

Visions of Europe in the Resistance

Figures, Projects, Networks, Ideals

Robert Belot and Daniela Preda (eds.)



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PETER LANG

The fight against Fascism and Nazism during the Second World War gave rise to a strong “desire for Europe”: a desire for a united, peaceful, democratic Europe. In many countries, there was a flowering of movements, actions, newspapers and constitutional projects in which the vision of the “United States of Europe” was an essential element, enriching the Resistance with a new, profound and lasting political and historical dimension. By interpreting the changes that the Second World War generated, the Europeanists and federalist forerunners of the times mentioned in this volume were able to identify, ahead of their time, the basis for the construction of the new united Europe and, with it, a new peaceful and democratic international order.

Robert Belot, Full Professor of Contemporary History (Jean Monnet University, Saint-Etienne, France), holds the Jean Monnet Chair *European Heritage Policies*. He coordinates the Erasmus Mundus Joint Master's Degree *DYCLAM +*. His latest publication is *Résistance et conscience européenne. Henri Frenay, de Gaulle et les communistes, 1940-1947* (2021).

Daniela Preda is Full Professor of Contemporary History in the Department of Political Science at the University of Genoa and Jean Monnet Chair *ad personam* in History and Politics of European Integration. She is Director of the inter-university research Center on the History of Federalism and European Integration. Her publications include *Alcide De Gasperi European Founding Father* (Peter Lang 2017).

VISIONS OF EUROPE IN THE RESISTANCE

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European constitutional projects during World War II and the immediate post-war period

DANIELA PREDA

Many constitutions were drawn up on both sides of the Iron Curtain in the immediate post-war period to restore freedom, democracy and rights in conflict-torn Europe. Although these efforts represent one of the salient moments in the history of constitutionalism, little attention has been paid to constitutional projects regarding Europe as a whole. Nevertheless, these projects were of great relevance in that historical period, demonstrating the epochal turning point represented by the World War II for the theme of inter-state relations and the very concept of statehood. Well-known are the radical changes reflected in the democratic constitutions after the World War II, which aimed at overcoming the nation state that was now part of a multi-level political system. However, almost unknown are the numerous, albeit unrealized, European constitutional projects that marked the history of Europe from the 1940s until 1953.

During the World War II and in the immediate post-war period, the constitutional impetus¹ not only affected individual states but also Europe as a whole². Federal or confederal constitutional projects were

¹ Cf. *Le Costituzioni degli altri. La Carta italiana in un quadro globale*, Francesco Bonini and Sandro Guerrieri (eds.), Bologna, Il Mulino, 2020.

² On this topic, which has been given little treatment, cf. Arnold J. Zurcher (ed.), *Constitutions and constitutional trends since World War II: an Examination of Significant Aspects of Postwar Public Law with Particular Reference to the New Constitutions of Western Europe*, New York, New York University Press, 1951. Cf. also *La Costituzione europea: il modello federalista*, in Gustavo Zagrebelsky

developed by various political figures and early movements for European unity³, the unorchestrated result of reflections that, starting from a similar interpretation of European history, through a wide variety of approaches arrived at a consensus in their conclusions – criticism of the sovereign nation-state and recognition of the need for a supranational state – which in some ways was disconcerting. These views were mostly greeted with indifference, flights of fancy to smile at, mere academic exercises of contemporary utopians.

A desire for radical change from the past characterizes this constitutional phase, in contrast to international anarchy, economic disorder and the authoritarian regression that had affected the states and their mutual relations.

The constitutions drafted during this period are distinguished not only by their extraordinary originality in the continental constitutional landscape but also by their spontaneity, their wide scope and their number, especially in view of the dramatic historical conditions in which they were drawn up. It is significant that in the countries at war not only were plans for the construction of supranational bodies formulated almost everywhere, but true European constitutions as well, in the belief a constitution should not concern only a single state.

1. The constitutional projects of the World War II

Some of Europe's first constitutional projects grew out of the well-rooted strand of Anglo-Saxon federalism⁴. In the period between the two wars, numerous federalist publications had appeared in the United

(ed.), *Diritti e Costituzione nell'Unione Europea*, Rome-Bari, Laterza, 2003, pp. 69–93.

³ A significant number of these projects have been collected in *Progetti di costituzione per una unione europea*, 4 vol., in Andrea Chiti-Batelli (ed.), *L'Unione politica europea: proposte, sviluppi istituzionali, elezioni dirette*, Rome, Servizio studi del Senato della Repubblica, 1978, and in Walter Lipgens (ed.), *Documents on the History of European Integration*, vol. 1, *Continental Plans for European Union 1939–1945*, Berlin-New York, De Gruyter, 1985. Cf. also Daniela Preda, “First Attempts to found a European Federal State: a Retrospective Glance”, *The European Union Review*, IV (1999), No. 1, pp. 107–119.

⁴ Cf. Andrea Bosco, *June 1940, Great Britain and the First Attempt to Build a European Union*, Cambridge, Cambridge Scholars Publishing, 2016.

Kingdom: for example, the works of Lord Lothian⁵, Lionel Curtis⁶, Lionel Robbins⁷, Harold Laski⁸, William E. Rappard⁹, Henry Noel Brailsford¹⁰, Normann Angell and Arnold Toynbee. In the United States, there was also a significant number of proposals¹¹.

As the World War II approached, this strand of thinking and studies led to a continental European approach that gradually evolved, detaching itself from the traditional imperial and Atlantic approach, in transferring the federal constitutional model to the European context¹². Many continental projects would also be developed along these lines: Altiero

⁵ On Lord Lothian, cf. Andrea Bosco, *Lord Lothian. Un pioniere del federalismo*, Milan, Jaca Book, 1989; Giulio Guderzo (ed.), *Lord Lothian. Una vita per la pace*, Florence, La Nuova Italia, 1986. Cf. also Philip H. Kerr (Lord Lothian), *The Prevention of War*, New Haven, Yale University Press, 1923; *Id.*, *Pacifism is not enough nor Patriotism either*, London, Clarendon Press, 1935.

⁶ Lionel Curtis, *The Commonwealth of Nations: an Inquiry into the Nature of Citizenship in the British Empire, and into the Mutual Relations of the Several Communities thereof*, The Round Table, London, MacMillan and Co., 1917; *Civitas Dei: the Commonwealth of God*, London, Macmillan and Co., 1939.

⁷ Lionel Robbins, *Economic Planning and International Order*, London, Macmillan and Co., 1937; *Id.*, *The economic Causes of War*, London, Jonathan Cape, 1939.

⁸ Cf. Harold Laski, *Studies in the Problem of Sovereignty*, New Haven, Yale University Press, 1924 (republished by Routledge 1997, London-New York.); *A Grammar of Politics*, London, G. Allen & Unwin, 1925; *Nationalism and the Future of Civilisation*, London, Watts & Cy., 1932.

⁹ Cf. William E. Rappard, *Uniting Europe: the Trend of International Cooperation since the War*, London, Humphrey Milford, 1930; *The Crisis of Democracy*, Chicago, University of Chicago Press, 1938.

¹⁰ Henry Noel Brailsford, *If we want Peace*, London, L. and Virginia Woolfat the Hogarth Press, for the New Fabian Research Bureau, 1932; *Id.*, *Why Capitalism Means War*, London, Victor Gollancz, 1938; *Id.*, *Towards a New League*, London, The New Statesman and Nation, London, New Statesman pamphlet, 1936.

¹¹ Cf. in particular Clarence Streit, *Union now. A Proposal for a Federal Union of the Democracies of the North Atlantic*, London and New York, Jonathan Cape and Harper, 1939.

¹² This strand of thought is represented by the Federal Union movement, which was born in Britain in 1939. Cf. John Pinder, *Federal Union 1939–41*, in Walter Lipgens (ed.), *Documents on the History of European Integration*, vol. 2, *Plans for European Union in Great Britain and in Exile 1939–1945*, Berlin-New York, De Gruyter, 1986, pp. 26–155; Richard Mayne, John Pinder, John C. de V. Roberts, *Federal Union: The Pioneers. A History of Federal Union*, Basingstoke, London, Macmillan, 1990; Andrea Bosco, *Federal Union and the origins of the “Churcill proposal”: the federalist debate in the United Kingdom from Munich to the fall of France 1938–1940*, London-New York, Lothian Foundation Press, 1992.

Spinelli¹³, co-author in 1941 of the most representative document detailing the pro-European demands from the Italian Resistance movement – the Manifesto of Ventotene¹⁴ – and founder in 1943 of the European Federalist Movement (MFE), would draw inspiration from Anglo-Saxon writings for his own federalist maturation¹⁵; Richard Coudenhove-Kalergi, author of *Pan-Europa* in 1922¹⁶ and founder of the movement of the same name in 1923 and subsequently of the European Parliamentary Union (EPU) in 1947, would develop his constitutional project in the United States in contact with a group of university professors headed by Arnold J. Zurcher.

Among the constitutional projects drawn up during the war that are attributable to the Anglo-Saxon European approach, the most significant are the *Rough Draft of a Proposed Constitution for a Federation of Western Europe* by W. Ivor Jennings (1940)¹⁷, *The Constitution of the United States of Europe* by Australian jurist Ronald W.G. MacKay (1941)¹⁸ and the

¹³ On the period under consideration, cf. Altiero Spinelli, *Come ho tentato di diventare saggio. I. Io Ulisse*, Bologna, Il Mulino, 1984; *Id.*, *Diario europeo 1948/1969*, Edmondo Paolini (ed.), Bologna, Il Mulino, 1989; Edmondo Paolini, *Altiero Spinelli. Appunti per una biografia*, Bologna, Il Mulino, 1988; *Altiero Spinelli. Dalla lotta antifascista alla battaglia per la federazione europea 1920–1948: documenti e testimonianze*, Edmondo Paolini (ed.), Bologna, Il Mulino, 1996; Piero Graglia, *Altiero Spinelli*, Bologna, Il Mulino, 2008.

¹⁴ Altiero Spinelli, Ernesto Rossi, *Il Manifesto di Ventotene*, document written and disseminated in typewritten form in July 1941, published with a preface by Eugenio Colorni, in A. Spinelli, E. Rossi, *Problemi della Federazione europea*, Edizioni del Movimento italiano per la Federazione europea, 1944. First published in English under the title *The Ventotene Manifesto*, Ventotene, The Altiero Spinelli Institute for Federalist Studies, 1988, republished in the 27 languages of the European Union: *Towards a Free and United Europe. A draft Manifesto*, Rome, Lazio Region, Pieraldo, 2008.

¹⁵ Cf. Altiero Spinelli, *Il lungo monologo*, Rome, Edizioni dell'Ateneo, 1968, p. 135.

¹⁶ Lubor Jilek, *Pan-Europe (1923) et le mouvement paneuropéen: Richard N. de Coudenhove-Kalergi entre l'Empire d'Autriche-Hongrie et une Europe gaullienne. Guide de recherche*, Geneva, Fondation Archives européennes, 1994.

¹⁷ Jennings's *The Rough Draft of a Proposed Constitution for a Federation of Western Europe* was first published in the appendix to W. Ivor Jennings, *A Federation for Western Europe*, Cambridge, Cambridge University Press, 1940, and subsequently in Patrick Ransome (ed.), *Towards the United States of Europe. Studies in the Making of the European Constitution*, London-New York, Lothian Foundation Press, 1991, pp. 136–157.

¹⁸ The proposal by Ronald W. Gordon Mackay is included in the *Peace Aims and the New Order: Being a Revised and Popular Edition of "Federal Europe"*, *Outlining the*

confederal project contained in Chapter XV of Lord Davies's book, *A Federated Europe*¹⁹. The constitutional plan of the American George A. Birdsall in *A Proposed World Government* (1944)²⁰ and the *Preliminary Draft of a World Constitution* (1947) by the Committee of Eleven to Frame a World Constitution²¹ (subsequently included in *Foundations of the World Republic*²², edited by Giuseppe Antonio Borgese) instead had a global perspective.

As an example, let us consider the *Rough Draft of a Proposed Constitution for a Federation of Western Europe* by W. Ivor Jennings, written based on the "Draft Constitution" by A.L. Goodhart and Kenneth C. Wheare²³ and on the "Memorandum on the Protection of Civil Liberties", by Jennings himself, presented and discussed in 1940 by the Constitutional Research Committee of the Federal Union Research Institute²⁴. A project, so to speak, still only halfway across the ford, tied as it was to the Atlantic perspective²⁵, but clear in its federalist choices. It provided for federal legislative authority composed of two chambers: a Chamber of

Case for European Federation, Together with a Draft Constitution of a United States of Europe, London, Michael Joseph Ltd, 1941. Cf. also R.W.G. Mackay, *Federal Europe: being the case for European federation together with a draft constitution of a United States of Europe*, with foreword by Norman Angell, London, Michael Joseph Ltd, 1941.

¹⁹ Lord David Davies (ed.), *A Federated Europe*, London, Victor Gollancz Ltd, 1940.

²⁰ George A. Birdsall, *A Proposed World Government*, Washington, The Shaw Press, 1944.

²¹ The Committee consisted of six professors from the University of Chicago (Robert M. Hutchins, Dean of the Law School Wilber G. Katz, Giuseppe A. Borgese, Mortimer J. Adler, Robert Redfield and Rexford G. Tugwell), four professors from other American universities (Stringfe Barr, former president of St. John's College and president from 1948 to 1958 of the Foundation for World Government, Albert L. Guérard of Stanford University, Erich Kahler of Cornell University, and Charles H. McIlwain of Harvard University); and Harold Innis, of the University of Toronto.

²² *Preliminary Draft of a World Constitution*, Chicago, University of Chicago Press, 1948, subsequently included in Joseph Antonio Borgese (ed.), *Foundations of the World Republic*, Chicago, The University of Chicago Press, 1953.

²³ Cf. Kenneth C. Wheare, *What Federal Government Is*, London, Macmillan, 1941.

²⁴ Established in March 1940 as part of the Federal Union Research Institute, the Constitutional Research Committee consisted of William Beveridge, Lionel Curtis, A.L. Goodhart, Patrick Ransome, J. Chamberlain, F. Gahan, W. Ivor Jennings, and Kenneth C. Wheare.

²⁵ In addition to the founding countries from Western Europe, with the exception of Italy, the project envisaged that the Federation could also include the British

Peoples, made up of members elected by the people of the Federation in proportion to the number of federal voters (1 for every 500,000 inhabitants), and a Chamber of States, made up of members elected by the states in the number established by the Constitution. The federal state would have exclusive powers over the conduct of international relations, defence, money, the banking system, weights and measures. Ten years after the creation of the Federation, all restrictions on interstate trade were to be lifted. The federal institutions also included a federal Supreme Court, with exclusive jurisdiction over disputes between two or more federal states and between federated states and the Federation. Article 4 introduced and regulated federal citizenship through a federal passport.

Some proposals were developed by European exiles in the United States, among which *Text of the Constitution of the United States of Europe*, published in 1942 by the American Abraham Weinfeld in the appendix to the book *Toward a United States of Europe* (1942)²⁶; Arnold Brecht's²⁷ proposals, also published in 1942, in the *Harvard Law Review*²⁸; the Constitution for a European Union drawn up by Erich Koch-Weser²⁹ and the more general work of Emil Ludwig (1940)³⁰. The best-known document of this group is certainly the *Draft Constitution of the United States of Europe*, written between 1943 and 1944 – which one day would serve as a basis for discussion for the European Constituent Assembly elected by the peoples of the European continent – by the Legal Commission of the Pan-European Conference gathered in

Dominions Canada, Australia, South Africa, New Zealand, Rhodesia and Newfoundland.

²⁶ Abraham Chaim Weinfeld, *Toward a United States of Europe. Proposals for a Basic Structure*, Washington D.C., American Council for Public Affairs, 1942.

²⁷ Arrested by the Fascist regime in 1933 and then released, Arnold Brecht (1884–1977) took refuge in the United States, where he began an academic career in political science at the New School for Social Research in New York.

²⁸ Arnold Brecht, "European Federation: The Democratic Alternative", *Harvard Law Review*, vol. 55, No. 4, February 1942.

²⁹ Erich Koch-Weser, *A Constitution for a European Union*, Autumn 1942–Spring 1943, in *Documents on the History of European Integration*, II, *op. cit.*, pp. 585–589. The document is kept in the Bundesarchiv of Mainz.

³⁰ Born in Breslavia in 1881, Ludwig became a Swiss citizen in 1932. An opponent of the Third Reich, he emigrated to the United States in 1940, where he published *Für die Weimarer Republik und Europa. Ausgewählte Zeitungs- und Zeitschriftenartikel 1919–1932*, in which his pan-European ideas emerge. The book was republished in 1991 for Peter Lang editions.

New York, where Coudenhove-Kalergi was exiled, under the presidency of the former Spanish Minister of Foreign Affairs and Justice, Fernando de los Rios, in collaboration with the Research Seminar for European Federation at New York University, headed by Arnold J. Zurcher³¹.

This was a confederal project in which the Union (the United States of Europe), “an association of sovereign States which have decided to establish and maintain common institutions in the interest of security, prosperity, and liberty”³², would have had the power to protect the territory of the Union against aggression and to conduct foreign relations. To this end, it provided that “a professional armed force shall be organized, trained, equipped and commanded under the Union’s sole responsibility”³³. The project also called for the implementation, within five years, of an economic policy of the Union and a customs union with inter-European free trade. The deliberative organ envisaged by the Project was a Congress, consisting of a House of Representatives (the representatives of the member states were chosen by the popularly elected chamber of the parliaments of the member states based on the number of inhabitants), and a House of States, consisting of two delegates from each member state with more than 2.5 million inhabitants and one delegate for the others. The executive body was a Council of seven members, which was responsible to the Congress and elected for four years by the two Houses of Congress meeting as a single assembly³⁴. A Supreme Court, consisting of 15 members elected for life by the Congress, was the chief judicial organ. It is interesting to note, during the Covid-19 crisis, that Coudenhove-Kalergi’s plan called for a specific article, n. 43, for coordination among the member states “for the establishment of a European health service and for combatting disease and epidemics”³⁵.

³¹ The first draft of the project is in English: *Draft Constitution of the United States of Europe issued by the Pan-Europa Conference and the Research Seminar for European Federation of New York University*, Introduction by Richard Coudenhove-Kalergi, New York, Research Seminar for European Federation New York University, April 1944. Following there was the French publication: *Projet d’une constitution fédérale pour l’Europe*, New York, 25 May 1944. Cf. Arnold J. Zurcher, *The Struggle to United Europe 1940–1958*, New York, New York University Press, 1958.

³² *Draft Constitution of the United States of Europe*, *op. cit.*, art. 2, p. 10.

³³ *Ibid.*, art. 47, p. 15.

³⁴ Not more than one member of the Council could come from the same member state.

³⁵ *Draft Constitution of the United States of Europe*, *op. cit.*, art. 43, p. 14.

Between 1941 and 1942, the Europa Union Schweiz movement worked on the *Draft Constitution for the United States of Europe*, which was completed in 1943³⁶. The Draft was based on the general principles established by the Movement in November 1939 and approved by the Annual Assembly of Delegates on 4 February 1940 in Bern. The main contributors to its writing were Wilhelm Hoegner and H.G. Ritzel; the preamble was by Adolf Gasser³⁷, while the constitutional part is attributed to Hans Bauer and to the *Comité d'action* he headed. This plan also included the creation of a federal Parliament consisting of two chambers: a Chamber of Deputies and a Senate. Deputies and senators, who were not to be given a binding mandate, would have represented “all peoples of the European Federation”. With regard to the Chamber of Deputies, the plan called for the election of one member of parliament for every million inhabitants, although every country with at least 100,000 inhabitants could elect one member of parliament.

The following year, Léon van Vassenhove's book, *L'Europe helvétique. Étude sur les possibilités d'adapter à l'Europe les institutions de la confédération suisse* appeared³⁸ and in 1944 Hans D. Salinger's essay *Die Wiedergeburt von Europa*³⁹, published in cyclostyle format under the pseudonym Hades in German and then in 1945 in Dutch, in Leiden.

³⁶ The plan was initially published in the Europa Union magazine, *Europa*, vol. XV, No. 7, Basil, July 1948, pp. 3–5, then reproduced in English in *Documents on the History of European Integration*, I, *op. cit.*, pp. 770–779. Cf. *Il federalismo europeo organizzato in Svizzera 1943–1945*, thesis by Francesca Pozzoli, Università di Pavia, 1995.

³⁷ In 1934, Adolf Gasser (1903–1985) was among the founders of Swiss federalist movement Europa-Union: Schweizerische Bewegung für die Einigung Europas, with the aim of mobilizing Swiss public opinion in favour of a European federation and of the Council of European Municipalities in 1951. Cf. Fabio Zucca, *Autonomie locali e federazione sovranazionale. La battaglia del Conseil des Communes et Régions d'Europe per l'unità europea*, Bologna, Il Mulino, 2012, pp. 35–135.

³⁸ Léon van Vassenhove, *L'Europe helvétique. Étude sur les possibilités d'adapter à l'Europe les institutions de la Confédération suisse*, Neuchâtel, Éditions de la Baconnière, 1943.

³⁹ Hades (Hans Dietrich Salinger), *Die Wiedergeburt von Europa. Der Sinn dieses Krieges für Europa. Ein Kontinent sucht nach seiner Lebensform und seiner Weltgeltung*, cyclostyle format, 1944; subsequently published in Dutch under the title *De Wedergeboorte van Europa. De les van dezen oorlog voor ons werelddeel*, Leiden, E.J. Brill, 1945.

Even in Italy, there were numerous examples of a widespread reflection characterized by a similar interpretation of contemporary European history, which viewed the world war as an extreme consequence of the full sovereignty of nation-states, proposing for the future the establishment of supranational entities. For example, the publication of books such as *Problemi della Federazione europea* (1944)⁴⁰ by Altiero Spinelli and Ernesto Rossi; *Stati Uniti d'Europa: contributo alla formazione di una coscienza internazionale* by Agostino Trabalza⁴¹; *Repubblica federale europea: unificazione giuridica dell'Europa* by Umberto Campagnolo⁴²; *L'Europe de demain* by Ernesto Rossi⁴³; *L'idea federalistica italiana e i progetti di federazione europea* by Augusto Monti⁴⁴; *Stati Uniti d'Europa* by Sincero Rugarli⁴⁵; *Stato, nazione, federalismo* by Silvio Trentin⁴⁶; and *L'ordine politico delle comunità: le garanzie di libertà in uno stato socialista* by Adriano Olivetti⁴⁷.

Between the autumn of 1942 and 8 September 1943, Tancredi (Duccio Galimberti) and Antonino Repaci prepared a *Draft European Federal and National Constitution*, comprising 172 articles, an introduction in 32 points, and a conclusion that recognizes "full sovereignty to the confederal bodies in matters of foreign affairs, defense, economic policy and colonies"⁴⁸. It is a project of particular interest, which, in spite of the title, is decidedly

⁴⁰ A. Spinelli, E. Rossi, *Problemi della Federazione europea*, op. cit.

⁴¹ Agostino Trabalza, *United States of Europe: contribution to the formation of an international consciousness*, Rome, Atlantica, 1945.

⁴² Umberto Campagnolo, *Repubblica federale europea: unificazione giuridica dell'Europa*, Milan, L'Europa Unita, 1945. Cf. also Mario G. Losano (ed.), *Verso una costituzione federale dell'Europa: una proposta inedita del 1943/Umberto Campagnolo*, Milan, Giuffrè, 2003.

⁴³ Ernesto Rossi, *L'Europe demain*, Neuchâtel, Éditions de la Baconnière, 1945.

⁴⁴ Augusto Monti, *L'idea federalistica italiana e i progetti di federazione europea*, Milan, Sonzogno, 1945.

⁴⁵ Sincero Rugarli, *Stati Uniti d'Europa*, Milan, Centro di Studi sociologici, 1945.

⁴⁶ Silvio Trentin, *Stato, nazione, federalismo*, Milan, La Fiaccola, 1945. Silvio Trentin was also the author of a *Abbozzo di un piano tendente a delineare la figura costituzionale dell'Italia al termine della rivoluzione federalista in corso di sviluppo* (Plan to outline the constitutional figure of Italy at the end of the federalist revolution under development), which he dictated to his son Bruno in 1944.

⁴⁷ Adriano Olivetti, *L'ordine politico delle comunità: le garanzie di libertà in uno stato socialista*, Ivrea, Nuove Edizioni Ivrea, 1945.

⁴⁸ Duccio Galimberti and Antonino Repaci, *Progetto di costituzione confederale europea ed interna (1942–1943)*, in A. Repaci, *Duccio Galimberti e la Resistenza italiana*,

federal in nature (a fact the authors are aware of)⁴⁹ and an example of the *climax* they took inspiration from. A Mazzinian, Duccio Galimberti had grown up inspired by the conception of politics as moral, joined by a spirit of sacrifice, a devotion to duty and the primacy of action. A magistrate, Repaci had come into contact through his father, an economist, with Luigi Einaudi's idea of destroying the myth of the absolute sovereign state. Both belonged to the clandestine movement fighting Fascism, and during their meetings in Cuneo, they developed the idea of giving legislative form to the overcoming of the nation state.

The project was developed in two successive phases: in the first, the two authors address the themes of the European constitution, while the second is dedicated to developing a single plan for an internal constitution, seen as indispensable to the process of democratization of state institutions, that would replace the right of non-interference of states with a legislative form that gave substance to the proposals to overcome the sovereign national state. They were convinced that Europe could finally enjoy peace only "if the same system and political atmosphere were in place in every state, and if this system and atmosphere were guaranteed by the entire community associated with it"⁵⁰. The project was interrupted on 8 September 1943, when the two authors went underground, Repaci in Turin and Galimberti in Cuneo, where they organized and led "Italia libera", the first national armed group operating in the mountains. It is worth noting that, as a partisan commander, Galimberti sensed the importance of giving the liberation struggle a European dimension, organizing liaisons between the Italian groups and the French *maquis*.

From an institutional point of view, the Galimberti and Repaci project provided for a Presidency; a very "lean" representative assembly consisting of five people for each member state, with deliberative, consultative and control functions; an executive committee, appointed by the assembly to implement the Assembly's deliberations; and a Court of justice, appointed by the Assembly to resolve disputes between member states and between citizens. Sovereignty would reside in the Confederation, and each member would have to accept an internal constitution. With

Turin, Bottega d'Erasmus, 1971, art. 5, republished with writings by Luigi Bonanate, Gustavo Zagrebelsky and Lorenzo Ornaghi, Turin, Nino Aragno editore, 2014.

⁴⁹ A. Repaci, *Duccio Galimberti and the Italian Resistance*, op. cit., p. 133.

⁵⁰ D. Galimberti, A. Repaci, *Progetto di costituzione confederale europea ed interna (1942–1943)*, art. 5, Turin, Nino Aragno editore, 2014, op. cit., Introduction, p. 91.

regard to competences, the project provided for the full sovereignty of the Confederation in matters of foreign affairs, defence, economic policy and colonies. Citizens would have enjoyed dual citizenship. There would be a single currency, a European Central Bank and the elimination of internal customs duties, as well as common sea, air and rail lines. Article 5 stated: "External sovereignty belongs only to the Confederation"⁵¹, while article 6, the forerunner of article 11 of the Italian constitution, envisaged that "the States of Europe declare they renounce war as an instrument of national policy"⁵². The foreign representation would be entrusted to a Committee of the Presidency made up of three people elected by the Confederal Assembly.

In 1944, Mario Alberto Rollier's⁵³ *Stati Uniti d'Europa* clandestinely appeared, containing a *Schema di Costituzione dell'Unione federale europea*⁵⁴ (*Constitutional plan for a European federal union*). Rollier, from the Valdesi Valleys, was among the promoters and signatories of the Chivasso Charter, the declaration of the representatives of the Alpine peoples who, in December 1943, denouncing the oppression of the nation-states, demanded the autonomy of their valleys within a federal Europe. An actionist, in the final months of 1943, he participated in the organization of the Armed Resistance both in the Valdesi Valleys and in Milan, where he joined the Lombard regional command of the Corpo Volontari della Libertà (Volunteer Corps of Freedom). It was in his home that, in August 1943, the European federalist movement was founded. Significantly, the author signed the pamphlet under the pseudonym Edgardo Monroe, referring often in his argumentation to Alexander Hamilton's writings. The goal propounded in the pamphlet was the creation of a *Respublica* of all the citizens of the member states of the federal union, a true European

⁵¹ *Ibid.*, art. 5, p. 138.

⁵² *Ibid.*, art. 6.

⁵³ Cf. Cinzia Rognoni Vercelli, *Mario Alberto Rollier. Un valdese federalista*, Milan, Jaca Book, 1991; Stefano Dell'Acqua and Filippo Maria Giordano (eds.), *L'Italia e l'Europa di un "pessimista attivo". "Stati Uniti d'Europa" e altri libri sparsi (1930–1976)*, Bologna, Il Mulino, 2018.

⁵⁴ Mario Alberto Rollier, *Schema di Costituzione dell'Unione federale europea*, in Edgardo Monroe (Rollier's pseudonym), *Stati Uniti d'Europa, Quaderni dell'Italia Libera*, s.l., Partito d'Azione, 1944, pp. 58–65, and in M.A. Rollier, *Stati Uniti d'Europa*, Milan, Editoriale Domus, 1950, pp. 69–82. The constitutional project was divided into three parts: the Rights of Man, the Powers of the Federal Union and of each Federal State, and the Structure of the Federal Union.

federation with foreign and defence policy tasks, as well as those involving trade regulation, monetary policy and postal and inter-state communications. This draft constitution also called for the legislative power of the Federal Union to be entrusted to a federal congress consisting of a directly elected Federal House of Representatives and a European Federal Senate, while the government of the Federal Union would be composed of a three-member Directorate with majority decision-making directly elected by the citizens of the Union for six years.

2. The constitutional projects in the immediate post-war period

At the end of the war, the hope of redemption, liberation and peace was not limited to national borders: it was also expressed in the desire to create, from the ashes of the Fascist and Nazi regimes, a democratic supranational state. In the various draft European constitutions proposed during this period, the urgent desire to return to democracy translated into a precise support of the common ideal of a United States of Europe, whose common denominator was the idea of including in the European Constitution a strong reference to popular participation through the election of the Chamber of Peoples or the Chamber of Deputies.

At the Constitutional Conference in Basel in November 1946, the Comité constitutionnel pour les États-Unis d'Europe presented a *Projet d'une Constitution fédérale pour l'Europe*, which called for a bicameral legislature and the election of representatives to the Chamber of Deputies for four years by direct universal suffrage, according to the national laws of each member state; for the Senate, the election would be entrusted to the national parliaments⁵⁵.

Of great interest is the Plan d'Interlaken (*Projet d'une Assemblée européenne à convoquer immédiatement pour étudier des propositions pour l'Union de l'Europe*), which was approved by the EPU in September 1948 at the Congress of Interlaken⁵⁶. Unlike the pan-European plan of 1943,

⁵⁵ Comité constitutionnel pour les États-Unis d'Europe, *Projet d'une Constitution fédérale pour l'Europe*, Basil, 1946. The project is preserved in the private archives of Lodovico Benvenuti, Ombriano, in Crema (henceforth A.B.).

⁵⁶ On the EPU cf. Martin Posselt, *L'Unione parlamentare europea*, in Sergio Pistone (ed.), *I movimenti per l'unità europea 1945–1954*, Milan, Jaca Book, 1992, pp. 227–236.

the Interlaken draft stipulated that parliamentary deputies should be “élus directement par le peuple de l’Union” in proportion to the population (one for every 500,000 inhabitants), with a minimum of three deputies per state, while senators should be elected by the people of each member state⁵⁷. The importance of this project also depended on its diffusion. The Congress instructed all delegations to communicate the *Plan d’Action d’Interlaken*⁵⁸ to the states concerned, while calling on the governments to work to convene a European Constituent Assembly by 31 March 1949. An earlier draft federal constitution for a United States of Europe, drawn up by the president of the legal committee of the EPU, Francois de Menthon, was instead more in line with the 1943 project, providing for the peoples to be represented in the Chamber of Deputies on the basis of one member per each 1 million inhabitants, or fraction thereof, “désignés par la Chambre du Parlement des États membres élue au suffrage universel”⁵⁹. A *Projet d’une constitution fédérale européenne* was finally drawn up on the basis of Menthon’s plan and of the *Plan d’Action d’Interlaken*⁶⁰.

Similar considerations on the election “au suffrage universel, secret et direct” of parliamentary deputies can be found in Michel Mouskhély’s and Gaston Stefani’s *Projet de constitution européenne*⁶¹.

Alexandre Marc also submitted to the congress of the Union of European Federalists (UEF)⁶², held in Rome in November 1948, an

⁵⁷ Union Parlementaire européenne, *Projet d’une Assemblée européenne à convoquer immédiatement pour étudier des propositions pour l’Union de l’Europe*, Interlaken, 1–5 September 1948, in A.B., folder 13, file 3.

⁵⁸ Richard Nicolaus Coudenhove-Kalergi, *Europe seeks unity*, New York, Institute of Public Affairs and Regional Studies, 1948, with a preface by the Hon. William C. Bullitt, pp. 46–58; “Plan d’Action d’Interlaken pour la convocation immédiate d’une Assemblée européenne ayant pour objet l’élaboration d’une Constitution des États-Unis d’Europe, adopté par l’Union Parlementaire européenne le 4 septembre 1948”, *La Documentation française*, No. 1081, 26 February 1949.

⁵⁹ A copy of De Menthon’s project can be found in A.B., folder 13, file 3.

⁶⁰ *Projet d’une constitution fédérale européenne*, in A.B., folder 13, file 3.

⁶¹ “La Chambre fédérale comprend des députés élus pour [4] ans à raison d’un ou deux députés pour un million d’habitants et fraction supérieure à 500.000, par tous les citoyens fédéraux au suffrage universel, secret et direct”. Michel Mouskhély, Gaston Stefani, *Projet de constitution européenne*, supplement to *L’Europe face au fédéralisme*, Strasbourg-Paris, Édition F.X. Le Roux, 1949.

⁶² Cf. Sergio Pistone, *The Union of European Federalists: from the foundation to the decision on direct election of the European Parliament (1946–1974)*, Milan, Giuffrè,

Avant-projet de constitution fédérale pour une Europe unie, to which Jean Buchmann, Hans R. Nord, Redolphe Ozuczka and Bernard Voyenne had contributed. Marc advocated a European Parliament composed of a “Chambre des Nations”, a “Chambre Économique et Sociale” and a “Chambre des Communes”, elected by the people by universal suffrage “par un vote à deux ou plusieurs degrés, chaque État ayant le droit d’envoyer un délégué par million d’habitants et par fraction de million supplémentaire”⁶³.

The culmination of this long European constitutional phase was the draft constitution drawn up by the ad hoc Assembly between 1952 and 1953, the first “official” constitutional project of the European Community.

After the profound breakthrough of the Marshall Plan and the prudent start of the process of European unification, with the creation of the Brussels Pact, the Organization for European Economic Cooperation (OEEC) and the Council of Europe, a widespread desire spread over the continent for political unity that would transcend the single, timid achievements in terms of sectoral integration. The ideas and initiatives of the movements for European unity converged pragmatically at this time around the request to convene a European Constituent Assembly, which alone could have given concrete form to the idea of a European constitution, and the ways needed to achieve this objective⁶⁴.

The theme of the European Constituent Assembly was destined to develop in close connection with the birth of the Community and its internal contradictions. If the path to Europe chosen by governments

2008; Jean-Francis Billion, Wilfried Loth, Jean-Pierre Gouzy, Daniela Preda, Angelica Radicchi, Fabio Zucca, *Les fédéralistes en Europe des années Trente à la fondation de l’UEF (1946)*, Paris, Presse fédéraliste, 2018.

⁶³ “Avant-projet de constitution fédérale pour une Europe unie”, presented by Alexandre Marc at the first UEF Congress, in A.B., folder 13, file 3. The text is published in *La Documentation française*, No. 1081, 26 February 1959. A version in German can be found in Karlheinz Koppe, *Das Grüne E setzt sich durch*, Cologne, Europa Union, 1967.

⁶⁴ Cf. Sergio Pistone, *Il ruolo del Movimento federalista europeo negli anni 1948–1950*, in *Histoire des débuts de la construction européenne (mars 1948–mai 1950)*, Raymond Poidevin (ed.), Bruxelles-Milano-Parigi-Baden Baden, Bruyant-Giuffrè-L.G.D.J.-Nomos Verlag, 1986, pp. 285–308; Umberto Morelli, *La Campagna per un Patto di Unione federale europea (1949–1951)*, in *I movimenti per l’unità europea 1945–1954*, *op. cit.*, pp. 343–366.

at the beginning of the 1950s was functionalism, sectoral integration would not, in fact, have prevented the constituent approach from being established; rather, in a certain sense, it would have favoured its success.

Between the autumn of 1951 and the winter of 1952, as the European Coal and Steel Community (ECSC) became a reality and the negotiations for the European Defense Community (EDC) were concluding, there was a strong consensus to create a European political community. The functionalist process that had just begun hinted at profound contradictions, and as it progressed, it provided increasingly valid arguments to the struggle for European unity. In particular, how to build a common army that was not a mere juxtaposition of national armies without a Federal State in whose service it was to act? How to entrust its creation to a specialized authority, since the unification of the army involved other important areas of public life, such as foreign policy and the budget? Could the EDC precede the constitutional founding of a European state⁶⁵? Having reached such a sensitive field as defence, the functionalist integration process forcefully raised the problem of political unification, thereby creating the conditions for a seamless transition to the constitutionalist approach.

The Italian Prime Minister, Alcide De Gasperi, advocated with great determination the idea of granting constituent authority to the EDC Assembly both in the Consultative Assembly of the Council of Europe, on 10 December 1951, and at the meetings of the Foreign ministers of the six member countries, on 11 December in Strasbourg and 27 December in Paris. His efforts resulted in article 38 of the draft treaty of the EDC, entrusting to the provisional Assembly of the EDC the task of drawing up a draft Statute of the European Political Community⁶⁶.

In May 1952, Paul-Henri Spaak, who had previously reached an agreement with Jean Monnet, proposed that the task of drafting the European Constitution envisaged in article 38 be entrusted to the ECSC

⁶⁵ Cf. the memorandum sent to De Gasperi in August 1951 by Altiero Spinelli: *Promemoria sul Rapporto provvisorio presentato nel luglio 1951 dalla Conferenza per l'organizzazione di una Comunità europea della difesa*, in Mario Albertini, "La fondazione dello Stato europeo", *Il Federalista*, XIX (1977), No. 1.

⁶⁶ Cf. Daniela Preda, *Alcide De Gasperi: European Founding Father*, Brussels, Peter Lang, 2017, Chapter 10 (The European political Community Project); *Id.*, *Sulla soglia dell'Unione. La vicenda della Comunità politica europea (1952–1954)*, Milan, Jaca Book, 1994.