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POST-SECOND WORLD WAR FEDERALISM IN THE EUROPEAN COMMUNITY AND ITS RECENT IMPULSE: HISTORICAL ANALYSIS

Abstract

The article investigates whether it is conceivable to construct a new federal model for the modern European Union on the basis of circumstances after the Second World War. The article also clarifies the rise of the European Union which had formed into a new style of confederation constructed to fit the European realities. Some scientists proposed that in the late twentieth century Europe was “in the midst of a paradigm shift from a world of states, modeled after the ideal of the nation-state developed at the beginning of the modern epoch in the seventeenth century, to a world of diminished state sovereignty and increased interstate linkages of a constitutionalized federal character”. The sources of this paradigm shift could be situated at the end of the Second World War; however, its broad and conclusive character was not completely accepted until the breaking down of the Soviet Union. The truth of this significant change is not that states are collapsing but rather that the state system is acquiring a new measurement which is currently starting to cover and overcome the system that prevailed through the modern period. The “federalist uprising” was not limited to advanced federations but rather integrated a variation of several federal arrangements constructed to accommodate internal divisions.

Keywords: *European Union, Federation, confederation, integration, cooperation, model.*

Introduction

If we research the European Union as a new federal model, it is necessary to focus on the specification and characteristics of European integration. And this specific period of our research is the outcome of the policy that was initiated and started with the Schuman declaration in 1950 (Soustelle, 1951). In the article we explore links between the Second World War concepts and current approaches, followed upon the connection between history and present circumstances. Finally, we suggest the new federal model for the European Union.

Until recently it was possible to characterize the European Union as a classic model of federalism without federation. This implied that in its origins, construction and consequent advancement and its institutional system and expanding policy result it had dependably been the archive of federal impacts, ideas and strategies, without transforming itself into a formal federation. The European Union remains an intellectual puzzle due to its conceptual complexity. However, it is obvious, that it is a new kind of the federal model which has never been seen before. Its transformation has been gradual and complicated, instead of being the result of a crucial historical moment.

The article is divided by four main parts. The first part is focused on the review of an existing literature. The second part outlines the role of federalism in the integration of the European Union. The third part includes a discussion of results and in the fourth part we discuss about the general findings.

1 Literature Review

Milward considered that successful accomplishment of Western Europe's post-war reconstruction derived from the "creation of its own pattern of institutionalized international economic interdependence" (Milward, 1984). He claimed that previous accounts had neglected to demonstrate precisely how the idealism and the international economic interdependence, in reality affected governmental policy-making. Certainly, the empirical proof demonstrated the contrary: integration had been the bureaucratic outcome of "the internal expression of national political interest" instead of the major statesmen who had realized policy (Milward, 1984). Moreover, the origins and early advancement of the European project were similar and unforeseen instead of having essential principles that could be called general and endless. European Integration was not part of a grand federal design but had risen merely to respond to certain historically distinct political and economic problems. The European Coal and Steel Community, for instance, was composed simply to determine specific, limited – not generalized, comprehensive problems. It was only "an arm of the nation-state" and had no decisive indications for Europe's future. Above all, he outlines, that they had no intention to overcome the nation-state (Milward, 1984).

Milward's second significant contribution, namely the "rescue of the nation-state", depended on the two following arguments. First, it was considered, that development of the European Coal and Steel Community and the European Economic Community had been an essential part of advocating the nation-state since 1945; second, that the process of European integration had been a necessary part of the post-war rescue of the nation-state. The principal purpose of the origins, early development and existence of the European project was significantly one more stage in the long development of the nation-state. Moreover, some scientists argue, that "the true origins of the European Community were economic and social" (Alan S. Milward, George Brennan, Federico Romero, 1992). In this manner, the assumed contrast between the European Community and the nation-state was not true, they could exist together. And the development of the European Community was generally state coordinated: member state governments were in control of the process and guidance of the integration.

In the third contribution Milward attempted to develop a theory of integration taken from empirical research of Europe's own history, even while accepting that it was not yet "susceptible to full analysis". He acknowledged his weakness to forecast the future nature of national policy choices based upon the affirmation of contemporary circumstances and processes. Nevertheless, he asserted that the "frontier of national sovereignty based upon existing policy choices was essentially were it had been fixed in 1952 and 1957" (Alan S. Milward, George Brennan, Federico Romero, 1992).

Milward's contributions can be considered as a major aspect of a self-fulfilling prediction – the result of a disputed presumption and highly contestable previous conceptions – his historical analysis has maintained rational applicability to the currently occurring processes in the European Union.

Moravcsik suggests to outline several fundamental premises of liberal intergovernmentalism, which are established upon the following fundamental bases: a critique of neo-functionalism, a liberal theory of national choice arrangement, the acceptance of rational state conduct, an intergovernmental analysis of negotiations between states and an account of international institutions as a basic promoters of domestic policy targets. Together with these aspects member states of the European Union are periodically prepared to delegate and pool sovereign powers that come out to decrease, but in reality strengthen, their related autonomy (Moravcsik, 1993). Certainly, the primary hypothesis, which supports Moravcsik's clarification of cooperation in Western European countries after the Second World War, is established in the realist and neo-realist theories of international relations that arrange the state as the major actor in international politics. The guarantor of member state interest in the European Union are the national governments - the key players of progress and coherence to pursuit the national self-interest.

2. Federalism, Federation and European Integration

Changing the setting of international relations, with consideration of the mutual interest between states, guaranteed, that their policy will change from the aggressive to the mutual cooperation politics, which prompted to create a new areas of cooperation and unity that transformed a state. As a result, the European Union has established the rule of law between European states which, as Duchene has outlined, has "cut off a whole dimension of destructive expectations in the minds of policy makers". It has established the balance of power, so that the power politics

of the so-called international relations school of real politics has been replaced by “aspirations that come nearer to the rights and responsibilities which reign in domestic politics” (Duchene, 1994). The post - Second World War approach to building the federal Europe implied continuously appropriating what previously were the externalities of the state. This was a major exception in the traditional inter-state relations. Nonetheless, to construct a federal Europe by using the economic steps was something that had no historical precedent. Certainly, the European Community, and subsequently the European Union, has emerged in a very different manner to other federal models.

The key, in order to understand the relationship between federalism, federation and European integration, lies in the assumption that the federation would be continuously attractive if and when the functional connections between states are created in a way that they do not make threat to the national sovereignty (Sidjanski, 2007). Primarily these possible functional connections were economic activities and they were completely expressed in the initiative of European Coal and Steel Community (ECSC). This innovative type of supranational organization was the establishment of a European federation that would emerge only gradually to connect national elites in a process of common economic interest. These specific advantages would gradually construct the necessary solidarity – the mutual interest – which was vital for the removal of mental and physical obstacles (Rosamond, 2000).

In the particular setting of the European integration, it should be highlighted that the European Union theoretically is emerging in a context of federalism without current federation. Hence, in this term federalism is a specific type of political integration. It is based upon a conception that suggests shared rule and self-rule. The federal tendency has certain distinct organizational and institutional effects for the European construction.

2.1. Critical analysis

Federalists demand to organize Europe according to the federal principles that suggests a constitutionally required, however constrained, type of union in which power is divided and shared between the member states that constitute it, which will face various numbers of institutional changes and jurisdictional variations (Wallace, 2013). Practically, Europe has had a tendency to depend upon institutional coherence.

Moravcsik characterizes the European Union as “an exceptionally weak federation”(Moravcsik, 2001). He is, obviously uncomfortable with this explanation, including that it could be considered “as something qualitatively different from existing federal systems” and much preferring to indicate to it as “a particular sort of limited, multi-level constitutional polity designed within a specific social and historical context” (Moravcsik, 2001). The argument that was prompted by him is a notably doubtful conclusion acquired from what he accepts - the narrow scope of policies that fall within the extent and weakness of European Union’s institutions. This is a direct result of a criticism that involves the following spheres of issue about which European voters differ mostly: foreign policy, human rights, defense, social welfare provision, etc. He contends, the European Union’s central institutions are limited by super majoritarian decision rules and a powerless administration. And he makes a conclusion: “the European Union constitutional order is not only barely a federal state; it is barely recognizable as a state at all”(Moravcsik, 2001).

From the European Community’s policy and institutional ability emerges the picture of a developing, eminently decentralized federal union of states and citizens with constrained, however meaningful public obligations, commitments and duties that is constructed upon “unity in diversity”. It appears a democratic federal union based upon constrained centralization with particular state elements and aspects.

“Monnet’s Europe” is the way Europe has been constructed. Hence, Monnet’s approach to building a federal Europe should be reviewed. His method – the starting point – was a gradual, cumulative development that started with sectoral integration around Coal and Steel Community and later moved on to the more extensive goal of a common market. However the involvement of largely socio-economic objectives was supported by what was certainly a political necessity, so that, at some point in the future, the federation would be accessible (Sbragia, 2002). There was neither deadline nor a particular program for this movement from functionalism to constitutionalism during the construction of political Europe; however the important consequences of our argument about empirical setting is the specific consideration to the constructing of Europe including some obstacles for the federal project. One of the main obstacles was the creation of weak central supranational institutions of the developing European Community– not able to go much ahead what previously existed – and it certainly counted upon the particular accomplishments to provide the motivation for the next step of the cooperation and integration.

More or less, the supranational institutions have also expanded as an element of the advancement for the closer union. Therefore, both empirical setting and the starting point for constructing a federal union are critical to an adequate comprehension of how the European Community has emerged and how it functions. Theories and

models of international relations for decision-making processes are thus not as suitable to the European integration as few researchers would suggest, as the European project in reality is a unique case. To borrow from Spinelli, “the normative federalist essential contours liberal intergovernmentalist protagonist as highly capable at clarifying what exists however not seeing what does not yet exist but rather should exist” (Andrew Glencross and Alexander H. Trechsel, 2010).

3. Discussion of Results

Both in its initial conception and in its consequent development, the European Community has solid federal and confederal components that exist at the same time with equally strong inter-governmental and supranational elements. Each of these segmental parts of the European project was fundamental to the constructing of Europe throughout the past half century and have been the cause of much theoretical debates. If it is a function of theory to clarify the present circumstance, apparently it is the case that the European Union functions in practice but not in theory. There is no single comprehensive theory of European integration that can clarify the complex empirical phenomenon that we call Europe.

3.1. Federal Model for the European Union

The principal explanation for this theoretical puzzle lies in two important aspects: firstly, the conceptual deficiency of currently existing theories in European integration and international relations, and second, the new aspect in which the European project was initially considered and developed. The roots and formulation of most recent federations are commonly the outcome of the historically inter-connected process of state construction and national integration. Their origins and existence are the outcome of a sequence of complex circumstances that are described by a connection of mutual factors and historical specificity. But when our consideration changes from the world of intra-states relations (elements that relate to politics within the state) to the inter-state world (relations between states) we challenge the multilateralism of the federal idea and we need to research how far its aspect and content could be shifted from one context to another.

From an inter-governmentalism point of view, the European Community is certainly situated in the world of international relations which conditionally organizes it as a confederation, while in another meaning of supranationalism European integration appears to predict the transition processes of the national state into a new, multinational federation (Nugent, 2006). In this matter, we can say, that coherently it is a new model of cooperation in Europe, both in environment of its established constituent elements and its unique unification of federal and confederal components.

3.1.1. Federalism and Integration

The European Union – the present interpretation of the European project – has reached a new intersection in its political and economic development. The time has come to avoid the political developments of Monnet’s method and discuss the challenging and disputing model of constructing the political Europe.

The term integration is a word which implies distinctive things to various people and could be used in numerous contexts. Charles Pentland indicated it as “the lowest common denomination” and characterizes integration as: “a process whereby a group of people, organized initially in two or more independent nation-states, come to constitute a political whole which can in some sense be described as a community” (Pentland, 1973).

This basic explanation offers high level of generalization. However, it is an advantageous existing definition which brings the impact of connecting previously separate parts to shape new relations between peoples and states. These new relations include the establishment of a single people (a new politic body) depended on the accepted access to the integration (Geoffrey K. Roberts, 2014). A few theories, similar to the neofunctionalism, classify a community model which demonstrates some type of supra-nationality while others, similar to federalism, are state-oriented and have customarily defined a new state-model with a “single people”. However, there is a large amount of modification between and within contemporary theories and some of them are constantly regarding the target or final point of integration (O’Neill, 2015).

Considering this impression, while introducing integration as a gradual process, we sum up - it is a deeply complex phenomenon which might be understood in several specific ways. We are interested in political integration however there is also a wide range of measurements to study just one single theory. In the model of European inte-

gration, it is obvious that the economic aspect of integration has been significantly contrasted from the political or socio-cultural elements of the process (Blair, 2010).

At the most advanced level of universality, despite its natural uncertainty, there is a notable level of debate among scientists about what integration implies. It is essentially necessary to make a solid contrast between empirical and normative integration hypotheses (Manfred J. Holler and Hannu Nurmi, 2013). This implies that we should be apprehensive of those, above mentioned, normative theories which have effectively suggested specific objectives and strategies to be compared to empirical theories which imply to clarify what is occurring and make analysis, about what could be developed under given conditions.

Two principal approaches should be defined. Firstly, in spite of the fact that Monnet originally suggested and helped to implement economic integration, it was motivated by a political objective and his long-term intention was the European federation. As William Diebold outlined the European Coal and Steel Community was a major federal measure of economic integration and the idea of the Schuman Plan was “a series of truly federal equations, concerning the relations of the parts to one another and of each to the federal agency” (Diebold, 1962). And the European Coal and Steel Community’s reality was not simply “economic means to accomplish political result.” Rather, political and economic components were “inextricably mingled” in the Schuman Plan (Diebold, 1962). Secondly, by restoring the important facts this approach to the construction of Europe was an unprecedented example. Changing the setting of international relations in order to determine the common interests between states, guaranteed that their power were redirected from the old channels of political function into a new sphere of integrity and cooperation which overstepped the concept of nation-state. The European Community has suggested a rule of law within the European states which, as Duchene outlined, “has cut off whole dimensions of destructive expectation in the minds of policy-makers.” It has efficiently manifested the balance of power. So, the politics of the realpolitik school of international relations has been replaced by “aspirations that come nearer to the rights and responsibilities which reign in domestic politics” (Duchene, 1994). This was a notable exploration in European inter-state relations.

Nevertheless, to assemble a federal Europe basically by the economic development, Monnet was attempting something which had no historical example. Indeed the European Union has developed in the opposite way to any of its assumed models. Furthermore, it developed by the gradual combination of previously separate political units (Nugent, *The Governments and Politics of the European Union*, 2017).

Therefore, it is obvious that, both federalism and integration are approaches which can be defined as necessary attributes to the nation-state transformation (McConnell, 2017). Federalism, then, is a model of political cooperation and integration. With regards the European integration, however, federalism has been described by gradual additional steps of federal components, which have been included in the combined form to create the European Union in which supra-national, federal and intergovernmental objectives exist together in an unstable and unaccomplished union. As Duchene has noticed it, the European Communities were “steps to a federation that might have to operate indefinitely in intermediate zones. It was federal minimalism confined to certain economic areas” (Duchene, 1994).

In the following part of the article we analyze the conceptual distinction between federal and confederal elements in the European Union.

3.2. Federal and Confederal Elements

Since the European Union is certainly not a federation, it has been accepted method to define it as a confederal public power. Forsyth has been more decisive in characterizing the European Community as “an economic confederation”. He used well known description in order to outline it as “a subspecies of the genus confederation... a distinct branch of confederation” (Forsyth, 1981).

We limit ourselves within the generally accepted modern conceptual contrast, between what is believed to be federal and what is believed to be confederal. The classification of these terms is not obvious. Certainly, in some conditions, the conceptual contrast is ambiguous. After all that, fundamental federal and confederal principles, like voluntary union and shared rule and self-rule, might be included in both classifications (Attina, 2011). Another sense behind this unclearness is that confederation has been frequently interpreted as a way towards a federation, while they have been predicted either to collapse eventually, or to develop into federations. Even for many scholars it has been accepted in practice that historically successful confederations develop into federations. Mostly they have not been evaluated according to their own particular terms of reference as a specific type of union in their own privilege (Acacia, 2009).

4. General Findings

Considering the post-war elements of the European Union in Monnet's original plan of Europe, in this article we have effectively suggested that the objective of initiators of the European integration was a federal Europe. Federal concept, impacts and strategies have been an essential part of the European construction and development. However, in constructing the European Economic Community in 1957, the fundamental structure of the union seemed more an economic confederation than something else. As we have noticed, each participating member country had the specific goal to protect and secure their economic statehood. Their foreign economic relations were slowly changing into a national market. The confederal setting of the European Economic Community, then, proposed that it was mainly an economic confederation, but one with some important institutional elements which typically describes the classic confederation: the political union of countries concerned primarily with security and defense. However, the confederal elements did not appropriately characterize the European Community. During the transformation process these elements coexisted with federal features. Some scholars had concern to accept that it was constantly more than just confederal (Deutsch, 2003). These institutional elements affected negatively the confederal attribute of the European Community. Contemporary federalists consider that the European Community additionally demonstrated rising federal elements. The target of the federalists was to strengthen the focal political institutions of the European construction (Pinder, 1986). For them, the European Court of Justice (ECJ) gained the federal character in its judicial competences as supervisor of laws which were supreme to the national laws of the member countries and mandatory upon their citizens (Lindberg, 2007).

Considering this contrasts, the basic point here is that the powers and responsibilities related with both federal and confederal authorities recently could be practically identical; it is the process in which these forces are organized. In a federation, the central institution is the government of a "single people" (Molle, 2006), while in a confederation it is just a "government of governments" (Balassa, 2014). The theoretical barrier between federation and confederation empowers us to strengthen our position with regard the European case. The European Union consists of both federal and confederal elements having ability to act upon both the citizens and the governments of the union. Therefore, if, theoretically, confederations never achieve the noble status of being the governments of the "single people", their ability to have a direct policy affect upon the people cannot be denied.

All above mentioned, the European Union is making steps in the general direction of both classic confederation (a federal union of states) and federation (a union of states and citizens). The doubtful issue could be the intensive contest to move from Monnet's Europe of functionalism to Spinelli's Europe of constitutionalism. Empirical reality proposes us to use the following terminology: confederal-federal puzzle.

When we summarize the confederal-federal puzzle, it obviously shows why scholars have been unsuccessful to give a persuasive description to the European Union complexity. Both, its post- Second World War elements and its historical transformation have implied that it has constantly been subject to hypotheses and variances.

Regarding the issue of confederal governance, Frederick Lister has classified several characterizing elements which gives us the chance to specify the relevant scholarly debates about a federal Europe.

- Confederations combine states without denying them their sovereignty;
- Confederations combine states whose citizens are excessively diverse to create applicable federal-type unions;
- Confederation requires a written basic law in the form of treaty-constitutions that are legally mandatory upon the various confederal partners;
- Confederations contribute to a minimalist mandate that allows most governmental powers to be operated individually by its member states;
- Confederation contributes for two quite distinct forms of mandate including collective security and economic union;
- Confederations demonstrate commonly adequate decisions to solve disputes that may arise from any imbalance of power and resources among its member state (Lister, 1996).

Characterizing attributes of federation:

- A federation is a state with a single people which is described by the convenience of the constituent units of the union in the decision-making process of the central government on some constitutionally-established basis;

- A federation depends on unity and diversity which are formally perceived by the consolidation of self-rule and shared rule in a written and supreme constitution;
- Self-rule and shared rule are consolidated in no less than two orders of government, each of them acting directly upon its citizens, in which the constituent units enjoy notable autonomy in matters of local concern, however, they have intentionally accepted to pool their sovereignty in matters of mutual concern;
- The federation has a mediator as a supreme court to adjust the relations between the central government and the constituent units, and between the constituent units themselves (Burgess M. Gagnon A., 1993)

These confederal and federal aspects strengthens our argument which has been outlined in the article: despite there are clear contrasts between confederation and federation, they share several mutual concepts, values and institutional policy attributes. Lister has clarified: "the spheres of responsibility allocated to the central authorities and to the member states are surprisingly similar in federal and confederal unions" (Lister, 1996). More powers and more absolute powers are normally acceptable for the federal central authorities, than to the confederal authorities; however, this particular combination in the European Union is an outcome of Monnet's individual Community method.

It is time to create a new acceptable conceptual space for this new form of confederal-federal union. This is the place where a new confederation could be assigned to. Contemporary patterns, reflected in bodies like the European Union, would appear to propose that in late modernity while progressing toward a new era of freedom, more limited forms of governance will be displayed. The new European model of confederal union has changed the classic model of federation.

Conclusion

In the closest future we might be observers of the recreation and modernizations of confederation concept. A double paradox is obvious here. Our practical experience of federation has driven us to reexamine confederation, similarly as our reexamination of confederation which has stimulated a current analysis of federalism. The European Union's experience has made us to reexamine and reuse well known classifications. The new confederations should not be mistaken with their aged predecessors. They create an alternative form of union. More powerful and integrated but less centralized than many modern federations. The development of new shapes of confederal unions modeled on the European Union should not be surprising for us. It is a simple reflection of the changing aspects of international relations.

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