up with the rest of the world. In this Japan was a good example. It had studied the European and American civilizations and, within a few decades, had been able to become one of the world's great power. Sun believed that the Chinese could follow the example of Japan in the field of technical development and their attitude towards the copying of Western technology (Sun, ca. 1960: 46-47). But, as a difference, Sun emphasized that when China became strong she could not pursue colonialist policy and could not exploit others. China had to take a great responsibility for others instead of pursuing the former means of destruction of other states. She could not continue the Western and Japanese example in this. China had to follow the principle: "Rescue the week and lift up the fallen" (Sun, ca. 1960: 49). In his words:

> "We must aid the weaker and smaller peoples, and oppose the great

powers of the world. If all people of the country resolve upon this purpose, our nation will prosper; otherwise there is no hope for us" (Sun, ca. 1960: 49).

His advice is the following:

"If we want to be able to reach this ideal in the future, we must now revive our national spirit, recover our national standing, unify the world upon the foundation of our ancient morality and love of peace, and bring about a universal rule of equality and fraternity" (Sun, ca. 1960: 49-50).

Sun was convinced that China had to rise as a power by restoring the state. But China had to be responsible for the world. It had to reject continuing the destructive example of the great powers. It had to reject imperialism.

In conclusion, Sun's nationalism was characterized by searching the values of Chinese society and restoring the useful and good principles of the past represented by Confucius. He aimed to build up the new Chinese republic as a modern nation based on Chinese values, which he expanded with the best principles of the West. Therefore he emphasized the importance of the learning of the good things of the European civilization and rejecting the bad things. For him civilization was a learning process with the participation of all civilizations: for example, a few hundred years ago, Europe could not be compared with China. Now the Chinese had to learn Western science and what the Chinese were lacking. He regarded, as a future challenge for the scientifically developed modern China transcending the Western bellicose capitalist society and building up a new cosmopolitan world. He was convinced that cosmopolitanism could be built up on the basis of nationalism:

"Those desiring to pacify the world must first govern their own state" ... "We must understand that cosmopolitanism grows out of nationalism; if we want to extend cosmopolitanism we must first establish strongly our own nationalism. If nationalism cannot become strong, cosmopolitanism certainly cannot prosper" (Sun, ca. 1960: 25, 27).

The problem with Sun's interpretation is that Western history did not prove what Sun believed: the national principle not in civic, but in ethnic interpretation proved to be a very dangerous deadlock in European social organization. It continues to be an obstacle to the establishment of democracy among states up to the present day.

The principle of democracy

Sun admitted that the most important Western achievement was *parliamentary representative democracy*. Americans and Europeans think that it is the highest

type of popular sovereignty. But, Sun believed, the hope of foreigners that representative government would insure the stability and peace of the state is not to be trusted (Sun, ca. 1960: 107). By establishing parliamentary democracy the Western states reached the limit. There is no way further. Sun regarded the Western representative parliamentary system as an ancient idea. As an example, he mentioned that Westerners regarded Plato's Republic, written two millenniums ago, still worthy of study and of great value in modern times. Aristotle is also very influential in the West. Based on this, Sun concluded that Westerners did not discover anything new: they were Platonist and Aristotelian, and tried to realize their ancient ideas in a reformed form. Actually in Western thinking Plato and Aristotle represented the same thing that, in Chinese thinking, Confucius.

In his words:

"Westerners who are using the newest scholarship to aid them in finding a solution have not made any worth-while discoveries in democratic theory, nor have they found any satisfactory answer to the difficulties of democracy. So the methods of Western democracy cannot be our model or guide" (Sun, ca. 1960: 109).

"In the last two or three centuries, Europe and America have passed through many revolutions and their political progress has been much more rapid than China's, yet the Western political treatises do not show much advance upon the past. For instance there lived in Greece two thousand years ago a great political philosopher named Plato; his *Republic* is still studied by scholars who say that it has much to contribute towards the political system of to-day" (Sun, ca. 1960: 109).

In Sun's view Westerners could make a rapid development in the field of physical sciences but in the field of political theory they could not:

"But in the field of political theory, we find Plato's Republic written two millenniums ago still worthy of study and of great value in modern times. So the advance of Western political philosophy has not kept pace with the advance of Western material science. There has been no radical change in political thinking for two thousand years"

Sun concluded:

"If we copy Western government as we are copying Western material science, we shall be making a great mistake" ... The reason why Western democracy has not made more progress is that Western nations have not fundamentally solved the problem of administering democracy". ... The West has not yet found any proper method of carrying out democracy and that the truth of democracy have not yet

fully manifested. ... The recent growth of democracy is not an achievement of thoughtful scholarship but the result of a popular following of natural tendencies. For this reason, no fundamental method of directing democracy was worked out beforehand, the problem was not considered from beginning to end, and so the Western peoples have met innumerable disappointments and difficulties halfway on the road of democracy. Since the Revolution, China has wanted to follow the example of Europe and America and to apply political democracy. Since Western political democracy has developed to the point of representative government, China, too, must have a representative government! But the fine points of Western representative government China has not learned; the bad points she had copied tenfold, a hundredfold! China has not only failed to learn from the Western democratic government but has been corrupted by it"(Sun, ca. 1960: 110-111). ... "From what I have already said, you must realize that Western democratic government does not have any fundamentally good method of application. So in our espousal of democracy, we should not entirely copy the West" (Sun, ca. 1960: 111).

In summary, Sun believed that the West could not solve the problem of democracy in the age of popular sovereignty. Western political treatises did not show much advance upon the past and the ancient Greek bases. Western peoples had met innumerable disappointments and difficulties halfway on the road to democracy because the problems were not considered from beginning to end. Therefore China was not able to copy automatically and entirely the Western parliamentary democratic model because the Western model did not have any fundamentally good method of application. China was different from the West. Chinese could learn science and technology from the West but in ways of democratic social organization, they should not learn only from the West. Chinese had to think out a radically new method (Sun, ca. 1960: 111).

In his words:

"The West has its society; we have our society, and the sentiments and customs of the two are not the same. Only as we adapt ourselves, according to our own social conditions, to modern world tendencies, can we hope to reform our society and to advance our nation. If we pay no attention to our own social conditions and try simply to follow world tendencies, our nation will decline and our people will be in peril. If we want China to progress and our race to be safe, we must put democracy into effect ourselves and do some radical thinking upon the best way to realize its ideal" (Sun, ca. 1960: 112).

Sun emphasised that the Chinese should investigate the best principles of their own state ideas and the best principles of the West and reject the bad principles. In his view the most important problem with the Western democracy was that it could not solve the question of a strong democratic government composed of experts dealing with the livelihood of people because Westerners could not yet *distinguish between sovereignty and ability*, and therefore Western democracies had a democratic deficit. If China wanted to avoid democratic deficit it had to concentrate on the unfinished Western project of popular sovereignty, and realize real popular sovereignty or the rule of people. The most important challenge in this field was to be able to realize, in state practice, the *separation of sovereignty and ability*: sovereignty of the people governed by persons, working for the livelihood and welfare of the people, chosen on the basis of knowledge and merit.

In his words:

> "The foundation of the government of a nation must be built upon the rights of the people, but the administration of government must be intrusted to experts. We must not look upon these experts as stately and grand presidents and ministers, but simply as our chauffeurs, as guards at the gate, as cooks, physicians, carpenters, or tailors. It does not matter what sort of workmen the people consider them. As long as they have this general attitude towards them, the state can be governed and the nation can go forward" (Sun, ca. 1960: 129).

Or in an other place he writes:

> "On the one hand, we want government machinery to be all-powerful so that it can do any sort of work; on the other hand we want the engineer-people to be very strong so they can control the all-powerful machinery" (Sun, ca. 1960: 145).

Thinking about how to achieve strong government to govern, and strong people to control the government, Sun realized that it would be necessary to balance out the powers on both sides. On the *people's side* there had to be four powers: *suffrage, recall, initiative, referendum.* On the *government's side* there had to be five powers: *executive, legislative, judicial, civil service examination*, and *censoring*:

> "When the four political powers of the people control the five governing powers of the government, then we will have a completely democratic government organ, and the strength of the people and of the government will be well balanced" (Sun, ca. 1960: 145).

In the view of Sun the democratic government looked like this:

The political power [suffrage, recall, initiative, referendum] was in the hands of the people; the administrative power [legislature, judiciary, executive, civil service

examinations, and censorship] was in the hands of the government. The people controlled the government through suffrage, recall, initiative, and the referendum; the government worked for the people through its legislative, judicial, executive, civil examination, and censoring departments:

> "With these *nine powers* in operation and preserving a balance, the problem of democracy will truly be solved and the government will have a definite course to follow" (Sun, ca. 1960: 145-146).

The two new features in the *quintuple-power constitution* of Sun came from old China. China had an independent system of *civil service examination and censorship*. The imperial censors of the Manchu dynasty made a fine censorship system as a separate governmental power. The power of censorship included the power to impeach. The selection of real talent and ability through examinations had been characteristic of China for thousands of years. Examination and censorship were separate from the throne. In Western autocratic governments all power was monopolized by the king or emperor himself. In China the emperor had no authority over the power of examination and censorship. So - concluded Sun - Chinese government had exercised the *separated powers of autocracy, censorship, and examination* for many thousands of years, while Western governments had exercised separated legislative, judicial and executive powers for only a little over a century (Sun, ca. 1960: 147).

Sun explained that what he proposed was not new. The materials for his new plan had been discovered before him. Switzerland and the USA used these methods. Switzerland, for example, had already applied three of the political powers but did not have the recall. What could be regarded as a novelty in his theory was the proposition to enlarge the three governmental powers (legislative, judiciary, and executive) with civil service examinations and censorship following the example of the old Confucian system in a reformed form and on the basis of Western science and modern knowledge. By his *"quintuple-power constitution"* an *"all-powerful government seeking the welfare of the people"* could be realized (Sun, ca. 1960: 149).

In his words:

> "If we now want to combine the best from China and the best from the other countries and guard against all kinds of abuse in the future, we must take the three Western governmental powers – the executive, legislative, and judicial; add to them the old Chinese powers of examination and censorship and make a finished wall, a quintuple-power government. Such a government will be the most complete and the finest in the world, and a state with such a government will indeed be of the people, by the people, and for the people" (Sun, ca. 1960: 147-148).

This was the essence of the model proposed by Sun Yat-sen for the new democracy, for an independent, economically and scientifically strong China which needed an all-powerful government seeking the welfare of the people: using the four controlling power people could move and stop the state machinery, so the people embodied political power.

In conclusion, Sun Yat-sen tried to solve the problem of the humanization of power. He proposed the separation of sovereignty and ability which, in his view, the West could not yet do and this caused "democratic deficit". He believed that without this separation there was no real democracy. His model of a popular sovereignty was based on the ability of the government and the control of the government by the sovereign people. Ability was controlled by civil service examinations, and censorship enlarging the legislative, judiciary, and the executive power. Sun solved the democratic deficit by proposing to re-establish the old Chinese exam system for the officials in a reformed form on basis of the modern Western knowledge and the principles of democratic state organization. He believed that, by the active involvement of people in politics, the problem of the livelihood of masses could be solved: people told the experts what to solve and the experts told the people how to solve it. There was no need for powerful politicians and authority in this process. Sun emphasized that state organization had to be concentrated in solving problems on the basis of reality and the search for truth. This was the way to transcend the privileges of the traditional power of the hereditary elite who did not dare to let the people govern. Therefore the traditional elite in Europe was unable to surpass the democratic deficit characterizing European political and legal philosophy and practice.

The principle of livelihood

Sun disagreed with Marx and he rejected his theory based on materialism. In his view Marx's theory was old-fashioned, and seriously false (Sun, ca. 1960: 165-166). Marx's social philosophy aimed to overthrow capitalists. Sun raised the question whether it was really necessary to overthrow capitalism? History showed that the surplus value can be used other than Marx imagined. Investing profit contributed to making progress in the world and it initiated reforms daily. Freedom of enterprise is a useful working means. Everybody who had capital, or could lend money from the bank could be involved in capitalism. Therefore, in the center of history, is *livelihood* and not material forces. Capitalism was a useful tool to solve the problem of livelihood if it was used wisely. The political, social, and economic movements of history gravitate towards the problem of livelihood:

> "Livelihood is the center of government, the center of economics, the center of all historical movement" … "We must recognize livelihood as the center of social history" (Sun, ca. 1960: 168-169).

For Sun the real problem was how to organize capitalism in the service of the

livelihood of the people. In his view the principle of livelihood demanded a solution of the social problem - to avoid suffering caused by the unequal distribution of wealth and property. The solution could be concentrating on wellbeing and not on profit-making. This helped to solve the food problem. So, Sun accepted capitalism as a good means to solve the problem of livelihood but he opposed the profit-oriented capitalist system. He explained the differences between the *principle of livelihood* and capitalism as follows:

> "The fundamental difference, then, between the Principle of Livelihood and capitalism is this: capitalism makes profit its sole aim, while the principle of livelihood makes the nurture of the people its aim. With such a noble principle we can destroy the old, evil capitalistic system" (Sun, ca. 1960: 198).

For the realization of his ideas on capitalism serving the livelihood of the people, Sun proposed the so-called "*state capitalism*". He believed that state capitalism was suitable for the principle of livelihood and it was realizable. He based his belief on the fact that China was poor. In a poor country the regulation of capital and taxation was not enough. China, in the first phase of state capitalism had to develop state capital and promote industry, use machinery in production, give employment. The secret of wealth was employment and machinery in production. Parallel to developing state capital, it was necessary to elaborate a plan with the aim of preventing extreme inequality which results in serious social problems (Sun, 181-182).

Sun accepted that China needed capital. Therefore it had to borrow capital from foreign countries. It also had to borrow foreign brains and experience to manage capitalism. But he emphasized that industry, communication, mining, and manufacturing had be run by the Chinese state and not by the foreign capitalists. State capitalism could secure the participation of the people in the building of their own economy. It contributed to the enjoyment of rights and privileges by all people. The people of the country would then have a share in the profits of capital, and would not be injured by the capital (Sun, ca. 1960: 183). Sun believed that this was the way to avoid suffering caused by the unequal distribution of wealth and property in capitalism.

Conclusions

In conclusion, Sun was in favour of socialism or, in his terminology, "state capitalism". He had in mind not totalitarian communism but *a mixed system of controlled democracy and state socialism*. All this was in contradiction to Marxism, to Western political and economic liberalism, or K'ang's ideas which had greater confidence in private enterprise than Sun (Hsiao, 1975: 368). Sun was for a *strong government* because economic development needed government leadership. Latecomers to industrialization could not afford the freedom of the

entrepreneurs. For late-comers it was better to have government planning and direction. The principle of livelihood demanded *an economic developer, strong and expert government* in democratic cooperation with the people concentrating on problem-solving and livelihood.

By proposing his three principles of the people Sun aimed to elaborate the theoretical basis on a government "of the people, by the people, and for the people" - that is, a state belonging to all the people, a government controlled by all the people, and rights and benefits for the enjoyment of all the people. He believed that

> "If this is true, the people will have a share in everything. When the people share everything in the state, then will we truly reach the goal of the *Min Sheng* Principle, which is Confucius' hope of a "great commonwealth" (Sun, ca. 1960: 184).

Sun actually could be regarded as a Confucian reform philosopher in the age of the Chinese Republic. But he could not properly elaborate his ideas on livelihood because he suddenly died. It remained a challenge for Chinese politicians to elaborate further his ideas on a democratic state serving the livelihood of the people.

Confucian capitalism (theory and practice)

Deng Xiaoping and the opening of China [294]

The success of the European integration process and the stabilization of the European Community contributed to the opening of China after the death of Mao Tse-tung. After the horrors of the cultural revolution, when new reforms were urgently needed in China, Deng Xiaoping (1904-1997) started the reform period based on the ancient principle of seeking truth. Deng Xiaoping was an important reform politician. He had had a long experience in leadership with a realistic approach. Chinese people highly appreciated him. He put an end to the turmoil of the Cultural Revolution that began in 1966 and he brought order into all spheres of work. He struggled against the Gang of Four. He tried to promote the Chinese economy and helped the Party in socialist modernization.

His reform work had several periods:

1975-1982   Deng launched the reforms aimed at opening up, and economic reforms

1984-1988 This was followed by efforts aiming to establish a market economy

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[294] Bóka Éva: The Europe-China Dialogue in a Historical Perspective. Grotius E-könyvtár, 77-81.

1988-1991 The Chinese authorities tried to regain control of the economy

1992-1997   Deng succeeded in re-launching the economic and political reforms which resulted in a booming economy.

Launching the reforms

The first period, 1975-82

The *first period,* between 1975-1982, concentrated on the launching of reforms and the development of agriculture. It had *three phases*: 1975-1977; 1978-80; 1982. [295]

First phase, 1975-77

In the first phase Deng launched economic reform. In his speech *The whole party should take the overall interest into account and push the economy forward* (1975) he outlined the two main   periods of the economic reform. According to him, in the first stage the goal was to build an independent and relatively comprehensive industrial and economic system by 1980. In the second phase the aim had to be to turn China into a powerful socialist country with modern agriculture, industry, national defence, science and technology by the end of the century, that is within 25 years (Deng, 1984: 14).

In another speech *Respect knowledge, respect trained personnel* (May 24, 1977) he emphasized:

> "The key to achieving modernization is the development of science
> and technology" (Deng, 1984: 53).

He emphasized that it is necessary to pay attention to education. He mentioned the example of the *Meiji Restoration* which he regarded as a kind of modernization drive undertaken by the emerging Japanese bourgeoisie. He was convinced that Chinese proletarians should and could do better than the Japanese (Deng, 1984: 53). He concentrated on consolidating the army, he dealt with the problems of the railways and other transportation, industry, and agriculture.

Deng aimed to correct the mistakes of the "Cultural Revolution". In his speech *The "Two whatevers" do not accord with Marxism* (May 24, 1977) he raised the problem of the mistakes of Mao Zedong who admitted that he also had made mistakes and there had never been a person whose statements were all correct or who was always absolutely right. Mao acknowledged that if one's work was rated as consisting of 70 per cent of achievements and 30 per cent of mistakes, that would be quite all right (Deng, 1984: 51). Based on this Deng emphasised that to start to rethink and reform Maoism is justifiable.

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[295] Deng Xiaoping (1984): *Selected Works of Deng Xiaoping (1975-1982)*. Foreign Language Press, Beijing, 5.

Second phase, 1978-80

Following the *Third Plenum of the Chinese Communist Party's Eleventh Congress* in December 1978, Deng Xiaoping led China on an ambitious reform process which has substantially changed the Chinese economic system as well as its relations with the world economy. This process was not a plan dictated from above but a process driven by a multitude of initiatives at various levels: central, local, and individual.

In the second phase (1978-80) Deng concentrated on the correction of the mistakes of Mao Zedong made under the cultural revolution. In his speeches, in 1978, Deng Xiaoping opposed Mao's personality cult; he did all he could to encourage people to emancipate their minds. Therefore he used Mao Zedong's own principle "*seek truth from facts*" to encourage Party members and the people to start reforms. His most important argument was the following:

> "If we fail to seek truth from facts, all our meetings will be nothing but empty talk, and we will never be able to solve any problems" (Deng, 1984: 128).

Speaking about the importance of "seeking truth from facts" Deng emphasized the necessity of freedom of speech and economic democracy as the basis of a new economic prosperity. For economic prosperity, economic, scientific and institutional modernization was necessary. The economic modernization process needed decentralization: the various localities, enterprises and production teams had to be given greater powers of decision regarding both operation and management. There are many provinces, municipalities and autonomous regions in China, and some of China's medium-sized provinces are as big as a large European country. They had to be given greater powers of decision in economic planning, finance and foreign trade – always within the framework of a nationwide unity of views, policies, planning, guidance and action (Deng, 1984: 157). Deng believed that the reform would result in an economic prosperity:

> "Just imagine the additional wealth that could be created if all people in China's hundreds of thousands of enterprises and millions of production teams put their minds to work" (Deng, 1984: 157).

He emphasized that the economic reformers needed to learn economic management and overcome bureaucratism.

Deng realized that economic democracy was impossible without democratic rights for the workers and peasants including the right of democratic election, management and supervision. Therefore, parallel with economic reforms, it was necessary to strengthen the legal system: democracy had to be institutionalized and written in law (Deng, 1984: 157). He initiated defining by law the relations between one enterprise and another, between enterprises and the state, between

enterprises and individuals and so on (Deng, 1984: 158). To be able to do this huge legislative work Chinese had to study international law.

Emphasizing all these Deng launched the project of the socialist modernization of economy, science, technology and management under the leadership of the Central Committee and the State Council. He believed that the new historic mission of the Chinese working class was to turn China into a great modern and powerful socialist country under the leadership of the Central Committee of the Party (Deng, 1984: 150). He was in search of a "*Chinese type modernization*" (Deng, 1984: 187) to be able to change the backward country and to turn it into a modern and powerful socialist state. He emphasized that economic modernization represented a momentous turning point in the history of the Chinese Communist Party.

Third phase, 1982

The third phase dated from the *Third Plenary Session to the Twelfth National Congress* of the Party in September 1982. Facts have shown that the Third Plenary Session was a turning point of great historical importance. The Party focused on economic development, and opened up new fields of socialist modernization.

In his *Opening Speech at the Twelfth National Congress of the CPC. September 1, 1982*, Deng Xiaoping emphasized the followings:

> "In carrying out our modernization program we must proceed from Chinese realities. Both in revolution and construction, we should also learn from foreign countries and draw on their experience. But the mechanical copying and application of foreign experience and model will get nowhere. We have had many lessons in this respect. We must integrate the universal truth of Marxism with the concrete realities of China, blaze a path of our own and build a socialism with Chinese characteristics – that is the basic conclusion we have reached after summing up long historical experience. China's affairs should be run in the light of China's specific conditions and by the Chinese people themselves. Independence and selfreliance have always been and will always be our basic stand. While we Chinese people value our friendship and co-operation with other countries and other peoples, we value even more our hard-won independence and sovereign rights. No foreign country can expect China to be its vassal, nor can it expect China to accept anything harmful to China's interests. We will unswervingly follow a policy of opening to the outside world and actively increase exchanges with foreign countries on the basis of equality and mutual benefit. At the same time, we will keep clear heads, firmly resist corrosion by decadent ideas from abroad and

never permit the bourgeois way of life to spread in our country. We, the Chinese people, have our national self-respect and pride. We deem it the highest honour to love our socialist motherland and contribute our all to her socialist construction. We deem it the deepest disgrace to impair her interests, dignity and honour" (Deng, 1984: 395- 396).

Deng envisaged the tasks for a shorter and a longer time:

The major tasks of the 1980's were the followings:

To step up socialist modernization

To strive for China's reunification and for the return of Taiwan to the motherland; and to oppose hegemonism and work to safeguard world peace;

To elaborate on economic construction serving as a basis for the solution of the external and internal problems

(Deng, 1984: 396).

For a long time to come, at least for the 18 years until the end of the century, it was necessary to do four things:

Restructure the administration and the economy, and make the cadre ranks more revolutionary, younger in average age, better educated and professionally more competent

Strive to build a socialist civilization which is culturally and ideologically advanced

Combat economic and other crimes that undermine socialism

Rectify the Party's style of work and consolidate its organization on the basis of a conscientious study of the new Party Constitution

(Deng, 1984: 396).

Deng Xiaoping emphasized that the new period of modernization would result in new challenges therefore:

"We must do our work carefully and well. We must strengthen our Party's unity with the people of all nationalities in our country, and with the people of the world. We must struggle hard to make China a modern socialist country that is highly democratic and culturally advanced. We must oppose hegemonism, work to safeguard world peace and promote human progress" (Deng, 1984: 397).

Establishing socialist market economy with Chinese characteristics

Between 1984-1988 the agricultural reform was followed by efforts aimed at establishing a *market economy*. After that, between 1988-1991, came a period of retrenchment when Chinese authorities tried to regain control of the economy.

From 1992 Deng succeeded in re-launching a faster tempo which drastically changed the economic and political climate. New areas were opened for foreign trade and investment; new measures were announced in the key areas of enterprise management and price liberalization. The new Company Law entered into force in 1994. The reform of the banking system was launched and the new taxation system was introduced. Such reforms have been enshrined in China's Constitution under the new formula of socialist market economy.[296]

The historical facts show that the economic reform launched by Deng Xiaoping dramatically changed the economic and social landscape of China. It changed the economic structure of the country and brought about a dramatic revitalization of the Chinese economy and improved living standards. A Chinese kind of state-capitalism, a "*Socialist market economy with Chinese characteristics*" started to emerge concentrating on safeguarding Chinese cultural traditions. China voluntarily opened its economy and trade to the world and wanted to cooperate with the international community of states following the rules of the international law and agreements.[297]

Lee Kuan Yew and the Confucian capitalist model

Confucian capitalist moral principles

In a document about the PAP's government from 1954 to 1979 Lee Kuan Yew explained his criteria for good leadership (six basic principles for the Singapore governmet) [298] :

> "1. Give clear signals: don't confuse people
>
> The idea is never to confuse supporters by needless infighting and open dissension within the leadership. The leaders should always resolve their differences in private, but never contradict each other in public. So whenever they make their points in public, people will consider them more or less representing the concerted views of the leadership.
>
> 2. Be consistent: don't chop and change

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[296] A long term policy for China-Europe relations (1995). Communication of the Commission, 1995/279 final.

[297] A long term policy for China-Europe relations (1995). Communication of the Commission, 1995/279 final.

[298] People's Action Party, 1954-1979, 38. In: Martin Lu (1983): *Confucianism; its relevance to modern society.* Federal Publications Pte Ltd, Singapore, 102. Cited by Brigitte Sie Kok Hwa (1997): *Singapore, a modern Asian City-State. Relationship between cultural and economic development.* Proefschrift, Katholieke Universiteit Nijmegen, 92.

The policies must be consistent, but not inflexible, in order to win and keep the trust of the people. The next generation of leaders must inherit the trust and not betray it.

3. Stay clean: dismiss the venal

The PAP government is known for its honesty, fairness, and efficiency, which are derived from the leaders' determination not to take advantage of their positions. Whenever any official is found to be dishonest or corrupt, he must be immediately dismissed to maintain the image and integrity of the government.

4. Win respect, not popularity: reject soft opinions

The leaders should not hesitate to implement policies which may be unpopular in the short term, but are actually in the long-term interest of the people.

5. Spread benefits: don't deprive the people

The PAP government believes that it is not possible to practice strict egalitarianism, and that rewards must be distributed in accordance with quality of performance. But the workers should not be deprived of their fair share of the benefits. This is the way to win the heart and trust of the people while maintaining the incentive to work harder and to develop one's talent.

6. Strive to succeed: never give up

Leaders ought to make their best efforts. If as a result they still do not succeeded, history will forgive them. But if their failure is due to their not doing their utmost, they will only bring disgrace upon themselves."

The main components of the Singaporean model are the followings [299] :
"1. integrated, long term policies embedded in a vision
2. optimistic, pragmatic developmental approach
3. unique economic and political system
4. economic success with social redistribution
5. creation of one's own cultural identity"

Lee Kuan Yew on the principles of economic, cultural and political organization
The most important ideas of Lee Kuan Yew on a democratic Confucian

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[299] Brigitte Sie Kok Hwa (1997): *Singapore, a modern Asian City-State. Relationship between cultural and economic development*. Proefschrift, Katholieke Universiteit Nijmegen, 343.

capitalist state, emphasised in his book, From the Third World to the First. The Singapore Story,[300] are the followings:

- A fair, not welfare society

- Nurturing and attracting talents

- Many tongues, one language

- Keeping the government clean (no corruption)

- Managing the media

- Greening Singapore

A Fair, Not Welfare Society [301]

> "We believed in socialism, in fair shares for all. Later we learned that personal motivation and personal rewards were essential for a productive economy. However, because people are unequal in their abilities, if performance and rewards are determined by the marketplace, there will be a few big winners, many medium winners, and a considerable number of losers. That would make for social tensions because a society's sense of fairness is offended.
>
> A competitive, winner-takes-all society, like colonial Hong Kong in the 1960s, would not be acceptable in Singapore. ... "[302]
>
> ...
>
> "My primary preoccupation was to give every citizens a stake in the country and its future. I wanted a home owning society. ... After we won the general election in September 1963, while Singapore was in Malaysia, I had the Housing and Development Board (HDB) announce a home ownership scheme. We had set up the HDB in 1960 as a statutory to build low-cost housing for workers. ...
>
> ...
>
> The colonial government had started the Central Provident Fund (CPF) as a simple savings scheme for retirement. ... As a pension scheme it was inadequate. Keng Swee and I decided to expand this compulsory savings scheme into a fund that would enable every worker to own a home. In 1986, after we passed an amendment to the

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[300] Lee Kuan Yew (2000): *From the Third World to the First. The Singapore Story: 1965-2000.* HarperCollins Publishers Inc., New York

[301] Lee Kuan Yew (2000): *From the Third World to the First. The Singapore Story: 1965-2000.* HarperCollins Publishers Inc., New York, 95-108.

[302] Lee Kuan Yew (2000): *From the Third World to the First. The Singapore Story: 1965-2000*, 95.

CPF Act to raise the rate of contribution, the HDB launched a revised home ownership scheme. Workers were allowed to use their accumulated CPF savings to pay the 20 percent down payment and service the housing loan for the balance by monthly instalments over 20 years."[303]

...

"Watching the ever-increasing costs of the welfare state in Britain and Sweden, we decided to avoid this debilitating system. We noted by the 1970s that when governments undertook primary responsibility for the basic duties of the head of a family, the drive in people weakened. Welfare undermined self-reliance. People did not have to work for their families' well-being. The handout became a way of life. The downward spiral was relentless as motivation and productivity went down. People lost the drive to achieve because they paid too much in taxes. They became dependent on the state for their basic needs.

We thought it best to reinforce the Confucian tradition that a man is responsible for his family – his parents, wife, and children. We used to face frequent criticism and attacks from opposition parties and the Western media, through their correspondents in Singapore, for pursuing such hard-hearted policies and refusing subsidies for consumption."[304]

...

"The CPF and home ownership have ensured political stability, the foundation upon which Singapore grew and developed without interruption for more than 30 years. ...

To work a social security system like the CPF, an economy needs to have law inflation and interest rates above inflation rates. People must be confident their savings will not melt away through inflation or devaluation against other currencies. In other words, sound fiscal and budget policies are the preconditions for the success of the CPF."[305]

Many Tongues, One Language

"Bilingualism in English and Malay, Chinese, or Tamil is a heavy load for our children. The three mother tongues are completely unrelated to

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[303] Ibid., 96.

[304] Ibid., 104.

[305] Ibid., 105.

English. But if we were monolingual in our mother tongues, we would not make a living. Becoming monolingual in English would have been a setback. We would have lost our cultural identity, that quiet confidence about ourselves and our place in the world. In any case, we could not have persuaded our people to give up their mother tongues."[306]

"Hence, in spite of the criticism from many quarters that our people have mastered neither language, it is our best way forward. English as our working language has prevented conflicts arising between our different races and given us a competitive advantage because it is the international language of business and diplomacy, of science and technology. Without it, we would not have many of the world's multinationals and over 200 of the world's top banks in Singapore. Nor would our people have taken so readily to computers and the Internet."[307]

Managing the media

The Press Foundation of Asia invited Lee Kuan Yew to speak at the IPI annual assembly at Helsinki in June 1971. He said the followings about his media politics:

"I said I did not accept that newspaper owners had the right to print whatever they liked. Unlike Singapore's ministers, they and their journalists were not elected. My final words to the conference were: "Freedom of the press, freedom of the new media, must be subordinated to the overriding needs of Singapore, and to the primacy of an elected government." I stayed resolutely polite in response to provocative questions." [308]

Lee Kuan Yew on the European Community

Following Britain into Europe [309]

"Britain wanted to join to get out of its recurring economic difficulty of slow growth compared to the faster growth of Germany, France, the Benelux countries, and even Italy – all members of the EEC. It was clear that the larger market spurred growth. I wanted to build ties with this new Europe and not have Singapore shut out when Britain joined.

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[306] Ibid., 155.

[307] Ibid., 155-156.

[308] Ibid., 190.

[309] Ibid., 423-438.

As with most bureaucratic organizations, statements of principle from the top are no assurance of a smooth relationship. I encountered protectionist policies of "Fortress Europe" in the 1970s over our exports." [310]

Lee Kuan Yew on Charles de Gaulle

"To establish ties with the French who were the moving spirit behind the EEC, I arranged in May 1969 to meet President de Gaulle whom I had long admired as a great leader. ... The visit was postponed. De Gaulle called a referendum, lost it, and retired. I never got to meet this stern, tall, unbending man who had restored French pride in themselves and their country, and whose autobiography impressed me even in an English translation."[311]

Lee Kuan Yew on his meeting with Valéry Giscard d'Estaing

Question (V. Giscard d'Estaing): Why did Singapore develop and not the others, what was missing in the others?

Answer (Lee Kuan Yew):

"I could only tell him what I thought were three primary reasons: first, stability and cohesion in society; second, a cultural drive to achieve and a thrifty, hardworking people always investing in the future, with high savings for a rainy day and for the next generation; third, a great reverence for education and knowledge." [312]

Lee Kuan Yew on his meeting with Mitterrand at Changi airport, in 1986

"He [Mitterrand] wholeheartedly agreed with me that Europe would be a much stronger force in international affairs if it could speak in one voice. This was his great ambition – a Europe of 320 million with great technological capabilities. He believed English and French could serve as common languages in Europe, with French equally powerful. But the unification had to be a slow process. If it were a question of survival, Europe would undoubtedly be totally united. On the other hand, Europe would always resist being swallowed by the American

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[310] Ibid., 423.

[311] Ibid., 425.

[312] Ibid., 426; It took a long time till Lee Kuan Yew could convince the French government and entrepreneurs that Southeast Asia was a promising part of the world to invest.

civilization; it would fight to maintain its distinct European identity."[313]

Lee Kuan Yew disagreed with Eduard Balladur's economic theory on liberalization for free trade as a process which could take place only between countries of similar economic and social structure. Lee Kuan Yew believed, in his words:

"Protection of any country's industry was no longer possible except at great cost. Companies were global in reach, an irreversible result of progress in technology, especially in global communications. Firms sourced material from one country, used labor from another, set up production plants in a third, and marketed their products in a fourth."[314]

Lee Kuan Yew on the importance of free trade

He said the following to Jacques Chirac when they met in Singapore, in 1993:

"... if there were no free trade, then the world must prepare for another war. The Chinese had built their ancient empire because they needed to establish order over a wide expanse of territory and its many peoples so that goods and services could be exchanged freely within the empire. When all parts of the globe were carved up into various empires as before World War II, war resulted from competition for more raw materials, more markets, and more wealth."[315]

Lee Kuan Yew on the importance of the ASEM

Lee Kuan Yew proposed to establish the Asia-Europe Meeting between leaders of the European Union and East Asia. The first Asia-Europe Meeting was held in Bangkok in February 1996. About its importance he wrote:

"Visiting Asian countries on their way to or after that meeting, many European leaders discovered the extent of the East Asian industrial transformation, and decided on biennial meetings of EU and East Asian leaders"[316]

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[313] Ibid., 429.

[314] Ibid., 430.

[315] Ibid., 431.

[316] Ibid., 432.

Lee Kuan Yew sees the absence of a common language a serious obstacle to European cohesion

> "One serious obstacle to European cohesion and unity is the absence of a common language. ... Until the Europeans settle on a common language, they cannot equal the uniformity and the benefits of scale that America enjoys. Every EU country teaches English as the second language. None is prepared to give up its language for English or any other language. EU engineers and managers will therefore not be so easily interchangeable as Americans when working on major projects."[317]

Asian values (a debate)

In the last decades the growth of the human rights regime, based on the idea that the international human rights should be internationally protected, has been developed, and is an example of globalization. But the Western origin of the international human rights is problematical in the post-colonial era. The proponents of the Asian values question the universality of Western human rights.

What are Asian values

Peter S. J. Chen, for example, raises the question: What are Asian values? [318]

> "It is obvious that it is extremely difficult, if not impossible, to identify common Asian values. I will, therefore, limit my discussion of Asian values to only those of the East Asian culture, mainly Chinese and Japanese cultures, which are familiar to me". [319]

In his view the Asian values are the followings [320]:
- Group Spirit and Paternalistic Employer-employee Relationship
- Mutual Assistance and Community Life
- Parent-child Relationship and Cohesive Family Life

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[317] Ibid., 437-438.

[318] Peter S. J. Chen (1977): Asian Values and Modernization. A Sociological Perspective. In: Seah Chee-Meow (1977): *Asian values and modernization*. Singapore University Press Pte Ltd, Singapore, 21-40

[319] Peter S. J. Chen (1977): Asian Values and Modernization. A Sociological Perspective, 29.

[320] Ibid., 29-38.

- Friendship Patterns

- Normative Ideology and Value Concept

Group Spirit and Paternalistic Employer-employee Relationship

"Modernization implies, above all, the segregation of economic activities from the traditional family-community setting.

...

The group spirit and paternalistic employer-employee relationship, which bring about a closer relationship between employers and employees, have resulted from the traditional ideology of paternalism – a tradition of both the Chinese and the Japanese culture. Many researchers have compared the Japanese firm to the family unit" [321]

Mutual Assistance and Community Life

"Mutual assistance, community solidarity, and collective group behaviour patterns are basic social norms and culture values which have prevailed in China and Japan for over two thousand years, and they have been challenged neither by radical changes in the political system as in Communist China, nor by far-reaching changes in the economic structure as in modern Japan. These values have been even more pervasive in Chinese and Japanese migrant communities, especially in their early period. For most European migrant communities, it was the flag and the church which held them together; for most Chinese and Japanese migrant communities, it was the paternalistic ideology and the clan and mutual-welfare organizations. ...

By tradition, activities of clan associations, among others, were: (a) ancestor worship and the institution of ancestral halls, ritual land, and ancestral graveyards; (b) material assistance to clan members; (c) education of young clansmen; (d) punishment of misconduct and settlement of disputes; and (e) self-defence." [322]

Parent-child Relationship and Cohesive Family Life

"Filial piety and respect for the elders are well imbued in the Chinese culture. To live together with one's children, grandchildren and great

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[321] Ibid., 30-31.

[322] Ibid., 32-33.

grandchildren is always considered the basic quality of life. This may, however, result in a situation where the individual may only be concerned with the family interests. ...

Chinese cultural values of filial piety and respect for the elders have, however, a role to play in maintaining the dignity of human beings in the modern world."[323]

Friendship Patterns

"From the earliest times, human beings have found that man cannot live without friend. ... Friendship is a universal phenomenon. There are, however, different perceptions and concepts of friendship between Chinese culture and Western culture. The significant difference between the two cultures is that the Europeans are characterised by their individual centred attitudes, whereas the Chinese are characterised by 'situation centred' attitudes toward their friends.

In the traditional Chinese culture a friend was usually considered part of the family. .... Close friends were likely to be referred as older brothers. ... When a man was short of money or was having a hard time, his friends would usually volunteer to give him money, or in the event of an accident or death, they would usually take care of his family and look after his wife and children."[324]

Normative Ideology and Value Concept

Regarding the normative ideology Cheng emphasises that in Chinese culture the normative approach played the predominant role (in Western culture positive theories dominated). Chinese normative ideology is mainly attributed to, and reinforced by, the paternalistic ideology, the gentry concept, and the Confucian tradition. [325]

Those fundamental elements of Asian values relevant to modernization and define the character of modernization in Singapore are the followings:

Values relating the working environment; the community environment, and the family environment. These three types of environments affect everyone's life. The philosophy of friendship is an important value. Ideology and the attitudes of the

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[323] Ibid.,, 35.

[324] Ibid., 36.

[325] Ibid., 38.

Asian intellectuals play also an important role in the modernization, in the case of Singapore. [326]

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[326] Ibid., 39.

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Internet literature (2009)

Gateway to the European Union

Foreign and security policy (EU)

ASEAN

SAARC

ASEM