



The International Spectator

ISSN: 0393-2729 (Print) 1751-9721 (Online) Journal homepage: <http://www.tandfonline.com/loi/rspe20>

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To cite this article: John Pinder (2007) Altiero Spinelli's European Federal Odyssey, The International Spectator, 42:4, 571-588, DOI: [10.1080/03932720701722944](https://doi.org/10.1080/03932720701722944)

To link to this article: <http://dx.doi.org/10.1080/03932720701722944>



Published online: 06 Dec 2007.



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John Pinder

Altiero Spinelli's federal odyssey, up to the point of his final impact on the development of the European Community into the Union of today, can hardly be understood without an insight into his remarkable motivation, due to his exceptional character and the unusual first thirty-six years of his life.

His first commitment, at the age of fifteen, was to Marxism. The Fascists were on their brutal way towards Mussolini's seizure of power in 1923. His father was the legally responsible editor of the socialist *Avanti* but Altiero saw the Communist Party as the only source of strong opposition. He became the leader of the communist youth in the region of Lazio and, as such, was sentenced in 1927, when he was twenty, to ten years in prison, which were followed by six more years confined in prison camp. He read enormously, in French, German, English and Russian as well as Italian and the Classics, and on subjects ranging from Hegel's dialectics, through literature, to Marshall's liberal economics. His refusal to let the party leadership in prison decide what books he should read was a symptom of his increasing disillusionment with the Communist Party as an instrument of the oppressive Soviet regime; and he wrote that he "came to understand that I was not defending only my own liberty to think and to formulate the problems of the communist doctrine and its responses to them, but began to perceive the lack of liberty in the socialist society in the process of formation in the USSR".¹ This led by 1937, soon after he was transferred from prison to *confino*, to his expulsion from the party for refusing to endorse Stalin's trumped-up show trials.

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¹ Spinelli, *Come ho tentato di diventare saggio*, 162. The author is responsible for the translations from Spinelli's writings.

In confino there was enough freedom to discuss and develop political ideas and to build strong personal relationships; and Spinelli became a close friend of Ernesto Rossi, who joined him on the island of Ventotene in 1939. Rossi was a leading liberal-social professor of economics who was on friendly terms with the eminent liberal economist Luigi Einaudi, and privileged communication between them was allowed. Spinelli and Rossi read two articles that Einaudi had written in 1918, advocating a United States of Europe; and he sent them more literature on the subject, in particular books by leading participants in the then flourishing British federalist movement which included such luminaries as William Beveridge and Lionel Robbins. Spinelli later recalled how he had been attracted by “the clean, precise thinking of these English federalists, in whose writings I found a very good key to understanding the chaos into which Europe was plunging and for devising alternatives”;² and his thinking was influenced in particular by two books by Lionel Robbins: the first, published in 1937, had explained that a liberal international economy required an international rule of law, hence a federal legislature, executive and court; and the second, completed just after the outbreak of war in 1939, went on to affirm that the cause of war was not, as the Marxists claimed, capitalism, but absolute national sovereignty, which could be limited within a federal Europe where, after the Nazis had been defeated, a democratic Germany should occupy a worthy place.³ Thus Robbins concluded that nation-states would need a common government to deal with their mutual interdependence in the fields of both the economy and security; and among democratic states it was federal government that would be required.

Spinelli was profoundly motivated to do what he could to create a better political system for mankind. He was not religious; communism had failed him; and the federal idea filled the void by offering to deal with the scourges that had afflicted his generation: the two world wars; the Great Depression in between; and Europe’s totalitarian dictatorships. The long years of incarceration had strengthened his resolve to make as powerful an impact as possible on a world that had ruined or destroyed the lives of so many people; and federalism gave him the key.

The first outcome was the Ventotene Manifesto, a clarion call for a European federation, written together with Rossi in 1941, which analysed the problems that required a federal solution and outlined the characteristics of a democratic federation based on the rule of law and of the steps that should be taken to create it.⁴ One such

² Ibid., 307–8; in English in Pinder, *Altiero Spinelli and the British Federalists: 1937–43*, 4.

³ Robbins, *Economic Planning and International Order and Economic Causes of War*. See also Spinelli, “The United States of Europe and Political Tendencies”, 87–119.

⁴ Spinelli and Rossi, *Il Manifesto di Ventotene*, 11–38; and Pinder, *Altiero Spinelli and British Federalists: 1937–43*, 73–85. The first printed version was published clandestinely in Rome in January 1944, under the supervision of, and with a preface by Eugenio Colorni, who had taken part in the discussions with Spinelli and Rossi while the text was being prepared and had then been transferred to exile in the south of Italy. In May, he was killed in Rome by the Fascist police.

step was to recognise that the fundamental distinction was no longer between traditional divisions such as right and left, but between those who insisted on maintaining the absolute sovereignty of the nation-state and those determined to transcend it by federation. Another was to establish a movement of people dedicated to the necessary political action in order to achieve this; and two years later a revised Manifesto was to become the basic text for the Movimento Federalista Europeo (MFE) which Spinelli founded in Milan directly after his liberation in 1943.⁵

He then crossed the frontier into Switzerland without a passport, where he remained until 1945, and secured the support of representatives of other resistance movements for a declaration calling for a postwar European federation; and in March 1945 he was instrumental in organising a conference in Paris to the same end. In August 1947 he made a notable speech at the first Congress of the European Union of Federalists, in which he said that the recently launched plan for Marshall Aid gave Europeans the opportunity to unite in a federal union, but warned, with remarkable foresight, that if they failed to do so “the Americans will be more and more tempted to move from the liberal alternative to that of imperialism”.⁶

His ability to inspire and organise was demonstrated in the rapid rise of the MFE to become an influential force in Italian political life, which by 1950 was able to obtain half a million signatures, including those of Prime Minister Alcide De Gasperi and several other members of the government, to an appeal for the establishment of a European federal state.

The European political community

Spinelli's first opportunity to carry his federalist mission to the highest political level in Western Europe came in 1951, soon after the Treaty establishing the European Coal and Steel Community had been signed by France, Germany, Italy and the Benelux states. The intergovernmental conference to draw up the Treaty, chaired by Jean Monnet, had opened in June 1950. Only five days later, North Korea invaded South Korea; and substantial US forces were transferred from occupied Germany to support its defence. So the US insisted on enough German rearmament to maintain a balance of power with the Soviet Union in Europe; and this touched the rawest of nerves in France. In order to prevent the disruption of the new relationship between France and Germany that was to be created by the Community, Monnet persuaded French Prime Minister René Pleven to take the initiative for establishing an integrated European Army within the framework of

⁵ Levi, “Altiero Spinelli: fondatore del movimento per l'unità europea”, 165–240, 179.

⁶ Lipgens and Loth, *Documents on History of European Integration*, Vol. 3, 173.

a European Defence Community (EDC). Pleven did this and the project was accepted by France's five partner states.

In July 1951, the six foreign ministers produced an Interim Report on the preparation of an EDC Treaty, with a European army responsible to the Council of member states' ministers. Spinelli immediately wrote a memorandum, insisting that an integrated army of a group of democratic states must be responsible to democratic, hence federal, European institutions.⁷ His memorandum convinced De Gasperi who, doubling as foreign minister, persuaded the other five foreign ministers in December that the EDC would have to be accompanied by a European Political Community (EPC) in order to provide the necessary democratic control; and the EDC treaty consequently provided for the drafting of a treaty to establish an EPC for that purpose.⁸

Meanwhile Monnet, in agreement with the proposal for the EPC and impressed by the clarity of the memorandum, invited Spinelli to discuss it with him in Paris and, shortly afterwards, asked him to help with preparing a draft for his inaugural address as the first President of the ECSC's High Authority in August 1952. Spinelli's knowledge of the characteristics of federal government ensured that the federal elements in the Community's governance of the coal and steel industries were outlined with great clarity in Monnet's speech. It was well received; and Monnet invited Spinelli to remain at the High Authority and write for him a series of political speeches after the example of the federalist papers of Hamilton, Jay and Madison. But Spinelli declined, aiming instead to play a leading political role and to return to the Community, not as an official but in a political capacity.⁹ This he indeed did, though not until 1970.

At the same time the Belgian statesman Paul-Henri Spaak was elected President of the Community's Common Assembly, which later became the European Parliament and which was now to prepare a Draft EPC Treaty. He was also President of the European Movement and Spinelli had already arranged with him that the Movement would prepare proposals for the Assembly's work on drafting the treaty. They set up a committee to do this, whose members included, in addition to Spaak and Spinelli, Fernand Dehousse, who was to be chairman of the Assembly's drafting committee, and two eminent Harvard professors, Robert Bowie and Carl J. Friedrich. Spinelli did much of the drafting of the preparatory papers, for which Bowie accorded him high praise.¹⁰ The Draft Treaty of the Assembly, which had been slightly enlarged for the purpose, was presented to the governments in March 1953. It followed the committee's proposals quite

⁷ Spinelli, "Promemoria", 191–206.

⁸ Majocchi and Rossolillo, *Il Parlamento europeo*, 46–9, with annexed minutes of the meeting of foreign ministers, 173–91.

⁹ Spinelli, *Diario 1948/1969*, 140–3.

¹⁰ Friedrich, "Introduction", in Bowie and Friedrich, *Studies in Federalism*, xxvii, xxix.

closely, if with some dilution of the federal elements; and Spinelli regarded it as an adequate basis for further development into a European federation.¹¹

Meanwhile the EDC Treaty had been signed by all six Community member states in March 1952 and was ratified by four of them in 1953. Spinelli's acute sense of political realities was, however, shown in the entry in his diary on the day after Stalin died in March 1953, four days before the Assembly approved the draft EPC Treaty, observing that another year of Stalin's life, prolonging the fear that he had evoked in the West since the Berlin blockade, would have been good for "the constitution of European unity" and that his death could signify the end of the present attempt to create it.¹² The French government was indeed finding it increasingly difficult to persuade the Assemblée Nationale to approve the Treaty. Elections increased the number of Gaullist deputies, who were, like the Communists, hostile to the Treaty, and half the Socialists refused to approve it without the assurance of British support, which was not forthcoming. So in August 1954 the Assembly postponed the debate on the EDC Treaty *sine die*; and the EPC Treaty went down with it.

The EEC, Spinelli and the Commission

This was a bitter blow for Spinelli, who only a decade after liberation from his sixteen years of incarceration had, without holding any official or parliamentary position, initiated a process of bringing six states at the heart of Europe to take what could have been a great step towards the European federation that had not even entered his mind until 1940. His reaction was to conclude that, even though Germany and the Benelux countries had ratified the EDC Treaty and were certainly prepared to ratify the EPC, governments and parliaments could not be persuaded to accept the federal project, so it would be necessary to go straight to the citizens with a proposal for a directly elected convention to draw up a European federal constitution. He established a Congress of the European People to secure popular support for it, which was backed by the MFE and by some half of the membership of the European Union of Federalists. But although a significant number of votes were obtained in elections organised by the Congress in some cities, mainly in Italy but also in Belgium, France and Germany, sufficient support was not secured.

Monnet's reaction to the demise of the EDC had been, on the contrary, to relaunch the building of a federal Europe through the governments by means of sectoral communities. The principal result was the European Economic Community (EEC) with the common market at its heart; and the process of establishing it, together with the European Atomic Energy Community (Euratom), was set in train at the Messina Conference in June 1955.

¹¹ Spinelli, *Diario 1948/1969*, 170–1.

¹² *Ibid.*, 167–8.

Spinelli's immediate reaction was that this was the end of Monnet's influence, with his idea of federation by steps and stages.¹³

The proposal for the common market had, however, already been incorporated in the Draft EPC Treaty which, on Dutch insistence, provided for the progressive establishment of a common market among the member states.¹⁴ Thus a common market, although not originally envisaged for the EPC by Spinelli, was a product of his initiative to establish a political federation: an early example of a synergy between his and Monnet's approaches to the building of a federal Europe. By 1962 he recognised that, with the EEC, Europe was, though "in a strange and precarious way . . . coming into existence"; and he left the European political scene for a few years, in order to rethink his approach to "the European problem", while, at the same time, he endeavoured to "inspire and influence the political class".¹⁵ He taught at the Bologna Center of The Johns Hopkins University; he wrote *The Eurocrats*, which analysed the current crisis in the Community and showed that the Commission had become the servant of the Council of Ministers rather than the Community's driving force;¹⁶ and in 1965 he established the Istituto Affari Internazionali, which he headed until 1970.

Meanwhile, until his resignation in 1969, President de Gaulle exploited France's pole position to block the Community's development. But as the end of that Presidency approached, Spinelli began to look for ways to realise his intention to return to the Community in a leading political role.

This process began when he was appointed political adviser to Pietro Nenni, who became Italian Foreign Minister in December 1968. A few months earlier Spinelli had become enthusiastic about an idea for a European Political Community in a new form, which had emanated from the Federal Trust: the successor of the Federal Union Research Institute at which Beveridge and Robbins had discussed the ideas that launched Spinelli on his federal odyssey, and which now produced a proposal that was to cause Britain to become the main focus for Spinelli's federalist activity for much of the time before he became a Commissioner.¹⁷ This was a project for a Community to be established in parallel with the EEC, from which Britain had been excluded by de Gaulle's veto, with powers in the fields of foreign and security policy, money, and defence technology, together with some federal reforms of the institutions such as strengthening of the European Parliament, to be merged with the EEC when de Gaulle should cease to be President. George Brown, until recently Foreign Secretary, also became enthusiastic about the idea and Spinelli arranged for him to visit Rome and meet the principal party leaders,

¹³ Spinelli, *Diario 1948/1969*, 269.

¹⁴ See Griffiths, *Europe's First Constitution*, 85–90, 214–5.

¹⁵ Spinelli, *Diario 1948/1969*, 423; Levi, "Spinelli: fondatore movimento per l'unità europea, 236.

¹⁶ Spinelli, *The Eurocrats*.

¹⁷ Spinelli, *Diario 1970–1976*, 455.

leading members of the government and President Giuseppe Saragat. Brown was warmly received and Nenni was particularly favourable. So when Saragat and Nenni came to London for a state visit in April 1969, a declaration proposing such an initiative, which Spinelli had a hand in drafting, was on the agenda.¹⁸ On the second day of the visit, however, de Gaulle resigned. The focus immediately switched to the prospect of British membership of the EEC; and the idea of the parallel community became redundant, though the declaration did retain the proposal for direct elections to the European Parliament.¹⁹ But Spinelli had launched his return to a remarkable decade and a half of leading political influence in the Community.

In June 1970, the Italian government, accepting Nenni's judgement, nominated Spinelli as a member of the Commission. He was given charge of industrial affairs, technology and research; and environment was soon added to the list. He dealt capably with the affairs of his portfolios and identified ways of using the Commission's powers for innovative ends. Thus as Commissioner for the environment, he invoked the rules of competition to prevent polluting enterprises from gaining an unfair competitive advantage, introducing the principle that the polluter pays four decades before it became generally applicable under Community law; and he used his responsibility for technology to jolt the Commissioner for competition policy into launching the Community's first challenge of a globally dominant company by taking up the case of IBM. But he failed to secure the Commission's backing for such proposals as the initiation of movement away from support for farm prices to support for farmers for taking care of their land, which was not applied until twenty five years later; and he was in general frustrated by the inertia of a Community still dominated by the veto and the intergovernmental habits entrenched by de Gaulle.²⁰

Within a month of coming to Brussels, however, he had demonstrated that his overriding interest was to break through that inertia by a political initiative, when he proposed that the Commission prepare a project for the development of the Community's institutions, starting with budgetary and legislative powers for the European Parliament, thus demonstrating the need for European elections which should create an "authoritative interlocutor for the governments in the political construction" of Europe;²¹ and he was particularly vexed by Commissioners' resistance to the idea. But a year later they approved his proposal for appointing a study group on institutional problems with the distinguished French constitutional lawyer Georges Vedel as its president.²²

¹⁸ Paolini, *Altiero Spinelli: una biografia*, 178–9.

¹⁹ See Mayne and Pinder, *A History of Federal Union*, 181–4.

²⁰ Evidence from Christopher Layton, Spinelli's *Chef de Cabinet* 1971–73, Director in the DG for Technology and Industrial Affairs 1973–81.

²¹ Spinelli, *Diario 1970/1976*, 25.

²² *Ibid.*, 192, 195.

Shortly afterwards Spinelli again succeeded in imposing his will on a reluctant Commission, this time regarding a key appointment rather than a question of high politics. His Chef de Cabinet, Gianfranco Speranza, died suddenly and he nominated as successor Christopher Layton, whom he had got to know well following their participation in a number of Federal Trust conferences. This caused consternation in the Commission, as it would give the post to a British national over a year before the UK was to join the Community. Commission President Malfatti reflected the views of other Commissioners and senior staff when he demurred, pointing out that such posts were always given to nationals of member states and that, following the normal practice, Layton would moreover participate in meetings of the Commission itself when Spinelli was unable to attend. Spinelli stood his ground, affirming that “it would be difficult to find somebody better suited to this function”. So he told Malfatti that the minimum he could accept would be a provisional status for Layton, to become definitive when the Treaty was signed a few weeks later. Rather than face a confrontation in the Commission, Malfatti consented and Layton started work.²³ While this incident demonstrated Spinelli’s determination to make his judgement prevail over bureaucratic norms that were without legal foundation, it was also an example of the warm and high regard for British people that he had retained since he first encountered their federalist literature when, in “the dark winter of 1940–41”, as he put it, “almost all Continental Europe had been subjugated by Hitler... and England alone resisted, transfiguring itself in the eyes of all European democrats into their *patria ideale*”.²⁴

The Vedel study group’s report, delivered in the spring of 1972, recommended strengthening the institutions through majority voting in the Council and legislative codecision by Council and Parliament. But Spinelli was not satisfied with it, in particular because the study group, preferring to put forward what it believed governments might accept, proposed only limited scope for majority voting in the Council, and had modest ambition for the Parliament, whereas Spinelli was increasingly insistent, consonant with the view he had already formed in the 1950s, that the constituent role for the citizens’ representatives should be the prime institutional objective.²⁵ In 1977 he was to refer approvingly to Willy Brandt’s proposal that the parliament should become a “permanent constituent assembly”.²⁶

The crucial decision which enabled Spinelli to start moving the Parliament in that direction was taken in December 1975 when a summit meeting of the then

²³ Ibid., 202, 211–2.

²⁴ Spinelli, *Come ho tentato di diventare saggio*, 311.

²⁵ Spinelli, *Diario, 1970/1976*, 278–9, 295–8.

²⁶ In a speech to the Camera dei Deputati on 10 February 1977, cited in Paolini, *Altiero Spinelli: una biografia*, 236.

nine member states decided on direct elections to the European Parliament, which were held in June 1979. Spinelli's mind was immediately focused on his next step: to become a member of the Parliament and thus play the leading role in drafting a European constitution.

Spinelli, the European Parliament and the Community budget

Spinelli had already noted with interest the shift of the Partito Comunista Italiano (PCI) towards becoming a normal player in democratic politics, with its accompanying development of eurocommunism. So he agreed to stand as an independent on the Party's lists for the June 1976 elections to the Italian *Camera dei Deputati* which, before the direct elections three years later, was a necessary step towards membership of the European Parliament. When asked why he had joined the Communists again, his answer was "I didn't join them; they joined me", referring of course to the fundamental political change in the party since it had expelled him forty years before; and he added that he had insisted on his complete independence of the party line.²⁷ He was, incidentally, to mention later that the groups from which the most effective supporters came in his battle for the Draft Treaty on European Union were Italian Communists and, then predominantly Europhile, British Conservatives.

So in June he became a member of the Camera and in October it elected him a member of the European Parliament, where his aim was, of course, to secure its support for a European federal constitution. But he realised that the first step had to be to "radicalise", as he was to put it, the MEPs in order to prepare them for the struggle. His main instrument for this was to be the Parliament's recently acquired powers over the Community's budget, together with the Council's obstructive reactions to them, in order to demonstrate the need for institutional reform.²⁸

In his interventions as a Commissioner, he had already shown the importance he attached to the subject of the budget. He had in mind the significance of the "power of the purse" in the development of British parliamentary democracy, stemming from the Middle Ages when the king summoned parliament only if he needed money.²⁹ The financial treaties of 1970 and 1975 had ensured that the EP gain some right of budgetary codecision with the Council; and apart from the ultimate deterrent of dismissing the Commission, this was the Parliament's only significant power. It could propose amendments to the budget for agriculture and expenditure arising from external commitments, but those would require the support of a qualified majority in the Council, which was

²⁷ Spinelli provided a full explanation of his relationship with the PCI at that time in *Come ho tentato di diventare saggio*, 255–7.

²⁷ *Crocodile newsletter*, no. 1, October 1980, 11, and Corbett, *European Parliament in EU Integration*, 142.

²⁹ Evidence from Christopher Layton.

almost unobtainable given the strength of the agricultural lobby. Amendments relating to any other item would, however, pass unless a qualified majority voted against, provided that Parliament respected the total of the budget given by the Council. Either way, the Parliament could at its second reading reject the Council's resubmitted version by a two-thirds majority, in which case the monthly rate of total expenditure would be frozen at the previous year's level and the whole procedure would begin again.

Spinelli's mastery of these technical complexities, backed by his willpower, enabled him to lead the Parliament in challenging the Council's gross bias against spending on anything other than agriculture. Already in 1977 he insisted that the Parliament use its powers as the Treaty by then allowed and won a vote to start redressing the balance in 1978. In July 1978 he intervened in a similar sense in a debate on the Council's draft for 1979; and the next day, demonstrating the connection between the two, he announced his impending battle for the Parliament's constituent role.³⁰ The first significant impact of his leadership in budgetary affairs was that the Parliament voted to double the appropriations for the regional fund: a proposal welcome to enough member states to prevent a qualified majority for its rejection.

A second impact was more dramatic. The procedure for the 1980 budget started not long after the first direct elections in June 1979; and Spinelli, duly elected on the PCI's list, found that the newly elected MEPs responded well to the demand that the Parliament make full use of its budgetary powers. So Parliament amended the Council's draft, in order to cut its proposal for higher agricultural expenditure substantially, while raising non-agricultural expenditure by ecu 311 million. The Council rejected the agricultural cuts and reduced the increase in other expenditure to ecu 85 million; and Parliament then rejected the budget in its entirety. The Commission presented a new draft in February 1980 but the Council delayed its response until July, when it adopted a budget that slightly moderated the agricultural spending and provided only a small increase for the regional fund. But it was an altogether inadequate outcome; and the delay had moreover kept the Parliament's own budget for half a year at the average rate of expenditure in 1979, which, since the direct elections had substantially increased the number of MEPs, seriously constrained its operations. The effect was, as Spinelli had foreseen, to radicalise many MEPs into accepting that Parliament should initiate a fundamental reform of the Community system.³¹

³⁰ Spinelli, *Diario 1976/1986*, 1327. For his speeches in Parliament on budgetary affairs and the EU Draft Treaty, see Spinelli, *Speeches in European Parliament*, listed on 254–5, or *Discorsi al Parlamento Europeo*, listed on 388–9.

³¹ See Corbett, *European Parliament in EU Integration*, 97–9. Chapters 6–9 of Corbett's book give an authoritative account of the Draft Treaty from start to finish.

The directly elected EP and the making of the Draft Treaty on European Union

Spinelli was, three decades after his initiative for creating a European Political Community in the early 1950s, once again at the centre of a major endeavour to federate Europe. But this time the Monnet method of building federal Europe by a series of steps had provided him with a directly elected Parliament to act as a constituent; and, aged seventy five, he now had not only an idea for achieving it in the form of a treaty to establish a federal European Union but also a capacity for leadership through persuasion as well as example. In order to get the Parliament's structures and party groups on board for the voyage, he realised that he should begin by securing the commitment of a sufficient core of individual MEPs to the idea.

He opened his campaign in May 1980 in a debate on the budget, when he judged that their treatment by the Council had irritated MEPs sufficiently, by declaring that the Council's behaviour regarding the budget was such that the Parliament must initiate reform of the institutions: if this was to be done by the governments ignoring the Parliament, the result would be an intergovernmental reform that would change nothing; if by Parliament, it would deliver stronger, supranational institutions capable of dealing with the problems. He followed this with a letter to all MEPs and an invitation to a dinner at the Restaurant Crocodile, which was attended only by three other Italians, three British and two Germans, who did however found the Crocodile Club to promote the idea.³² Membership grew, regular weekly meetings were held and by the end of the year some eighty had expressed interest. A resolution was drafted for MEPs to sign, proposing an *ad hoc* working party representing all political groups and currents of opinion, to devote itself to the task of drawing up a constitution to present to the member states. By June there were a hundred and seventy nine signatures, from all the significant party groups. But the largest group, the Christian Democrats, was under-represented, evidently because, having been prominent in the Parliament's federalist initiatives, they saw Spinelli as an interloper. In discussion with them, however, Spinelli discovered that they would be satisfied if the resolution proposed a full parliamentary committee rather than a less formal working group, which he was ready to concede – and which was surely an important improvement.

The Parliament approved the resolution and the Committee on Institutional Affairs started work in January 1982, with a strong membership, balanced among the party groups and including three chairs from other committees. Spinelli wished to emphasise broad support rather than over-identification with himself. So chapters on the several aspects were drafted by six co-rapporteurs from the different party groups, within the framework of a basic general draft provided

³² Spinelli, *Diario 1976/1986*, 496.

by himself as general rapporteur, underlining the principles of democratic and effective institutions and of competences attributed according to the principle of subsidiarity. The Committee repeatedly discussed and revised all the reports, until a full draft report was edited by Spinelli; and it was debated, amended and approved by a large majority in the Committee. This vast task was completed and presented to plenary session, which, after discussing 185 amendments and adopting a few of them, approved the resolution in September 1983 by 202 votes to 37.

Four lawyers then worked with Spinelli on drafting a legal text, which included Article 82 stipulating that the Treaty could enter into effect when ratified by over half the member states containing two-thirds of the Community's population. That was of course designed to prevent the whole enterprise from being torpedoed, like the EPC in 1954, by the veto of one or two member states. Knowing that this would be controversial, Spinelli had kept it until this stage so that MEPs could both appreciate the importance of the project and be confident that its implementation was legally well enough founded. That strategy was vindicated on 14 February 1984 when the plenary approved the legal text by the yet larger majority of 237 to 32.

The Parliament's Draft Treaty

Apart from Article 82, by-passing the veto on treaty amendment, the various provisions of the Draft Treaty establishing the European Union did not break with the method of building on the foundations of the European Community. Indeed many of the provisions have been put into effect in subsequent amending treaties. The distinction was, rather, in the scale of what was proposed, designed as a radically new departure to create a more powerful, democratic and effective Union.

Thus the European Union would inherit all the laws, practices and institutions of the European Community that were compatible with the new Treaty. The European Council would decide its own working methods and a new function would be to nominate the President of the Commission, who would select the list of other Commissioners to be presented for approval by the Parliament. The Council would decide mainly under the procedure of qualified majority and in legislative codecision with the Parliament. The Commission would be strengthened and the Court of Justice aided by a Court of First Instance. The division of powers between Union and member states would follow the principle of subsidiarity. There would be a monetary union and timetable for completion of the internal market; and the provision for environmental and social policies would be more explicit. The distinction between agricultural and other expenditure would be abolished and the Union would have power to raise its "own resources". These provisions were all

in the line of the Community's federal development. But cooperation in defence and political aspects of foreign policy was to be the responsibility of the European Council, which could thus work on a basis of consensus until it should decide otherwise.

Spinelli had carefully planned the next steps, towards winning enough support to ensure ratification of the Draft Treaty. The Parliament secured backing from the European associations of employers and trade unions as well as from other elements of civil society. The Treaty was presented to member states' parliaments, was generally well received and was approved as it stood by the Belgian and Italian parliaments. But the breakthrough came when, two months after the European Parliament had approved the Treaty, Spinelli together with the President of the Parliament, Piet Dankert, and of the Institutional Committee, Mauro Ferri, visited French President François Mitterrand. Spinelli believed that French leadership would be the key to success. So he outlined the unique role that France, and hence Mitterrand himself, could play in launching the process of ratification and he proposed that Mitterrand should make a statement to that effect in his speech to Parliament in May 1984 as the current President of the European Council. Mitterrand was evidently impressed by what Spinelli said because he ended that speech by expressing his support for the Draft Treaty, adding that "France is available for such an enterprise"; that he, as President, was willing, on behalf of France, "to examine and defend your project, the inspiration behind which it approves"; and, implicitly accepting the by-passing of the veto through Article 82, that consultations should begin leading up to a conference "of the member states concerned".³³

Meanwhile Parliament's delegation had visited Bonn, where Spinelli found parties and members of the Bundestag largely supportive. But the reaction of Chancellor Helmut Kohl's office was that the time was not yet ripe to consider alternatives to all the member states going forward together, with particular mention of the occupying powers, that is the UK and France. The preference for steps taken by all member states was a settled element in Germany's European policy;³⁴ and it may well be that the political situation in the Soviet Union, where Gorbachev was to succeed to the leadership in a year's time, weighed heavily with Kohl, who had long combined what seemed to many to be, for his generation, the contradictory ambitions of achieving both European and German unification – the latter requiring consent of all four occupying powers.³⁵

Mitterrand then secured the agreement of the European Council in June to set up an ad hoc committee of the heads of governments' personal representatives,

³³ Corbett, *European Parliament in EU Integration*, 177.

³⁴ See for example Bulmer, Jeffery and Patterson, *Germany's European Diplomacy*.

³⁵ Interview with Helmut Kohl by Christopher Layton, then – in the early 1960s – editorial writer on European Affairs for *The Economist*.

which became known as the Dooge Committee after the Irish Senator who chaired it, to prepare the ground for the proposed conference; and Mitterrand appointed as his own representative Maurice Faure, who had been one of the signatories of the Rome Treaties and could be relied on to draft a report for the Committee incorporating the main features of the Draft Treaty. This he did in the Committee's Interim Report, presented to the European Council in December 1984, with the reservations of the British, Danish and Greek members expressed in numerous dissenting footnotes.

Spinelli had by now identified Germany as the "weak point" among the states whose support for the Draft Treaty was necessary;³⁶ and Kohl proposed postponement of the decision on the Committee's final report, with presentation only to the foreign ministers in March and to the European Council not until June. Spinelli perceived that this delay was a danger for the Draft Treaty.

From Draft Treaty to Single European Act

The destiny of the Draft Treaty had indeed been profoundly affected by another decision of the European Council under Mitterrand's Presidency: to appoint Jacques Delors as President of the Commission starting in January 1985. Delors was determined to get the Community moving again after two decades of relative stagnation but, like Monnet, he sought what he thought politically possible while being at the same time necessary, whereas Spinelli put all his effort into making his vision of the necessary possible. So Delors spent the latter part of 1984 visiting the heads of member states' governments to ascertain which they would accept among what he identified as four major necessary projects: monetary union, common defence policy, reform to make the institutions more effective and democratic, or completion of the internal market.³⁷ Needless to say, the one that gained unanimous assent, including that of British Prime Minister Margaret Thatcher, was the single market. So Delors began his Commission Presidency preparing, with great speed and energy, a very detailed White Paper on a programme for completing the internal market by 1992, for presentation to the European Council in 1985.

Spinelli was encouraged when Delors told him, in September 1984, that he was now convinced that institutions were decisive.³⁸ But Delors was doubtless thinking of institutional reforms that would be required to make a project such as the single market effective, rather than those of the Draft Treaty as a whole; and this offered a way through Kohl's dilemma by providing for a significant reform which all the member states were likely to accept.

³⁶ Spinelli, *Diario 1976/1986*, 1117.

³⁷ Delors, *Mémoires*, 185.

³⁸ Spinelli, *Diario 1976/1986*, 1072.

Delors had the advantage of a close relationship with Mitterrand, including recent service as finance minister in his government, and this, combined with the Presidency of the Commission, helped to give him privileged access to Kohl. So it was perhaps not surprising that before the meeting of the European Council in June, both Kohl and Mitterrand made it known that they favoured reforms such as a move towards qualified majority voting in the Council, increases in power for the Commission and the Parliament, and an extension of Community competences, corresponding to what was to be required for what became the Single European Act rather than the full Draft Treaty.³⁹

This evidence that Mitterrand had abandoned the Draft Treaty was extremely disturbing for Spinelli, who underwent a major cancer operation on 22 May 1985, which seriously weakened him throughout the summer and prevented him from travelling until October. Margaret Thatcher, who preferred trying to create the single market through a “gentlemen’s agreement” rather than treaty amendment, was against the proposal for an intergovernmental conference. But in June the Italian presidency of the European Council in Milan called a vote, in which the six founder states plus Ireland prevailed over the negative votes of Britain, Denmark and Greece. While this was encouraging, the IGC was based on the Commission’s White Paper more than on the Dooge Committee’s report. So the main institutional reforms incorporated in the Single European Act agreed by the European Council in December 1985 were confined to some provisions for qualified majority voting on single market legislation, a cooperation procedure that gave the Parliament a foot in the door to legislative power and an assent procedure for accession treaties and association agreements. There were also some new competences in fields such as the environment, social policy and a cohesion fund to support the Community’s less developed regions, together with a commitment to the aim of monetary union.

Spinelli’s first journey after his operation was to Bonn, in early October, where he was well received at the Bundestag, which had however delayed delivering its report recommending that the Draft Treaty be the basis for the government’s position until after the IGC had been completed – perhaps because the Christian Democrats wished to express their support for the more federalist project while not embarrassing Kohl before the day of decision on the Single Act in the European Council. Spinelli followed this with a visit to Brussels for lunch with Delors, who said that not only Britain but also France and Germany were now opposed to the Draft Treaty and that the Commission, more realistically than the Parliament, was seeking a compromise.⁴⁰ After the European Council’s meeting, Delors told the Parliament that what had been agreed was not enough, but nevertheless a significant step.

³⁹ Corbett, *European Parliament in EU Integration*, 215 and Spinelli, *Diario 1976/1986*, 1217.

⁴⁰ Spinelli, *Diario 1976/1986*, 1243–5.

The Single European Act was signed in February 1986. Spinelli tried, despite his failing health, to rally MEPs into promoting a campaign to secure support from a group of member states for giving the Parliament a constituent role after the next European elections. But MEPs no longer had the stomach for it.⁴¹ So he died on the twenty third of May, believing that “the mountain of work of the Parliament, the Dooge Committee, the Milan and Luxembourg summits and the Intergovernmental Conference” had given birth to no more than “a miserable little mouse, which many suspect is a dead mouse”.⁴²

Spinelli’s legacy

The legacy of the second great episode of Spinelli’s European federal odyssey, from 1970 to 1986, was twofold. He put the idea of a European constitution back on the political map from which it had been deleted since the mid-1950s; and he made a major contribution to the relaunching of the process of the Community’s federal development, after the stasis initiated by de Gaulle.

Delors, in his *Mémoires*, was to express himself “surprised and hurt” that Spinelli had criticised the Single European Act (SEA) so severely, pointing out that, without the impact of the Draft Treaty, he would not have been able to insert so many “factors of progress” in it.⁴³ The SEA did indeed initiate a period of dynamism in the Community during which important federal elements of the Draft Treaty came into effect. The Act’s apparently modest institutional reforms led on, through subsequent treaties, to the application of the principles of qualified majority voting and codecision for most legislative decisions; to nomination by the European Council of the Commission’s President subject to approval by the Parliament; and to the establishment of the Court of First Instance. Subsidiarity became a basic principle for the division of responsibilities between the member states and what is now called, as in the Draft Treaty, the Union. The Single Act’s commitment to “the progressive realisation of economic and monetary union” was honoured by the creation of the euro and the European Central Bank, for which British and Danish vetoes were circumvented by what amounted to a specific application of the principle of Article 82; and there is now treaty provision for this precedent to be followed by member states wishing to go farther and faster towards a federal polity.

All this confirmed the constructive synergy of Monnet’s and Spinelli’s approaches to the building of a federal Europe. It had been Monnet’s creation

⁴¹ Spinelli, *Diario 1976/1986*, 1299, 1312–3.

⁴² Spinelli, *Discorsi al Parlamento europeo, 1976–1986*, 369. The author is grateful to Lucio Levi for pointing out that Spinelli borrowed the metaphor of the mountain and the mouse from Horace’s *Ars poetica*.

⁴³ Delors, *Mémoires*, 175.

of the ECSC and initiation of the proposal for an EDC that gave Spinelli the opportunity to promote his project for a federal EPC; and from this in turn emerged the project of the common market for the relaunching of Monnet's Community process, with the successful extension of its scope in the EEC. It was thanks to the provision in the ECSC and subsequent treaties for direct elections that Spinelli was able to go so far towards realising, in the form of the Parliament's Draft Treaty, his vision of the citizens' representatives drafting a federal constitution, which led on to the federal elements in subsequent treaties, as well as keeping the aim of a federal European constitution on the agenda.

Spinelli had explicitly recognised this synergy when he wrote, a decade after he had started to rethink his approach to the European problem, that the community was "the fruit of the radical vision of the federalists and the pragmatic achievements of the statesmen", without which combination "the federalists' vision would have remained utopia" and "the statesmen's pragmatism would have achieved nothing".⁴⁴ He repeated this more succinctly when he said, on the day after the Parliament's first massive vote in favour of the Draft Treaty in September 1983, that "Monnet has the great merit of having built Europe and the great responsibility to have built it badly";⁴⁵ and while it was surely not feasible in 1950 to "build Europe well" in the full sense that Spinelli doubtless had in mind, his radical initiatives in 1951–53 and 1981–84 not only kept the aim of a European federal constitution on the agenda but were also major impulses towards building the Union better. Twenty years later the Convention put the idea of a constitution on the agenda again, though as the name for a less federal and more complicated project than the Parliament's Draft Treaty. The outcome is almost certain to be some further federal steps; and the Reform Treaty, which contains much of the substance of the Constitutional Treaty, will, if it enters into force, be a further significant move in that direction. But although the final destination of Spinelli's odyssey is not yet in sight, Spinelli's life remains an inspiration for those who are continuing the journey, and in particular for those who wish to complete it.

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⁴⁴ Spinelli, "Prefazione", 8.

⁴⁵ Interview with Michael Burgess on 15 September 1983, see Burgess, *Federalism and the European Union*: 55–6.

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