

*Edemanda*

THE ITALIAN CONSTITUTIONAL ASSEMBLY AND  
EUROPEAN FEDERALISM

In the course of a series of discussions on the problems of the Constitutional Assembly which were held this spring in Florence in the Rosselli Brothers Club one of the speakers, Dr. Chiti Batelli, at the end of his introductory lecture on the Constitutional Assembly and European Federation, asked this question of the audience and particularly of the lawyers present: if and how in the forthcoming Constitutional Assembly the Italian people could express in their new Constitution in precise and practical terms their hope to form part of a European federation and their will to take an active part in its creation. I did not have the good fortune to attend that meeting, but perhaps it is not too late to try to answer this question.

It seems to me that we ought to disregard the obvious objection of the chronic and stupid pessimist, who in oyster fashion is still attached to the rock of his derelict political realism. This type points out that the Constitutional Assembly is convened to solve internal problems, in itself no small task, and not to busy itself with international problems beyond its competence; and that, on the other hand, since it takes at least two to make a federation, by broadcasting its dreams of federation the Italian people might only expose itself to the ridicule of playing the solitary lover.

These objections can be answered without great effort

by saying that the great institutions of international security which are in the process of formation in the world will have the character of "open" organizations that will not exclude but rather favor the creation of closer collaboration between groups of states which are disposed to take their place within the plan of world unity; and that, if we want to make a reality of this desire with which the air is filled today, to overcome nationalism in the interest of larger supranational groupings, it will be necessary for some country to begin giving this great ideal a practical, that is, a juridical foundation, and to place it (if only within the limits of a minimum program) in the clarifying mold of a legal formulation.

In no place better than in a Constitutional Assembly could this act of good will be done; where the federalistic aspirations of the Italian people can be practically affirmed in two ways, one indirect and one direct.

Indirectly, international federalism can be served by serving internal democracy. The democratic doctrine was not intended to stop at national boundaries. It is a truth already too often tragically experienced, that totalitarianism and dictatorship within a country inexorably signify nationalism and war in the international field; so that, vice versa, if the Italian people succeed in giving themselves a truly democratic constitution, they will thereby implicitly but necessarily have taken a step toward an international society of democracies.

At the basis of the democratic concept, which is more a moral faith than a political problem, there is an idea of cooperative autonomy equally valid for relations between citizens of the same state, regions of the same country, and nations of the same international community: the idea that freedom for one depends reciprocally on freedom for others and that one's own autonomy can be assured only by a respect, which becomes a mutual limitation, for others' autonomy. The central principle of democracy is solidarity rather than freedom, in "interdependence" rather than independence. Therefore, if the Italian people succeed in creating a truly democratic internal constitution in their Constitutional Assembly, they will also have created an organization suitable for forming part of an international society, that is, disposed by the natural development of its animating principles to spurn nationalism and to feel that solidarity among peoples which leads them to seek understanding and mutual bonds in an international community greater than the nation.

But the Constitutional Assembly can also serve federalism in a direct and explicit manner. Obviously the Italian people cannot insert clauses in their Constitution which by themselves alone could create a federal union with other peoples, just as an individual cannot make a contract solely by his unilateral offer. But just as when architects construct a wing of a building which is to be completed in the

future, they leave in the supporting walls certain protruding stones which are called ammorzature, so it is conceivable that similar juridical ammorzature which may serve tomorrow as a link with a larger international organization could be inserted in the Italian Constitution in favor of the unborn federation, that is, unilateral offers which will place our good intentions on record, and in serving now as an indication and an example, tomorrow, when our call is understood, they may grow into ententes gradually being transformed into ever larger and closer groupings.

This could be done in more than one way. Several already come to mind.

First of all, it is conceivable that in the preamble of the Constitution or in that general part where the sovereignty and independence of the State are proclaimed, a statement could be inserted in which the Italian people declare that in the future they would be ready to give up a part of their sovereignty if this were necessary to give life to a supranational federation within which the various sovereignties of the member states would be limited and joined together. This elementary idea must be made clear at the beginning: that we cannot construct a federation unless the federated states give up part of their sovereignty. Interdependence can only be achieved at the cost of mutual sacrifice and <sup>the</sup> pooling of a part of the independence of each member. A statement in which the

Italian people declares it is ready to renounce its sovereignty to the same degree that other people will, cannot remain without an echo.

In the second place, if, as is hoped, Italy will have a "rigid" Constitution in which the power to modify the Constitution of the State is reserved to a supreme constitutional body distinct from the ordinary legislature, the power to effectuate a partial renunciation of sovereignty can be expressly granted this supreme constitutional court when such an act can serve for the creation of a superior international sovereignty, and the specific powers which may be given up may be enumerated, e.g. army, money, passports, customs.

But perhaps we can take a step further and go right to the heart of every constitution, which is the declaration of the individual rights of freedom, of the so-called constitutional liberties of citizens, without which democracy cannot exist. It is simple to enumerate these freedoms in theory, but it is not so simple to guarantee them in practice, as bitter experience has taught us. The rigidity of the Constitution would help defend them, as it takes from the legislature the power to modify or suppress them, but their defense would be considerably more secure if it were carried to an international plane and entrusted to organs superior to the individual states. If the new Italian Constitution explicitly declared that Italy was ready to transfer to a supranational sovereignty the power of safeguarding

the respect of these rights against any act of an individual state, this elevation of individual freedom from the intra- to the inter-national plane would be the most solemn recognition of that "interdependence of the freedoms" which is an essential condition for the success of the federalist idea.

Are these Utopias of ingenuous idealists? Alas! we know too well where the realism of clever men has led us. As for me, I should be proud and happy if the first Constitution in which such ingenuousness was made into law should be that of the land of Giuseppe Mazzini.

September, 1945.

It is to be placed better than in a Constitutional Assembly could this act of good will be done; where the federalistic aspirations of the Italian people can be practically affirmed in two ways, one indirect and one direct.

Indirectly, international federalism can be served by serving internal democracy. The democratic doctrine was not intended to stop at national boundaries. It is a truth already too often tragically experienced, that totalitarianism and dictatorship within a country inexorably signify internationalism and war in the international field; so that, vice versa, if the Italian people succeed in giving themselves a truly democratic constitution, they will thereby implicitly but necessarily have taken a step toward an international society of democracies.