

**Address by Piero Malvestiti,
President of the High Authority,
before the Court of Justice
on the occasion of the solemn inauguration
of the new High Authority**

Luxembourg, September 16, 1959

Mr. President, Your Royal Highness, Your Excellencies, Gentlemen,

I am profoundly moved by the oath which I have just taken.

The occasions in a man's life when he is called upon to take an oath are rare indeed: and here, I would distinguish between the oaths which a man must take to ensure his own happiness, earthly and spiritual, and those binding him to carry out a duty to his country and to his neighbour.

All these oaths are equally solemn and sacred and are inevitably bound together by a logical bond in the same way as the great commandments to love God and to love your neighbour: but my own sense of honour has always inclined me to believe that an oath is all the more binding when you have been invited to swear it at a moment when you are called by an expression of public confidence to exercise those functions

of command which are so easy for the recklessly ambitious, yet so difficult for the man of conscience who thinks and acts with knowledge of the circumstances.

The oath to serve the *common good* has been required, at all periods of history, precisely because this promise was so important, since if it was not kept, it might by its mere binding force drag the whole organization of a State into tragic fidelity — honourable but blind — to the despotic or tyrannical will of a man who has either not understood, or has distorted or betrayed his own oath to serve the *common good*.

During my life I have taken the oaths which religion requires of us; I have taken a soldier's oath, and an officer's, in the first World War; and I have taken the oaths appropriate to the government posts to which my country has appointed me on various occasions.

I believe that with God's help I have never failed to fulfil what I have undertaken.

To-day, my heart and character have not changed, and you will, I know, allow me to think of Saint Paul's "*fidem servavi*": by such fidelity the Apostle of the Gentiles, one of the greatest man who has brought honour to humanity, neared the end of his marvellous life, saying almost with pride, "I have fought a good fight, I have kept the faith, henceforth there is laid up for me a crown of righteousness which the

Lord, the righteous judge, shall give me at that day".

Nevertheless, I should be lacking in modesty unless I added that I did not swear this oath without some trepidation. For the first time, I have been called upon to swear to keep an undertaking which extends beyond the frontiers of a State, those frontiers which still seemed to my generation to represent the spiritual limits of human activity: and I can only draw comfort from the habit acquired in twenty months of work at the European Economic Community with my former colleagues of our sister organization, those colleagues who gave me a daily example, not only of cordiality and friendship, but of unshakeable faithfulness to an idea and of calm and dogged devotion to their task. I learned from them how to believe in Europe and how to work for Europe.

I do not blind myself to the difficulties before me, even if I stay convinced that things are always made by men, not men by things; nothing is inevitable or impossible except by physical limitation; in an unclouded period, in 1951, I had occasion to assert that the power of economic control should be assumed with a calm mind and unshakeable faith in oneself and one's fellow workers, but also with a fair dose of modesty; the greatest misfortune, I said, which could befall a country was that a person responsible for economic policy should arrive at his post "with ideas"; I will qualify that: I do not mean that he should have no ideas, but

that he should avoid asserting that he knows in advance all that has to be done, not only in broad outline, but also in every detail.

Now there is one thing which I know here to-day, which I know clearly, perfectly, imperiously, and about which my promise does not and must not waver: I mean the undertaking without which the European Communities would make no sense, or very little: the undertaking to make Europe a reality.

Mr. President, Your Royal Highness, Your Excellencies, Gentlemen, no one could ask a man who, 25 years ago, came to know the unspeakable humiliation of fascist prisons; a man who, 10 years later, took part in partisan warfare and signed it with his blood; one could not ask, *one cannot ask* this man to forget what an eminent lawyer, Mirkine-Guetzévitch has declared unhesitatingly in his work on European constitutions: that is, that the new European constitutions, even though they may reflect ancient political or legal concepts, were born of the hard work done by the Resistance; that it was during the Resistance and the underground activities carried on in London and elsewhere that the European conscience was able to think again about the whole problem of democracy; the Resistance study groups, reflecting on the bloody events of the time and on the problems of democracy, helped to found a movement of ideas, encouraged the comparison of varying doctrines and techniques, and witnessed passionate arguments between believ-

ers and sceptics on the subject of freedom. There is, nevertheless, one point on which all views meet: Europe must be created, and the ancient conceptions of the State inherited from Machiavelli or Hegel are yielding to new forms of civil and political collective life.

It is not my intention, Gentlemen, to join in any hair-splitting arguments on the problems of supranationality; I will even go so far as to say that in their purely technical and formal aspect they do not interest me. But I know that the Italian constitution — I know, because I myself helped to prepare it when I was a Deputy in the Constituent Assembly — has declared and still declares that Italy *“consents, subject to reciprocity with the other States, to such limitations of sovereignty as may be necessary to an order ensuring peace and justice among the nations; she supports and encourages international organizations which further this purpose”*; I know that the Basic law of the Federal Republic of Germany provides that the Federal Republic *“shall... consent to limitations of its sovereignty designed to promote and ensure a peaceful and lasting order in Europe and between the peoples of the world”*; in the same way, the preamble to the French Constitution of 1946, confirmed by the preamble to the Constitution of 1958, declares that *“subject to reciprocity, France consents to such limitations of sovereignty as may be necessary for the organization and defence of peace”*.

Above all, I cannot forget — as I have persistently recalled in various European countries

— the questions that Thomas Mann, that great German and European, put to himself: "Are faith and hope useless virtues, worn by time and discarded by the living? Has this also happened to the spirit of sacrifice shown by the young men of Europe who took the fine name of Resistance, a unanimous international Resistance to the destruction of their countries, who not only wanted to "resist" but to be the vanguard of a better human society? Can all this have been in vain? Can their faithfulness unto death have been cast away in useless effort? No, that is not possible."

Mr. President, Your Royal Highness, Your Excellencies, Gentlemen, my promise to keep faith with Europe does not suffer, and will never suffer, from reservations or regrets; and I am certain that when my term of office comes to an end, while one may charge me with human weaknesses, no one will be able to accuse me of having retreated, or allowed others to retreat, a single step on the road which will lead to peace, freedom, prosperity, and consequently to the unity of Europe which, as President Schuman has so admirably said: "*will not be made all at once, or according to a single, general plan; it will be built through concrete achievements, which first create a de facto solidarity*".

I may be able to reproach myself with some severity for not having been equal to my task, but not for having failed to keep my word; I shall certainly be able to say: "*Fidem servavi*", I have kept faith.