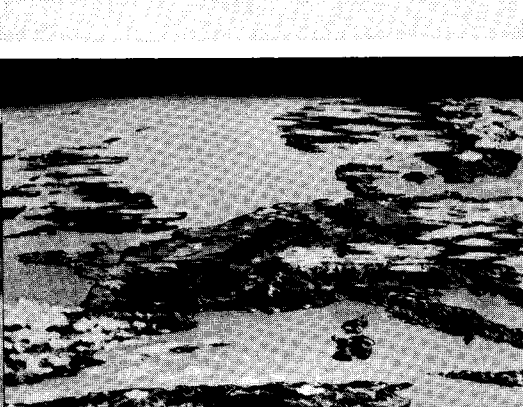
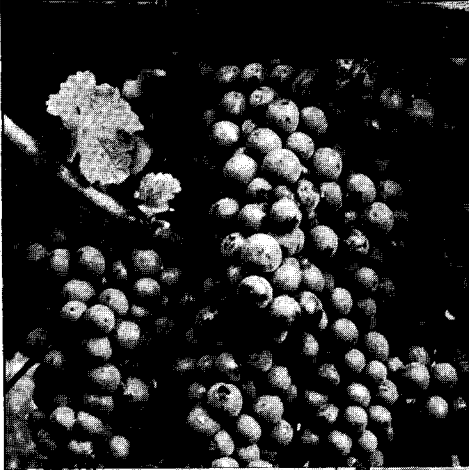
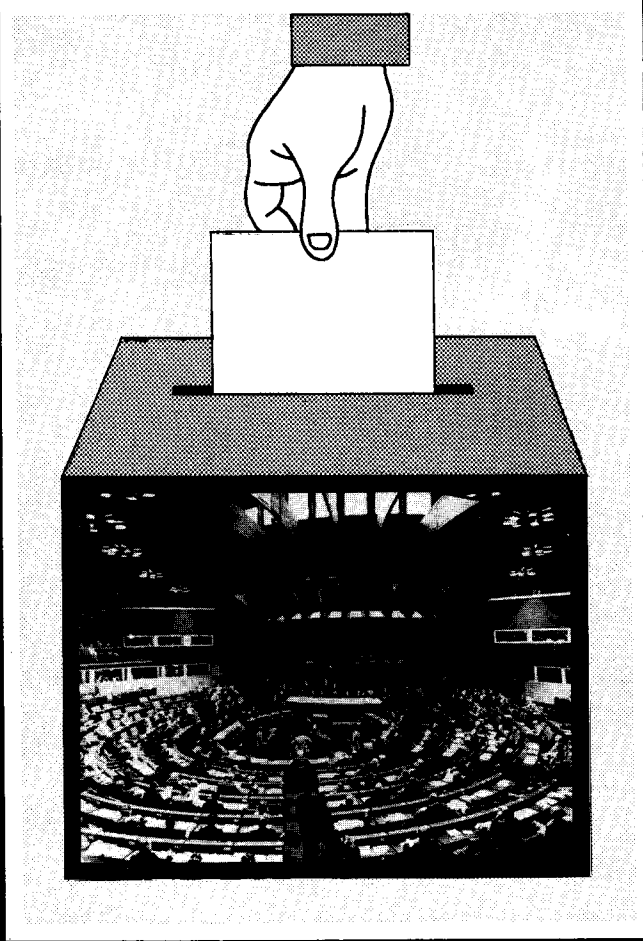
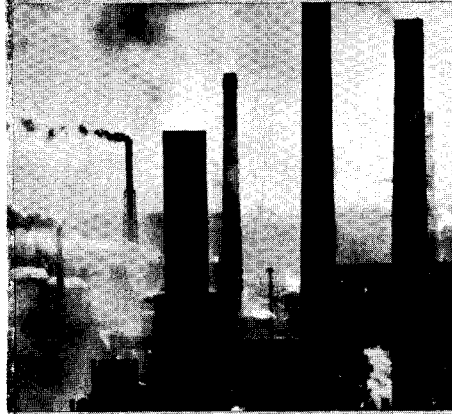
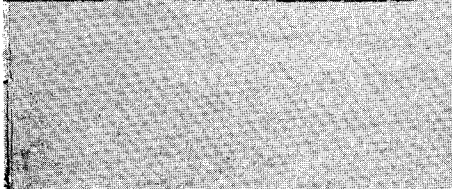


# EXPLORING EUROPE

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## The European Parliament: sovereignty and direct elections



## Aims of the series

*Exploring Europe* is a magazine for the 16-19 age range. It aims to provide detailed study of topics of importance to life in contemporary Europe. In each issue an expert, or group of experts, sets out the main framework of the topic in a clear and logical way and where possible presents actual source materials. We hope that these will speak for themselves and enable readers to make their own assessment of the writer's arguments.

### Using the material

As maturing students and active members of a democratic society, you will be required to form judgements on issues where there is frequently no 'right answer'. Hence emphasis here is on a way of studying which does not rely entirely on the authority of the text, for contentious issues by definition do not lend themselves easily to authoritative statements. They require an appreciation of the many points and perspectives involved. *Exploring Europe* will attempt to introduce the main points of contention in the chosen topic and in

this sense it provides a reliable source of information and can be used as such. But if only through its choice of emphasis and presentation the text is also a source of opinion and argument which should be checked against the reference material. *The study is incomplete if, as well as using it as an introduction to the topic, you cannot place the article and its author within the argument as a whole.*

With guidance from teachers, we hope that you will move from the facts of the situation to a consideration of the various opinions and their supporting evidence, hopefully to establish your own position, however tentatively. It will be for the teacher to assess the amount of help needed in this type of study. Additional materials are indicated in the reading list and suggestions for further study are included, but precise support is not provided here; it must rest on the teacher's judgement of individual needs.

## About this issue

This issue of *Exploring Europe* is written for the new generation of electors in Europe. Here we take up the question of the sovereignty of the individual member states within the European Community as it is reflected in the current debate surrounding elections to the European Parliament. The text has been prepared by Ben Patterson, of the European Parliament's London Office.

Mr Patterson presents the views of political leaders in the form of extracts from their speeches and writings and he has assumed a working knowledge of the European Community, its organisation and its broad political structure. Whilst one explanatory

diagram is included by way of introduction (page 8) those who wish to refresh their memories or acquaint themselves with the structure of the Community will find several simple explanatory texts in the first section of the reading list.



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# The European Parliament

## First international general election

On June 7th, 1979, the first direct elections to the European Parliament will be taking place. You will be going to the polls together with people in the eight other member countries of the European Economic Community (EEC\*) to elect the European Parliament's 410 members. This will be the first international general election in history. What might seem to be just another election, on top of local and national ones, raises important questions about the way the Community is organised and about the place of national sovereignty in the modern world. Inevitably, it will affect your life.

## Election and nomination

A European Parliament, of course, already exists. It is the 'Assembly' provided for in the Treaties of Paris and Rome, the documents signed by all members of the Community and which form its written constitution. It is important to note that the European Parliament's present 198 members are not elected. They are *nominated* from the nine national parliaments — the Commons and Lords at Westminster; the *Assemblée* and the *Senat* in Paris; the *Bundestag* and the *Bundesrat* in Bonn; and so on. Britain's 36 European MP's therefore hold a 'dual mandate'; they are members of both their national and the European Parliament. The new elections will change this. There will be full-time European MP's most of whom will *not* be members of their national parliaments. People want to change the existing system partly because such full-time members will be in a much stronger position to exercise democratic control over the way the Community is run.

## Reason for change

## How it works

What does the European Parliament do? As an elector, you need to have some grasp of the Parliament's power and how it works if you are to make sense of the arguments which politicians use. The broad outlines are described in the accompanying pamphlet *Your Voice in Europe*. Before continuing, study this document.

## Powers of the European Parliament

We can consider the powers of European Parliament in two ways. First, it has formal powers laid down in the Treaties. Second, the opinions expressed in the Parliament have considerable influence on both the Commission and the Governments of the member countries.

## Formal powers

## Sacking the Executive

Under the Treaties, the European Parliament has two of the fundamental powers usually possessed by national parliaments. First, it can dismiss the Executive — in Community terms, the Commission. But this analogy with national parliaments is not complete. The Commission is certainly a *kind* of Executive but not in the sense of being a European Government. Most of the real power in the Community is held by the Council of Ministers, which takes the final decisions on all matters affecting national interests.

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\* France, Germany, Italy, the Netherlands, Belgium, Denmark, Ireland, and Luxembourg.

## **Withholding money**

The European Parliament's second formal power is that it can refuse supply — that is, vote down the Community budget. However, as the Community budget is at present only a very tiny part of all public expenditure in the Community, this power is limited.

## **No formal powers to make laws**

Finally, there is the question of legislation, another power associated with national parliaments. According to the Treaties, the European Parliament only has the right to be 'consulted' on Community laws by the Council of Ministers (Document 1). The most the Parliament can do within the Treaty framework is *persuade* the Commission to change the proposed laws before they are passed to the Council of Ministers for final decision.

## **Informal powers**

### **Conventions**

When we go beyond the formal powers of the Treaties, however, a different picture emerges. First, there are what we might call 'conventions of the constitution', or informal working arrangements. Such is the agreement between the Parliament and the Council of Ministers to hold meetings over disagreements on draft laws having financial consequences. This arrangement in effect gives Parliament the power to halt a decision while an attempt is made to reach a compromise.

## **Influence in legislation (lawmaking)**

Returning to the question of legislation, we have noted in formal terms that the European Parliament is almost powerless. However, a detailed examination of what legislation means reveals considerable parliamentary influence (Document 2).

**1 If legislation is the right to propose laws** then few national parliaments actually possess this power completely. In most modern states it is the Government and not the Parliament which proposes most new laws. In Westminster, for example, MP's have the opportunity to put forward only a very few private member's bills. This is also true in the Community. The Commission proposes most new law but the European Parliament, through its twelve specialised committees can also initiate proposals. So it can be argued that an ordinary MP in the European Parliament has as much power in this area as an MP at Westminster.

## **Inspection**

**2 If legislation means the ability to subject all draft laws to detailed scrutiny**, then the European Parliament does this extremely effectively through its committees — more effectively, in the opinion of some British members, than Westminster.

**3 Finally, if legislation means taking the final decision on laws** we need to note a significant difference between the power to say yes and the power to say no. There are practically no circumstances in which the European Parliament could oblige the Council of Ministers (that is, national governments and parliaments) to accept a law they did not want. On the other hand, there are a number of ways in which the Parliament might block a proposed law — for example, by threatening to sack the Commission unless it withdraws the proposals.

## **Power to block laws**

## Power of discussion

*Perhaps the most significant informal power possessed by any democratic assembly, however, is precisely the power to be a talking shop: to raise in public what bureaucrats would rather sweep under the carpet, to mobilise public opinion on the issues of the day. This, after all, is what the word 'parliament' means.*

These are some of the main issues underlying the current political debate on direct elections to the European Parliament. If you have grasped these you should be able to appreciate the arguments advanced by politicians in the following sections and come to your own judgment of them.

# The case for elections

The arguments in favour of holding direct elections to the European Parliament range from the idealistic to the purely practical.

## The Treaty requires elections

**1 The Treaty says so.** The simplest argument is that the EEC Treaty (Treaty of Rome), which all countries have signed, says that the elections should be held (Document 3).

## Is the article clear?

But there is some controversy over exactly how far Article 138:3 binds the nine countries. No date is set and the most the Council is empowered to do is 'recommend' the 'appropriate provisions' to the nation states. Roy Hattersley, (Minister of State, Foreign and Commonwealth Office) however, gave the British Government's opinion in the House of Commons on December 3, 1975:

*"I suppose that it is possible to argue that the Treaty intended the Assembly to draw up proposals and then tear them up and throw them away; but that does not seem to be a practical or realistic interpretation of the Treaty".*

## Not a job for part-timers

**2 The present system is unworkable.** The most practical argument for the elections is that the present system of nominating European MP's from among those who are already national MP's is no longer bearable (Document 4). If MP's have to work both at Westminster *and* at the European Parliament, they cannot be full-time at either: it makes sense to elect one group of MP's to Westminster, and a different group to the European Parliament.

## Democratic control . .

**3 Controlling the Eurocrats.** The main argument in favour of the elections, however, has centered on democratic control of the European Community itself. Decision-taking here is complex: interested parties are widely consulted, and the power of various

**. . . exists in theory . . .**

bodies to stop things they dislike is very great. Ultimately, however, final democratic control runs through the Council of Ministers. Each Minister has a veto (power to kill a proposal); each Minister is responsible to a national parliament; and each national parliament is responsible to the people. Therefore, nothing can happen which the people do not want.

**. . . but perhaps not in practice**

Unfortunately, this reasoning is open to various objections:

- Does each Minister really have a veto? The Treaties call for *majority* voting in many cases, and this has only been suspended by informal agreement.
- In any case, many decisions are package deals (ie "I won't veto your proposal if you don't veto mine").
- How can Ministers taking *collective* decisions really be responsible to nine different parliaments? Either they each have precise instructions from which they cannot stray — in which case no decisions will be taken at all — or, once they have taken the decision, it is too late.
- In any case, national parliaments have no time to give proper attention to European legislation.

It was considerations such as these that led Tony Wedgwood Benn, to argue that joining the EEC meant a loss of democratic control by the British people (Document 5).

**Need for parliamentary control**

The counter argument is that democratic control lost at national level can be recaptured at European level through the European Parliament (Document 6). The members of an elected Parliament will have the time and the authority to 'control the Eurocrats' and they will be directly responsible to the people.

**Direct link with people**

**4 A citizens' Europe.** This direct link with the people is seen by many as the most important argument for elections (Documents 7, 8).

**Public education on the issue**

First, an election is a great opportunity for public education. Candidates and parties, press and television, explain and argue out the issues.

**Cut out the middleman**

Apart from this, however, elections are seen as providing the *direct link* between the Community and the 260 million people who live in it, a link which would cut out the 'middlemen' — the national governments and parliaments and the nation states themselves (Document 9). Direct elections will thus *legitimise* the Community in accordance with Benn's principle of 'the sovereignty of the people'.

**Policies made by the technocrats**

**5 Politics is about power.** A further argument for holding direct elections is advanced by those who see the present Community as a pure administration run by technocrats. The Commission, for example, is appointed by the national governments on the basis of political and national balance; the Council of Ministers represents governments of widely differing political complexion. Such a structure is incapable of producing coherent policies, whether Marxist, Socialist, Capitalist, Liberal, or whatever. Elections to a European Parliament are therefore seen as a mechanism for introducing *political direction* into the Community (Documents 7,

**Policies made by political parties**

11). Parties will put forward competing ideas and some will succeed, others will fail; but each MP elected will try to see that his party's policies are implemented. Thus, if the elections produce a Socialist/Social Democrat majority, the European Parliament will work to impose the relevant policies on the Commission — if necessary sacking and replacing the Commission.

**Will elections increase parliamentary power?**

Each of these arguments in favour of direct elections has its own logic. There is, however, a conflict concerning whether or not direct elections will increase Parliamentary power.

**No more powers than at present . .**

For example, those who argue simply that the Treaties should be implemented in a workable way (arguments 1 and 2 above) can certainly maintain that an elected European Parliament should have no more powers than the present one: they would only exercise them more efficiently.

**. . or a shift of powers?**

But those who apply the arguments (3) of a need for political control, direction and power have to concede that a shift of powers *will* take place. This shift will not necessarily be *vertical* (i.e. from national parliaments to the European Parliament); indeed, some proponents of elections point out that the intention is to shift powers *horizontally* (ie from the Commission and to some extent from the Council, to the Parliament — Document 12). Any loss of power by national parliaments *has already taken place* as a result of joining the Community itself.

**Power to achieve wider goals**

Those who argue on grounds (4) and (5), however, necessarily imply an increase in the European Parliament's powers — not as an end in itself, but as a means to achieve a wider goal. In the case of (4), this is to create a less nationalistic organisation. In the case of (5) it is to implement a particular political programme in the Community.

**The historical perspective**

There is also, however, an argument which has nothing to do with the European Community itself. For some people, direct elections to the European Parliament are primarily welcome as a step forward in human progress — the first time that parliamentary democracy has moved from the national to the international level (Document 10). From this standpoint, European elections are perhaps only the first step on the way to world elections.

# The case against elections

## Two arguments against

The arguments advanced against holding direct elections to the European Parliament have been broadly of two kinds. First, it has been argued that the elections cannot achieve their purpose — for example, democratic control. Second, that the elections *will* achieve their purpose — for example, European union or federalism — but that the purpose is undesirable.

## Elections won't work . .

The simplest argument of the first sort is that an elected European Parliament will remain a powerless talking shop (Document 13). Those who suggest this can claim many allies. A British Government White Paper, for example, specifically pointed out in April 1977 that Government support for the elections was conditional on the powers of the Assembly remaining as at present. And in France, the law providing for the elections was passed only after the French constitutional court had ruled that they involved no increase in the European Parliament's powers.

## . . and would give only an illusion of democracy

Another argument of this kind is that the democracy provided by direct elections, even if the Parliament *were* to get more powers, would be an illusion. This is a direct counter to those who believe that the elections would restore Benn's 'sovereignty of the people'. An unsophisticated version of this argument is that a Parliament of 410 Members cannot properly represent 260 million people: constituencies of 630,000 would be too big. This implies that the United States, for example, would not qualify as a democracy!

## Nationalism will always be more important

But a more serious argument has been developed by Enoch Powell. In essence, he claims that political unity — including democratic elections and an elected Parliament — is impossible unless those who do the electing regard themselves as a single whole. Because the people of the Community regard themselves primarily as German, Italian, British etc., rather than as European, the elected Parliament is doomed to ridicule and mutual recrimination. Without a general acceptance of unity, minorities — like at one time the Irish in the United Kingdom Parliament — will never accept majority votes (Documents 14, 15).

## Federalism and the death of national parliaments

The most common argument against direct elections, however, is that they would be a major step on the way to a federal Europe. The new parliament would grow in power and this would lead eventually to the end of national parliamentary sovereignty (Document 16). Indeed, in the European Parliament itself, the prevailing opinion has been that elections are needed precisely to bring European union nearer. A member of the European Parliament, Labour MP Tom Ellis, told the House of Commons that he supported elections because he believed that the classical nineteenth century European nation state is outmoded. (Document 31).

## Transfer of power

Rather than defending the nation state as such, however, British opponents of direct elections concentrate on a defence of the national parliament. They specifically challenge the Heath contention (see above) that any transfer of power will be horizontal; i.e. to the European Parliament *from other Community institutions*.



Instead, they believe, it will be vertical; i.e. to the European Parliament *from the national parliaments*.

Why such a transfer of power is objectionable is not always made clear but a variety of reasons are discernable:

## **Who rules — Westminster or the European Parliament?**

### **1 Constitutional clash**

The United Kingdom does not have a written constitution and the basis of both law and government is widely held to be the sovereignty of parliament. One consequence of this sovereignty is that no parliament can bind its successor. Thus, although in 1972 Westminster voted Britain into the EEC, the theory implies that Westminster retains the right to vote Britain out again.

Were the European Parliament also to be elected, however, the constitutional position would no longer be as clear. Westminster would rest on the will of the people, but so would the European Parliament. Which, then, would be sovereign? In the event of conflict — for example, on withdrawal from the Community — which would win?

## **The break-up of the national party system**

### **2 The effect on parties**

Running through many of the objections to direct elections is the fear that they will bring about the break-up of the British political system. For example, an MP at Westminster accepts a Labour, Conservative or Liberal Whip — that is, he agrees (normally) to follow party policy.

But a European MP will be accepting the whip of a multi-national political group; the Socialist Group, the European Conservative Group or the Liberal and Democrat Group. The policies of these may not coincide with the policies of the British Labour, Conservative or Liberal parties. Which will they follow? The British parties, like Westminster itself, will no longer be sovereign (Document 17).

## **Britain will always be outvoted**

### **3 A permanent minority**

Opponents of direct elections frequently point out that the 81 UK Members will be in a permanent minority. This was the argument used by Mr Callaghan in 1971 (Document 18). The implication is that British interests would not always be maintained, because British Members could be outvoted and would have no veto (as a British Minister has at the Council of Ministers).

This argument is mathematically irrefutable. On the other hand, it rests on two major assumptions:

- that voting in the European Parliament will be on national, rather than party lines;
- that the preservation of a minority British interest will be preferable to the implementation of a majority, Community interest.

## **A threat to nations**

### **4 National sovereignty**

In effect, these arguments are all founded on a deeper, single argument: that direct elections will threaten the political organisation

of Europe's existing nation states. Opponents of direct elections in France, like Michel Debré, emphasise this: both the independence and the unity of France are felt to be under attack (Document 19).

**Are ideas of national sovereignty valid today?**

Clearly, there is an element of conflict between the two kinds of arguments against direct elections. The elected European Parliament cannot at the same time be a powerless talking shop and the death warrant of the Commons (Documents 13, 20). Nevertheless, in each case the underlying motive is the same: a belief in national identity and sovereignty as the supreme political facts. Enoch Powell argues (see above) that the elected European Parliament will be ridiculous because the electorate continue to think primarily as separate national electorates. The argument about direct elections is therefore, at its core, an argument about national sovereignty. Is it, and should it be, valid in today's world? To help you form your own answer the following pages outline the concepts of 'sovereignty' and 'nation'.

**Document 1**

'Woman's Own', 3 September 1977

**HOW THE COMMON MARKET WORKS**

Common Market rules affect our everyday lives. Some we like, such as stricter safety laws for electrical goods. Some we don't, such as the agricultural policy. How are these decisions made, and how can we stop rules being made we don't like?

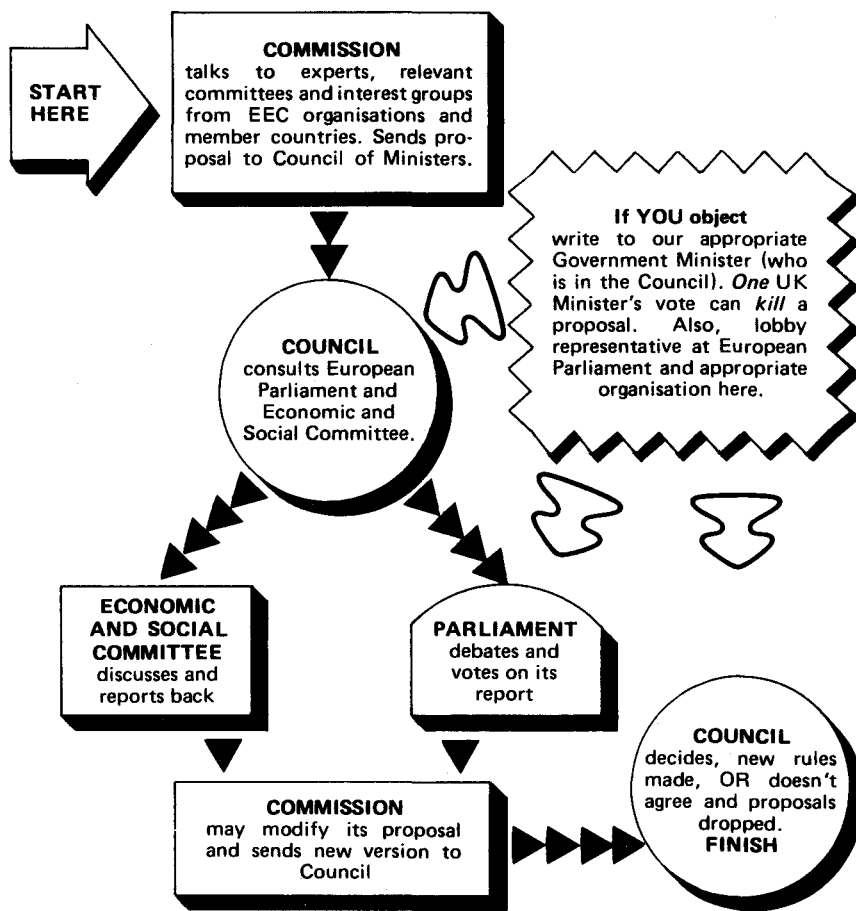
Here is a simplified diagram of the rule-making machinery.

**COMMISSION**  
The Civil Service of the Common Market. Its 8,000 staff come from all member countries.

**ECONOMIC AND SOCIAL COMMITTEE**  
Represents employer's organisations, trades unions, consumers from member countries.

**COUNCIL**  
Made up of one Minister from the Government of each member country. Which Minister attends depends on the subject under discussion.

**PARLIAMENT**  
198 members chosen by national Parliaments. After direct elections, 410 members - 81 for UK chosen by us.



### Pussyfooting for power

Is the European parliament just a toothless—if sometimes noisy—bulldog permitted to perform only a strictly limited number of tricks? Or does it have real powers which it can pass on to its directly elected successor next year or perhaps the year after? The answer matters because several member governments—the French foremost among them—are opposed to or doubtful about allowing the new parliament to extend its powers in any way.

Not unnaturally for any collection of politicians, the present parliament has already been working to expand the limited and rather idiosyncratic powers the EEC treaties give it. Last December its political affairs committee, under the chairmanship of the late Sir Peter Kirk, drew up a shopping list of reforms which included the following proposals:

- Parliament should be able to make individual commissioners resign, not just the whole commission at once, as now.
- It should have a voice in choosing the president of the commission, a right now reserved for the council of ministers.
- The president's list of commissioners, too, should be submitted to parliament for its approval.
- Parliament should be able to initiate legislation. At present only the commission can do this.
- When parliament disagrees with a council decision, it should be able to impose three months' delay.

Originally the authors of the list were hoping for some action on their proposals by the end of this year. But there is now virtually no chance of this before the direct elections to the European

parliament. Meanwhile support is growing for the view that there is really no need to do anything dramatic to increase Euro-MPs' powers because, properly used, their existing powers under the treaties can be stretched a lot further than they have been.

Take the power to dismiss the whole commission: a useless sledgehammer to crack a disagreement which probably involves only one of the 13 commissioners. But, argue the proponents of the new school of thought, what is to stop the parliament from sacking the lot and then reinstating them all bar the offending one? It would not have to do this very often for the commission to realise that it meant business.

On the whole, though, the parliament would want to keep on good terms with the commission, because a large part of the new strategy depends on the commission's willingness to side with the parliament against the council of ministers. Although Euro-MPs have no formal powers to initiate legislation, for example, they can try to influence the commission to do so, and they can press to be consulted at the drafting stage of new legislation, not just later on when things are harder to change.

The parliament has also been gradually increasing its influence over the EEC budget. It does have the power to throw out the whole budget, but that is of limited usefulness: spending will just carry on at the old level. However, it is now also able to amend proposals for the farm section of the budget, and it has the last word over the remaining 30% or so covering non-farm spending.

Though Euro-MPs lack formal delaying powers on legislation, old Strasbourg hands claim that they can hold up any decision for months by passing it backwards and forwards between committees and groups of experts. But it is not a form of control they are keen on exercising too often.

Much could also be gained by tightening up on the parliament's acknowledged inefficiencies. Some of them will not be remedied until after direct elections; for instance, the dual mandate (for the European and the national parliaments), which causes attendance problems and makes meetings hard to fix. This will become the exception rather than the universal rule after the Euro-elections. Directly elected MPs may also be more resolute in tackling another bugbear—the division of the parliament's work between Strasbourg, Luxembourg and Brussels. Some small procedural improvements are already being pushed through now. Voting, for example, has just been switched to a fixed time each day when parliament is in session, to ensure that members turn up in reasonable numbers.

Some Euro-MPs—such as the leader of Britain's Labour delegation, Mr John Prescott—believe that just by making a fuss about an issue and getting publicity for it the parliament can wield a lot of influence even without formal powers. Recent examples are its role in drawing attention to the commission's madcap scheme to feed powdered milk to animals to reduce the milk powder mountain, and to the plans to sell butter from the EEC's stockpile to Russia.

### Document 3

From 'Treaties establishing the European Communities'. European Communities 1973

CHAPTER I  
THE INSTITUTIONS

Section I

The Assembly

Article 137

The Assembly, which shall consist of representatives of the peoples of the States brought together in the Community, shall exercise the advisory and supervisory powers which are conferred upon it by this Treaty.

Article 138

1. The Assembly shall consist of delegates who shall be designated by the respective Parliaments from among their members in accordance with the procedure laid down by each Member State.

2. The number of these delegates shall be as follows:

Belgium	14
Denmark	10
Germany	36
France	36
Ireland	10
Italy	36
Luxembourg	6
Netherlands	14
United Kingdom	36.*

\* Paragraph 2 as amended by Article 10 of the Act of Accession, modified by Article 4 of the Adaptation Decision.

3. The Assembly shall draw up proposals for elections by direct universal suffrage in accordance with a uniform procedure in all Member States.

The Council shall, acting unanimously, lay down the appropriate provisions, which it shall recommend to Member States for adoption in accordance with their respective constitutional requirements.

Article 139

The Assembly shall hold an annual session. It shall meet, without requiring to be convened, on the second Tuesday in March.\*

The Assembly may meet in extraordinary session at the request of a majority of its members or at the request of the Council or of the Commission.

Article 140

The Assembly shall elect its President and its officers from among its members.

Members of the Commission may attend all meetings and shall, at their request, be heard on behalf of the Commission.

The Commission shall reply orally or in writing to questions put to it by the Assembly or by its members.

The Council shall be heard by the Assembly in accordance with the conditions laid down by the Council in its rules of procedure.

Article 141

Save as otherwise provided in this Treaty, the Assembly shall act by an absolute majority of the votes cast.

The rules of procedure shall determine the quorum.

\* First paragraph as amended by Article 27 (1) of the Merger Treaty.

**Article 142**

The Assembly shall adopt its rules of procedure, acting by a majority of its members.

The proceedings of the Assembly shall be published in the manner laid down in its rules of procedure.

**Article 143**

The Assembly shall discuss in open session the annual general report submitted to it by the Commission.

**Article 144**

If a motion of censure on the activities of the Commission is tabled before it, the Assembly shall not vote thereon until at least three days after the motion has been tabled and only by open vote.

If the motion of censure is carried by a two-thirds majority of the votes cast, representing a majority of the members of the Assembly, the members of the Commission shall resign as a body. They shall continue to deal with current business until they are replaced in accordance with Article 158. \*

### Is the Common Market good or bad?

	GOOD	BAD
Luxembourg	84%	2%
Netherlands	80	3
Italy	71	5
Belgium	69	4
France	64	6
Ireland	57	17
Federal Republic of Germany	54	8
United Kingdom	35	40
Denmark	30	30
EEC	57	14

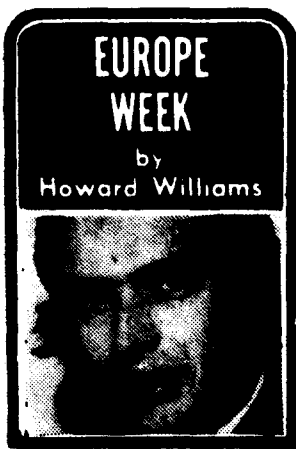
### Direct election of the European Parliament. 1973-1977

		For	Against	No answer
Netherlands	73	62%	16%	22%
	77	82%	9%	9%
Ireland	45	31	24	
	76	12	12	
France	51	18	31	
	74	12	14	
Federal Republic of Germany	69	12	19	
	69	8	23	
United Kingdom	33	49	18	
	67	22	11	
Denmark	36	43	21	
	44	7	29	

The "Eurobarometer" opinion poll shows that support for direct elections to the European Parliament has been rising steadily in recent years.

It also shows a very interesting feature of opinion in Britain. Though in 1977 more people thought the Common Market a *bad*

thing than a good thing (40% as against 35%), there was still a huge majority *in favour* of direct elections. It seems as though a lot of "anti-marketeers" are nevertheless in favour of an elected European Parliament.



## Direct elections a vote to save lives

THE PROSPECTS of direct elections for the European Parliament being held in May or June next year are becoming increasingly remote.

At the same time the workload of the handful of MPs co-opted to the European

Assembly is getting increasingly worse.

Whatever the idealistic reasons for supporting direct elections to the European Parliament may be, there are strong practical reasons as well.

This week, for example, the Westminster MPs who also serve on the Brussels-Luxembourg-Strasbourg circuit have been faced with the need to be both in Westminster and in Strasbourg simultaneously.

So they have been flying backwards and forwards to take part in debates and votes on the devolution Bills and important debates in Strasbourg.

This type of problem is arising more and more frequently.

There is a tendency to think of our Euro-MPs swanning around Europe at the taxpayers' expense and living on hefty expense accounts.

I am no great defender of the professional politician. But the other side of the coin must be shown — and it reveals that we expect far too much from some of our MPs.

Apart from the physical strain of jetting backwards and forwards, there is the constant mental strain of wondering if the plane that is due to take you back to Westminster for a crucial vote will be held up by the weather.

Take the case this week of just one MP — Charles Fletcher-Cooke (Con. Darwen).

On Monday evening (at 10 p.m.) he was addressing the House of Commons.

He eventually got to bed after midnight but had to be up again at 4 a.m. to get to Gatwick Airport to catch his plane to Strasbourg.

At 10.30 a.m. on Tuesday he was addressing the European Parliament. On Wednesday morning he was worrying about flights back to London.

The cynics might reply: "Ah, but look at his expenses."

So let us look at them.

Every day that Mr. Fletcher-Cooke — or any other Euro-MP — is on the Continent for official European Parliament business, he gets a daily allowance of £49.

Out of that, he must pay for his hotel, meals and any transport from and to the airport and within town.

Because of the need to remain in contact with Westminster, he needs a reasonable hotel with a night switchboard.

Whether he is in Strasbourg, Luxembourg or Brussels, a reasonable hotel room with bath costs a minimum of £25 a day — excluding breakfast.

Add about £2 for breakfast, £8 for a reasonable — but not lavish — lunch and a further £12 for a reasonable — but not lavish — dinner, and you have just £2 left over.

Add just one telephone call to London or just one taxi from the airport and the daily allowance has more than gone.

So, far from whooping it up on the Continent, our representatives really do have to watch their pennies.

They also have to be on constant standby to fly one way or the other across the Channel, just to carry out their duties.

The picture is going to become bleaker.

With an increasing amount of legislation facing both Westminster and the EEC we can expect both the House of Commons and the European Parliament to become increasingly busy.

There is, of course, only one solution: to have Euro-MPs employed full-time on EEC business, with Westminster MPs devoting all their time to British Parliamentary business.

Already one man — Sir Peter Kirk — has effectively been killed by the pressure of the dual mandate.

Our only hope for Parliamentary control over EEC affairs — and this applies whether you are pro or anti-EEC — rests with a full-time European Parliament.

When we have that, we can revert to having a full-time British Parliament as well.

## Document 5 From Anthony Wedgwood Benn's letter to his constituents, January 1975

The Parliamentary democracy we have developed and established in Britain is based, not upon the sovereignty of Parliament, but upon the sovereignty of the people, who, by exercising their vote lend their sovereign powers to Members of Parliament, to use on their behalf, for the duration of a single Parliament only — powers that must be returned intact to the electorate to whom they belong, to lend again to the Members of Parliament they elect in each subsequent general election. Five basic democratic rights derive from this relationship, and each of them is fundamentally altered by Britain's membership of the European Community.

First: *Parliamentary Democracy* means that every man and woman over eighteen is entitled to vote to elect his or her Member of Parliament to serve in the House of Commons; and the consent of the House of Commons is necessary before Parliament can pass any act laying down new laws or imposing new taxation on the people. *British Membership of the Community* subjects us all to laws and taxes which your Members of Parliament do not enact, such laws and taxes being enacted by Authorities you do not directly elect, and cannot dismiss through the ballot box.

Second: *Parliamentary Democracy* means that Members of Parliament who derive their power directly from the British people, can change any law and any tax by majority vote. *British Membership of the Community* means that community laws and taxes cannot be changed or repealed by the British Parliament, but only by Community authorities not directly elected by the British people.

Third: *Parliamentary Democracy* means that British Courts and Judges must uphold all laws passed by Parliament; and if Parliament changes any law the Courts must enforce the new law because it has been passed by Parliament which has been directly elected by the people. *British Membership of the Community* requires the British Courts to uphold and enforce community laws that have not been passed by Parliament, and

that Parliament cannot change or amend, even when such laws conflict with laws passed by Parliament, since Community law over-rides British Law.

Fourth: *Parliamentary Democracy* means that all British governments, ministers and the civil servants under their control can only act within the laws of Britain and are accountable to Parliament for everything they do, and hence, through Parliament to the electors as a whole. *British Membership of the Community* imposes duties and constraints upon British governments not deriving from the British Parliament; and thus, in discharging those duties Ministers are not accountable to Parliament or to the British people who elect them.

Fifth: *Parliamentary Democracy* because it entrenches the rights of the people to elect and dismiss Members of Parliament, also secures the continuing accountability of Members of Parliament to the electorate, obliging Members of Parliament to listen to the expression of the British people's views at all times, between, as well as during, general elections, and thus offers a continuing possibility of peaceful change through Parliament to meet the people's needs. *British Membership of the Community* by permanently transferring sovereign legislative and financial powers to Community authorities, who are not directly elected by the British people, also permanently insulates those authorities from direct control by the British electors who cannot dismiss them and whose views, therefore, need carry no weight with them and whose grievances they cannot be compelled to remedy.

In short, the power of the electors of Britain, through their direct representatives in Parliament to make laws, levy taxes, change laws which the courts must uphold, and control the conduct of public affairs has been substantially ceded to the European Community whose Council of Ministers and Commission are neither collectively elected, nor collectively dismissed by the British people nor even by the peoples of all the Community countries put together.

## Document 6

Heinrich Aigner (Christian Democrat):  
European Parliament, 10 March 1976

Beyond the solidarity of power politics between the nations of yesterday, new structures and areas have already been established which are supranationally effective beyond the national frame. That being so, we must lay down rules for these structures and areas. We must extend the play of European forces, under the rules of majority decisions, to the supranational European level. That is the central reason for European elections.

Clearly, however, Mr President, this is not an easy decision. It is one stage only. If it were to mean that the concept of the nation as it has grown up in the course of history were to be abolished, I would be the last person to approve such a Europe. Of course the nation states will continue to do all they can in their own confines; moreover, they cannot and must not abandon their sovereignty. And where sovereignty can no longer be exercised because it has ceased to exist at national level, it need still not be abandoned but must be exercised jointly in a new form . . .

It is, of course, not easy to introduce into this interplay of forces a European Parliament whose future shape no one can now define. There is a fear of the unknown, of majority decisions taken by a Parliament no one can predict . . . But fear of the unknown should not be greater than the fear of a Europe doing nothing and being engulfed tomorrow by these immobile structures so that it can no longer determine its own destiny.

## Document 8

'The Times', 21 January 1977

### WEST EUROPE

# Direct elections seen as starting point for European identity

From Charles Hargrove  
Paris, Jan 20.

M Georges Spenale, a member of the French Socialist Party executive and president of the European Parliament, said today that direct elections to the Parliament would spell the "irruption of peoples into the life of the Community".

He told a press luncheon in Paris: "The people have been kept in a kind of quarantine and they have repaid the Community in kind. But things are changing. A pattern of European political parties is evolving. Parties are getting together and studying common programmes at a European level. The elections will be the starting point of a real European public opinion—and of a European people."

## Document 7

Geoffrey Rippon MP: Maiden speech in the  
European Parliament, 15 June 1977

Mr President, when I signed the Treaty of Accession which I negotiated on behalf of the United Kingdom, I envisaged not just the enlargement of the Community, but it's deepening. Since then, I am bound to say, there has not been the political and economic progress that I would have wished. Nevertheless, there has been, among a number of other things, one great hopeful initiative taken by our governments: the decision to hold direct elections to this Parliament. It is those direct elections which can provide the front line of truly democratic control over the Council of Ministers and the Commission. That is the essential first step towards the creation of the citizens' Europe.

Now it seems to me, Mr President, that building our European future involves mobilizing public imagination. That is what we should be trying to do here, so that the design of our politics should be seen to be boldly ambitious and not just passive or drifting. And that in the end is what direct elections are really all about.

## Document 9

### Democracy is the very foundation of our Community

*Extract from the speech made by Mr François-Xavier Ortoli, President of the European Commission, at the signing of the documents concerning the election of Parliament by universal suffrage.*

Of course, there is provision in the Treaties for the direct election of the European Parliament by universal suffrage, but it had been put off for so long; and today it is accomplished. For myself, after nearly four years as President of the Commission, what is being done today gives me good reason for hope and confidence in the Community.

But this is not all. In deciding that Parliament should be elected by universal suffrage, you also recognize that democracy is the very foundation of our Community, and that defending democracy is an essential part of what we are doing

together. For it is surely the Community's main characteristic, and perhaps its most important justification, that it is a Community of peoples united by an ideal of life in a democratic system.

And now we are going to let the people of Europe have their own say. It is a great step forward, after all we have heard about the technocracy or bureaucracy that sometimes appears to be typical of the Community. We shall now be able to ask our people to tell us, by the way they vote, what they want, what their aims and objectives are—to tell us what they think Europe should be. Obviously, all this is not going to happen overnight, but from today on it will none the less be a determining factor in making the Europe of the future.

No one can yet say how these elections will turn out. But the simple fact that the Community's dynamism has been affirmed at a difficult time by means of a major decision concerning its very roots in democracy is, I feel, significant.

## Document 10

*Douglas Hurd MP (Conservative spokesman on Europe): House of Commons, 25 April 1977*

A historian comparing the history of the first half of this century in Europe with the second half would note with approval the move to direct elections. If I were a citizen in Warsaw, Prague or Budapest comparing my political rights and progress with those of Western Europe, it would be a matter of more than passing interest to me that, for the first time in history, it was proposed that people in the nine most important countries of Western Europe should go to the polls in the same week to elect a democratic assembly.

Whatever the difficulties, it is, in the perspective of history, quite a step forward. It will be a difficult job, but, by heavens, if we can bring it off it will be quite an achievement.

## Document 11

*Franco Concas (Socialist): European Parliament, 10 March 1976*

Mr President, ladies and gentlemen, we European socialists and in particular Italian socialists, are preparing energetically and with real determination for the elections.

We look upon European elections as the first step towards a new European society in which the workers can become the true protagonists of future history in complete respect for democracy and the human personality and in a great project of social justice.

## Document 12

*Rt Hon Edward Heath MP: House of Commons, 20 April 1977*

The Community must be made democratic. I respect the views of those who thought that we should not go into the EEC, and I am glad to hear the right hon. Member for Battersea, North (Mr. Jay) say that he has accepted the verdict of the House and the referendum. We are in the Community and we are there to stay. However, I fail completely to comprehend those who accept that we are in the EEC but refuse to make that organisation more democratic by holding direct elections. One allegation of those who opposed our entry was the fact that the EEC was an undemocratic organisation. Now that it is proposed to make it more democratic these very same people are doing their utmost to stop further development.

I sum up this part of the matter by saying that direct elections, in my judgment, will change the balance of power within the Community but will not change the balance between the Community and member countries. I believe that there is a change which should be brought about in the balance within the Community. If power were to be changed, it could come about only by a change in

the traditions and it can be ratified only by every member Parliament of the nine countries. Nor will direct elections in any way decrease the power of this House in overseeing instructions issued by the Commission, nor will they change the machinery, because that is entirely within our influence.

## Document 14

*From a speech at Smethwick by the Rt Hon J Enoch Powell MP, 5 September 1969*

The pre-condition for any political unity is the subordination of the parts to the whole. Short of force, this can only come about through a settled, deep and instinctive conviction felt by those concerned that they belong first and foremost to the whole and that its interests override those of the parts. Unless and until this conviction exists, democratic or representative institutions are unworkable. On the other hand, without such institutions, the acts of sovereignty which a political unit must perform on behalf of all its members and which must bind all its members would be intolerable and unacceptable.

## Document 15

*From a speech at Market Drayton by the Rt Hon J Enoch Powell MP, 6 June 1969*

I hear much clamour arising about a directly elected European Parliament, and there will be those who will be foolish enough to take up the cry for want of thought. A nation politically united can have an elected sovereign parliament—I assume, incidentally, that an elected non sovereign parliament is a manifest nonsense and would soon prove to be so, if it were ever attempted—but that does not mean that a politically united nation can be created or promoted by creating an elected parliament. This is the same fallacy as to suppose that, as rich people frequent nightclubs, we ourselves have only to go to a nightclub in order to become rich. An elected parliament cannot work unless, and until, and as long as, those who do the electing regard themselves as a single whole, all of whose parts will ultimately see their separate interests as subordinate to the interest of the whole. That is the whole point of debate and majority decision in an elected parliament. Unless that condition exists, you have either a nominated assembly or an elected assembly. We sampled this ourselves in the ancient elective parliament of the United Kingdom, as soon as the Irish members began to act on the principle that 'England's harm is Ireland's good'. The parliament had then to be limited to the representation of something of which all the parts still regarded themselves as forming a 'United Kingdom'. It follows that unless and until the inhabitants of different parts of Europe are so penetrated with a sense of their ultimate common interest that they will accept burdens and disadvantages for the benefit of the whole or of other parts, the attempt to create an elective assembly or parliament would be foredoomed not merely to disappointment but to ridicule and mutual recrimination.

## Document 16

Brian Gould MP: House of Commons.  
25 April 1977

A directly elected European Assembly will be either superfluous or federalist, and no soothing platitudes can conceal that simple logic. But we are told that it will at least be democratic, and here the real nature of the trap is revealed. We are told that, if we want democracy, it must be federalist democracy. The tragedy is that I believe that we shall get the federalism without the democracy. The federalism will arise not because of any positive democratic virtues of the system, but because, by default, the possibility of this Parliament having a say in such matters will have disappeared. That is because any apparent gain in democratic control will be offset by the exclusion of this House from the process of legislating for this country in many important areas.

The substitution of Strasbourg for Westminster will be an unequal exchange. It is impossible to conceive that there will be the same direct link between constituents and Members. It is impossible to conceive that Strasbourg will model itself on the Westminster concept of parliamentary democracy, that it will undertake the same challenge and control of the Executive and that it will undertake the same detailed scrutiny of legislation.

Most importantly, the mere fact that elections will take place will not guarantee democracy. Democracy exists only where the people who elect their representatives are willing to allow them to be overruled if they are in a minority on matters of vital importance. That can exist only where there is such a community of interest and a common identity as to allow such matters to be subordinate to the general will.

## Document 18

Rt Hon J Enoch Powell MP:  
House of Commons, 25 April 1977

This is what the Prime Minister said in a speech in Portsmouth in 1971. I shall only quote as briefly as possible. I start with a remarkable sentence:

"When Europe goes federalist, there will be an elected parliament for the whole EEC."

"So" —  
said he—

"we... had better look at our situation if a federal parliament with real power comes into existence."

The Prime Minister went on to say:

"It will be no use British electors coming to the candidates for a Westminster Parliament and complaining about prices or unemployment"

Those matters were both mentioned in the speech of the right hon. Member for Dartford (Mr. Irving), who preceded me, as subjects on which the elected Members in the European Assembly will be specially influential—

"Those candidates"

continued the Prime Minister,

"will reply that it has nothing to do with them. They would have no more control over these matters than does the present Hampshire County Council. 'Take it up with the European parliament', they will say, 'and the best of British luck, because our representatives are in a permanent minority there.'"

The Prime Minister continued:

"Is there any evidence that this is what the British people want?"

His conclusion was:

"I believe that if the political possibilities inherent in our joining the EEC were universally known, only a small minority would favour entry."

## Document 17

'The Times', 15 August 1977

### Elected EEC assembly

From Mr Nigel Spearing, MP for Newham South (Labour)

Sir, David Wood writes (August 8) that: "Government, party leaders, party managers and Commons back-benchers have not yet grasped how radical the difference must be between the present delegation of 36 Westminster MPs to Strasbourg", and those who may be elected to the Assembly who are not already at Westminster.

I hope he would exempt from his strictures those of us who have consistently opposed Euro-elections because for some time we have understood their constitutional implications and the potential role and scope of elected members of the EEC Assembly.

However, David Wood did not comment on the likely effect of the elected Assembly and its elections on our own political parties. Much of the cohesion in both Labour and Conservative parties stems from the expectations and hopes of those who wish to see changes of policy effected by their respective majorities in the House of Commons.

The basis of such cohesion and support is already whittled away by adherence to supra-national arrangements within the EEC, but this

basis would be further reduced by an apparent alternative popular forum in the Assembly, which can only rival the House of Commons in its "consultative" EEC role. So called "direct elections" will probably not only mean more "direct government", but certainly more "direct representations", which will by-pass Westminster altogether.

However, power at Westminster is the basis on which both the major parties think, operate, and organize themselves. Westminster is the kingdom which the elected monarch of the Tory Party is expected to inherit; the Labour Party was formed outside Parliament to gain a majority in the Commons. Euro-elections would provide both parties with stresses, since they would challenge their foundations.

When will we learn that in reorganizations of any sort the unforeseen side-effects may be the most potent results of change? Surely statutory elections to a body which will have power but no responsibility can only weaken any democratic party in the United Kingdom which aspires to both? Mr Baldwin would surely have agreed.

Yours faithfully,  
NIGEL SPEARING,  
House of Commons.  
August 8.

## Document 19

'The Financial Times', 12 October 1976

### Debre will oppose EEC universal suffrage

BY ROBERT MAUTHNER

PARIS, Oct. 11.

M. MICHEL DEBRÉ, a former Gaullist Prime Minister and still an influential leader of his party's "orthodox wing" has announced that he will set up a committee to fight against the election of the European Parliament by universal suffrage.

The new body which, M. Debré hopes, will attract not only Gaullists, but members of other French political parties, will be called "the Committee for the Unity and Independence of France" and will be formerly created before the end of the year.

M. Debré who is never happier than when playing the rôle of Chief Curator of the Gaullist tablets, told a local party meeting over the weekend that the creation of European "super MPs" would inevitably lead to the "dismemberment of national unity."

Though admitting that the Treaty of Rome provided for direct elections to the European Parliament, M. Debré said General DeGaulle never wanted to apply this particular article because "it went beyond the Common Market and touched the heart of national policy, namely independence."

Those who claimed that the new Parliament would not be

sovereign but would merely serve to control the other institutions of the Common Market — though un-named by M. Debré, they include the new Prime Minister, M. Raymond Barre — were either hypocritical or misguided. In fact, the intention was that the new assembly would deal with all matters ranging from diplomacy to defence. If this were not the aim, there would hardly be any point in electing the Parliament by Universal Suffrage.



## Document 13

'Tribune', 4 March 1977

TOO MUCH . . . .

PETER EBSWORTH (*Tribune*, February 25) is not being entirely truthful in attempting to compare direct elections to the European Parliament with elections to Westminster, because he fails to mention that the so-called European Parliament is, in fact, a powerless talking-shop. It is, therefore, difficult to understand how the cause of democratic accountability in the Community will be served by such elections, for there is nothing to show that a directly elected Parliament will acquire any significant powers.

Direct elections are a fraud, for two reasons. First, they seek to delude the electorate into thinking that the Community will be made more democratic, when it is being asked to vote for a talking-shop that wields no power. Secondly, there is no discernible popular desire for a federal Community with centralised political control. Political power is already far too removed from the people, so how can this be remedied by taking power even further away?

London W4.

Hilary Benn

## Document 20

'The Times', 2 March 1977

OR TOO LITTLE . . . . ?

From Mr Ronald Bell, QC, MP for Beaconsfield (Conservative)

Sir, I do not want the members of the European Assembly to be elected at all, because I believe that the claim of an elected assembly for additional powers would soon be conceded, and the avowed aim of some politicians of draining power away from national parliaments to a European Parliament would be on its way to attainment.

# What is sovereignty?

### General use of the term sovereignty

In arguments about direct elections to the European Parliament, the word sovereignty is generally used in one of two ways:

- to describe either the legal position or the real independence of states in international affairs;
- to describe the ultimate source of authority *within* a state — for example, the sovereignty of parliament.

### Internal aspects

Under traditional international law, sovereignty is the attribute of an independent state. It has internal and external aspects. *Internally*, it means that the government is subject to no external restrictions on what it can do within its own borders. For example, a government might imprison a sizeable minority of the country's inhabitants and reject criticism or interference by other countries as an infringement of national sovereignty.

### Limits to internal sovereignty in practice

It is important to note that the concept of parliamentary sovereignty is linked to that of internal sovereignty. Thus Westminster has in the past voted to join various international bodies which limit even internal action. Any systematic imprisonment of minorities, for instance, would quickly put Britain before the European Court of Human Rights. It is widely held, however, that no parliament can bind its successor — so that if a future parliament were intent on such action, it could exercise its sovereign right to remove the UK from the Court's jurisdiction.

### External aspects

*Externally*, the position is more complicated. According to the simplest theory, international law is based on practical rules which govern the relations between states. These can be likened to traffic regulations: even if it were not illegal to drive on the wrong side of

the road, practical experience would soon oblige drivers to conform. Similarly, the action of states is bound by certain conventions.

### **Practical limits to external sovereignty**

Many international lawyers would argue that external sovereignty has legal limits as well. We need not examine the arguments here, except to note that legal theory often merges with purely descriptive remarks about international society. When it is argued that national sovereignty is an illusion, what is usually meant is that in practice national freedom of action is limited. For example, it may not be *illegal* to invade a neighbouring country, but if the neighbour is heavily armed and is backed by allies, it would be a suicidal policy (Document 25).

### **Parliamentary sovereignty related to international law**

As we have seen, the notion of parliamentary sovereignty is related to international law. For example, it might seem theoretically possible for Westminster to repeal the Acts which gave independence to former colonies, declaring say, that India was after all still part of the British Empire! Under international law, however, Britain (and therefore the British parliament) ceased to be sovereign over India once independence was enacted.

Within such limits as these, parliamentary sovereignty in effect means that the last word on the way in which the United Kingdom is run rests with the House of Commons.

### **Dispersal of sovereignty**

This effective centralisation of sovereignty in one body, the House of Commons, may be contrasted with constitutions where sovereignty is — or appears to be — dispersed. The dispersal can be either *functional* or *geographical*.

### **Functional distribution**

*Functional* distribution of sovereignty exists in a state when a number of different bodies hold ultimate power over different aspects of the country's affairs. This is usually achieved by laying down in a written constitution exactly where the authority of each body begins and ends, how it is appointed and so forth.

### **USA**

In the United States, for example, the *President* and *Congress* can be said to share sovereign power. They are elected separately and both can therefore claim to derive their ultimate authority from the people. The government is appointed by the President: legislation is primarily the responsibility of Congress. At the same time, the ultimate authority on legal matters — including the constitution itself — rests with the independent *Supreme Court*. The US constitution is the classic expression of the theory of the separation of powers.

### **France**

The present constitution of France provides a similar example. The *President* and the *parliament* are again elected separately, with the President again appointing the government. A *Constitutional Council* guarantees that the proper procedures for election are followed, that legislation is in accordance with the constitution, etc.

### **Geographical distribution**

*Geographical* distribution of sovereignty typically exists in federal or

confederal states. Some powers are exercised by central bodies (a national parliament, government, president, etc.); others are reserved to the regions which go to make up the whole. Again, the separation of power is never clear-cut. There are always two key questions: does the *central* authority have an ultimate power to overrule the authorities in a region (as for example, in India)? And, by contrast, does a region have the ultimate power to secede and become an independent state?

### Definitions imprecise

*Neither the sovereignty of states in the world, nor the sovereignty of institutions within states can therefore be precisely defined* (Document 21). They both depend on the weight given on the one hand, to international and constitutional law; and on the other hand, to hard political reality. In the case of both kinds of sovereignty, however, the question still arises: on what does it ultimately rest?

### Sovereignty loaned by the people

The French constitution provides one explicit answer. Chapter 1 (entitled *On Sovereignty*) declares that "national sovereignty belongs to the people, which shall exercise this sovereignty through its representatives and through the referendum". This corresponds to Benn's view of the British constitution, in which the people *lend* their sovereignty to the House of Commons, through elections. It has to be pointed out, however, that ideas of national and parliamentary sovereignty predate elections of almost any kind. Enoch Powell's view of parliament as *symbolic* of the British people's independence is, historically, more satisfactory.

### Sovereignty a symbol of national independence

But this, in turn, raises further questions: Why *national* sovereignty? Why the *British* people (as opposed to the English, Scots, Welsh and Irish separately); or the *French* (as opposed to Burgundians, Bretons or Corsicans)? This brings us to the issue of *nationhood*.

## Document 21

*From 'An Introduction to International Law' by J G Starkie. Butterworths*

### Sovereignty and Independence of States

Normally a State is deemed to possess independence and "sovereignty" over its subjects and its affairs, and within its territorial limits. "Sovereignty" has a much more restricted meaning today than in the eighteenth and nineteenth centuries when, with the emergence of powerful highly nationalised States, few limits on State autonomy were acknowledged. At the present time there is hardly a State which, in the interests of the international community, has not accepted restrictions on its liberty of action. Thus most States are members of the United Nations and the International Labour Organisation (ILO), in relation to which they have undertaken obligations limiting their unfettered discretion in matters of international policy. Therefore, it is probably

more accurate today to say that the sovereignty of a State means the *residuum* of power which it possesses within the confines laid down by international law . . . .

In a practical sense, sovereignty is also largely a matter of degree. Some States enjoy more power and independence than other States. This leads to the familiar distinction between independent or sovereign States, and non-independent or non-sovereign States or entities, for example, Protectorates and colonies. Even here it is difficult to draw the line, as although a State may have accepted important restrictions on its liberty of action, in other respects it may enjoy the widest possible freedom. "Sovereignty" is therefore a term of art rather than a legal expression capable of precise definition.

# The nation and the state

## Youthful states . .

Most of the *states* which make up the European Community are of surprisingly recent origin. The Federal Republic of Germany, for example, only came into being in 1949; and Ireland's existence as a sovereign state dates from 1922.

## . . but old nations

Nevertheless, one has only to talk on the subject to an Irishman, for example, to realise that some of the *nations* involved are a lot older. This is evidence of an important historical fact: it is only in relatively recent times that it has been thought normal for the *state* and the *nation* to coincide. The popularity of national sovereignty developed in the early 19th century as a revolutionary alternative to *multi-national* units (for example, the Austrian and Turkish empires). It was linked with the idea of democracy: John Stuart Mill, the leading exponent of Liberal constitutional theory, wrote in 1860 that "It is, in general, a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationality".

## Revolutionary, democratic origins

## Problems leading to conflict

The conflicts that have beset Europe in the last century and a half, however, show that the idea of national sovereignty raises fundamental problems. What is a 'nation'? How is it to be identified? And what happens when the same geographical area is occupied by *more* than one identifiable 'nation'?

## Concept of nation has four aspects . .

Attempts to identify nations have usually rested on four criteria: *language, race, religion* and *historical association*. In some cases the four have coincided (as, arguably, in the case of Ireland). In others the criteria have conflicted (as, for example, in Belgium). The most certain has been historical association, if only because people united in some way over long periods of time have tended to acquire a common language, a common religion and common cultural characteristics. Hence the strength of French and English national identity.

## . . which sometimes conflict . .

The history of Europe shows, however, that the other three tests of national identity — language, religion and race — have produced as much internal division as unity. Belgium still suffers from linguistic conflict and the United Kingdom is currently experiencing both religious and racial conflict. Indeed, the most powerful criticism of the value of national sovereignty is precisely the ease with which the linguistic, religious or racial identity of one group, organised politically, leads to the persecution of others.

## . . and lead to persecution

## Nationalism remains a potent force

It cannot be denied, however, that nationalism is one of the most potent forces in the world. With the crumbling of the old European empires, every continent is now divided into nation states. Nationalism has also fended off alternative focuses of loyalty. The unity of Christendom, or even of Islam, has not taken precedence over nationality for centuries. Multi-national companies are to some extent able to evade national controls, but, with a few personal exceptions, do not command a patriotism of their own.

## and rivals to nationalism . .

Hitherto, the only serious rivals to nationality have been ideological.

The rise of socialism over the turn of the century was associated with the belief that 'working class solidarity' would be sufficient to prevent the European nations ever going to war. This belief was shattered by the First World War, when working class movements on both sides rallied to their respective colours.

Since the beginning of the Cold War in the late 1940's, however, it has been possible to argue that the division of the world into nations has been less important than the division into the 'Communist' and 'Free' worlds (Document 22).

### **. . . often assume national forms**

Yet it is very much open to doubt whether *loyalty* to communism or capitalism is in practice more powerful than national loyalty. Within the communist bloc, for example, China has developed a unique national form of Marxist thought and practice; and several Eastern European countries have done — or would like to do — the same.

### **Can direct elections change things?**

Direct elections to the European Parliament, however, provide a chance for political ideology as opposed to national identity. New European political parties could develop, cutting across national frontiers and they may become more important than national political parties. Already three of the political groups in the European Parliament — the Socialists, the Christian Democrats (now called the European People's Party) and the Liberals and Democrats — are preparing to fight the first elections as embryo 'European parties'.

### **Nationalism meets the need for social identity**

Meanwhile, nationalism is still a powerful force, even within the European Community (Document 23). Why? In part it is because nationalism fills the human need for *social identity*. Everyone identifies to some extent with a whole range of organisations: the family, a village, town, county or city, and humanity as a whole. In most cases, however, it is the nation which best enables people (in Enoch Powell's words) to "see themselves as members of a larger entity" (Document 24). This "act of imagination" is not necessarily a static thing: it is possible for national loyalty to a larger unit to be transferred to a similar one (eg. to Scotland rather than to the United Kingdom); or for several national loyalties to merge into the single one (eg. Italy in 1861). Once the basic identification has been made, however, the political consequences can be far-reaching.

### **Power of the state**

The era of the nation state, for example, has been the era of increasing *power* for the state; and all governments are from time to time tempted to implement nationalist policies: economic protection, restrictions on immigration, controls on the movement of money in and out of the country etc. The laws on nationality themselves provide the state with a powerful lever over individual citizens.

### **Is the nation state out of date?**

Can it then be said that the nation state is out of date? (Document 25). There are a number of points to bear in mind.

1 Whatever the position of the nation state, it is clearly not true that the nation is defunct. Although extremes of jingoism are

unusual, identification with the nation — if only via football teams — is still very much a part of life.

- 2 It is by no means, clear, however that the existence of *nations* any longer makes *nation states* inevitable. Some nation states are in any case synthetic (where the state has preceded the nation); some nation states are, perhaps, beginning to look like multi-nation states (eg. Canada or the UK); and others are finding common identity with other nation states (eg. within the European Community).
- 3 If nation states are no longer inevitable, however, what form of multi-national organisation is possible?

These problems are illuminated by a discussion of how the European Community itself is likely to develop in the future.

## Document 22

From 'The Left against Europe?' by Tom Nairn. Pelican 1973

The ruling class put class before nation: they redefined that old scarecrow, 'the national interest', to suit a renewed and changing class interest. This move forward gave it new political élan and a desperately needed sense of achievement and purpose. And, at the same time, it left the opposition clinging to what was being left behind. In order to oppose, the left let itself be coerced into putting nation before class. While the Conservatives advanced to their new positions, socialism was left in occupation of the old trenches, among the fag-ends and old boots, defending 'national sovereignty'.

## Document 23

From 'The Mémoires of Général de Gaulle', Vol 1 'L'Appel'. The opening sentences:

Toute ma vie, je me suis fait une certaine idée de la France. Le sentiment me l'inspire aussi bien que la raison. Ce qu'il y a, en moi, d'affectif imagine naturellement la France, telle la princesse des contes ou la madone aux fresques des murs, comme vouée à une destinée éminente et exceptionnelle. J'ai, d'instinct, l'impression que la Providence l'a créée pour des succès achevés ou des malheurs exemplaires. S'il advient que la médiocrité marque, pourtant, ses faits et gestes, j'en éprouve la sensation d'une absurde anomalie, imputable aux fautes des Français, non au génie de la patrie. Mais aussi, le côté positif de mon esprit me convainc que la France n'est réellement elle-même qu'au premier rang; que, seules, de vastes entreprises sont susceptibles de compenser les ferments de dispersion que son peuple porte en lui-même; que notre pays, tel qu'il est, parmi les autres, tels qu'ils sont, doit, sous peine de danger mortel, viser haut et se tenir droit. Bref, à mon sens, la France ne peut être la France sans la grandeur.

[All my life I have had a certain idea of France. It has been inspired as much by feeling as by reason. Sentiment in me naturally imagines France like the princess in the fairy tale or the madonna on wall frescoes, dedicated to a destiny that is eminent and exceptional. My instinct tells me that Providence created her for total success or a model of misfortune. But if by chance her deeds and behaviour carry the stamp of mediocrity, I feel this is an absurd anomaly, due to the faults of the French people, not to the genius of the nation. Yet at the same time the positive side of my nature convinces me that France is only herself when she is in the front rank: that vast enterprises alone are able to balance the natural tendency towards divergence which ferments within her people; that our country, such as it is, among others such as they are, must under pain of mortal danger, aim high and stand tall. In short I believe firmly that France cannot really be France without grandeur.]

## Document 24

*From a speech at Trinity College Dublin by the  
Rt Hon J Enoch Powell MP, 13 November 1964*

The life of nations, no less than that of men, is lived largely in the imagination. It is what an individual thinks about his life, much more than the objective condition in which he lives, which determines whether he will be happy or unhappy and therefore, in the truest sense, successful or unsuccessful. The same circumstances in which one man is contented and prosperous, because he has perhaps sought and desired them or at least regards them as right and fitting, will make another man violently unhappy, if he considers them to be the result of personal failure or unjust treatment.

As with individuals, so it is with that mysterious composite being, the nation; or—to speak less figuratively and more accurately—as it is with individuals in their personal lives, looking inward, so it is with them in their corporate lives, when, looking outward, they see themselves as members of a larger entity, and feel in their own persons the ups and downs of fortune, the hopes and fears, the regrets and aspirations, which they attribute by an act of imagination to the nation, as though it were a sentient, living thing . . . .

. . . . The matter of this imagining is nearly all historical—whether the history be contemporary, modern or ancient . . . .

But all history is myth. It is a pattern which men weave out of the materials of the past. The moment a fact enters into history it becomes mythical, because it has been taken and fitted into its place in a set of ordered relationships which is the creation of the human mind and not otherwise present in nature.

So what I am saying is that a nation lives by its myths.

## Document 25

*From 'The Changing Structure of International Law'  
by Wolfgang Friedmann. Stevens 1964*

The delayed and frantic implementation in the non-Western world, of the nineteenth-century ideology of nationalism, made even more anachronistic by the fact that it generally, and unlike the nineteenth-century nationalist movements, tends to create smaller rather than larger political units, contrasts tragically with the military, political, and economic realities of our time. The discrepancy between the legal symbols of sovereignty, expressed in the privileges and immunities of statehood, and in the claim to "sovereign equality" in the concert of nations, and real sovereignty becomes greater every day. Only three of the existing states, the United States, the Soviet Union, and Communist China, can even think in terms of national military planning and defence, although even they face the overwhelming likelihood of extinction as organised nations in the event of nuclear war. The rest, including such once powerful states as Britain and France, can only hope for survival in close association, and eventual integration, with a wider group.

The tension between the explosive outburst of nationalism, seeking expression in the symbols of national sovereignty, in the non-Western world, and the utter inadequacy of nationalism as an effective expression of the military, political, and economic realities of our time, constitutes one of the major problems of contemporary international politics.

# A Europe of states or a State of Europe?

## **Lines of development**

The future development of the European Community is a matter of controversy, but two main shades of thought are discernable.

## **Blueprints for the future**

First, there are those who see the Community developing into a particular form of political organisation. This, certainly, was the view of those who founded the Community — Robert Schuman, Konrad Adenauer, Jean Monnet, Henri Spaak, Alcide de Gasperi — all of whom might loosely be described as 'federalists'. Their objective was to end the 'civil wars' that had torn Europe apart in the preceding centuries by merging the various national sovereignties. The first sentence of the Treaty of Rome (EEC) declares the determination 'to lay the foundations of an ever closer union among the peoples of Europe'.

## **European union the major aim**

Despite great changes since the 1950's, this aim of European Union remains alive. (Most recently the Belgian Prime Minister, Mr Leo Tindemans, was asked by the Community heads of government to suggest practical steps towards achieving such a Union.)

## **But it comes in different forms**

European Union, however, means different things to different people. Even General de Gaulle, who more than any other factor was responsible for frustrating the ideas of the founders, favoured the idea of a 'political Community', by which he meant the co-ordination of foreign policy to give Europe a distinct voice in the world. There are at least three blueprints for European Union.

## **Europe des Patries . . .**

1 Although the idea of 'a Europe of nation states' is most closely associated with de Gaulle, it is widely supported in countries other than France. Indeed, the most recent expression of this view is contained in the letter of the British Prime Minister, James Callaghan, to the National Executive Committee of the Labour Party (Document 26).

## **. . . where member states cannot be outvoted . . .**

The key element in 'Gaullist' Europe is the guaranteed preservation for each member state of the ultimate right to say 'Non'. This implies a continuation of the 'Luxembourg compromise' by which no member state can be outvoted in the Council of Ministers on a matter of vital national importance.

## **. . . and the Community cannot take firm decisions**

Some would go further: they would reject the right of the Community institutions to take any final decisions at all, and would insist that everything went through national parliaments in the normal manner. This would, in effect, make the Community little different from an international organisation on traditional lines like the Council of Europe or the United Nations. Generally, the 'Europe des Patries' would not take the 'ever closer union' of the Community much beyond what exists at the moment except, perhaps, in the field of foreign policy.

## **Confederal Europe . . .**

2 Supporters of a 'Europe des Patries' are often described as 'confederalists'. This, however, is not strictly correct. It is possible



**. . where certain aspects of national sovereignty are pooled**

to accept pooling of national sovereignty while at the same time limiting the areas which are pooled. The distinguishing characteristic of a confederal (as opposed to a federal) constitution, is that all matters of law, politics, economics, etc. are within the competence of the individual constituent states unless specifically delegated to the confederation.

Indeed, it might be said that the original Treaties are above all blueprints for a confederal Europe. They limit the common institutions to precise fields (Coal and Steel, Economic Policy, Atomic Energy); and ensure that these fields cannot be extended without new Treaties or Treaty amendments, which require agreement by each of the member states. But at the same time they also create the possibility that, within these limitations, individual member states will be overruled. It is only by the informal agreement of the Luxembourg compromise that this hardly ever happens.

**Or a Federal Europe . .**

**3** The dividing line between a confederal constitution, like that of Switzerland, and federal constitutions, like those of W. Germany, the United States, Canada, or India, is not clear-cut. In both cases, powers are reserved at different levels, so that, for example, a federal parliament is able to determine foreign policy but not education policy, which is decided separately by the different regions.

**. . where the central authority accumulates legal, economic and political powers**

In practice, however, the distinguishing characteristic of a federal constitution is the 'mirror image' of a confederal one: all matters of law, politics, economics, etc. tend to fall within the competence of the federation. Thus, however much the rights of states may be entrenched, there is a strong tendency for the central authority to accumulate powers as new problems and new spheres of political activity arise. This would certainly seem the lesson of American history.

Such an historical process is one which supporters of a federal Europe welcome. Indeed, the strategy of the Community's founders was precisely that the pooling of sovereignty in certain technical and economic spheres would, in time, gain a political momentum of its own. This approach, however, has not so far proved entirely successful. The plans to create a common currency by 1980, for example, broke under the impact of the energy crisis; and indeed, the reaction of the Community to the crisis was the opposite of what the founders might have hoped — the member states put their national interests before their common interests.

**A second federalist approach**

A second federalist approach, therefore, has been through institutional reform. Here there are a variety of 'blueprints'.

**A United States of Europe**

For example, some have seen the 'United States of Europe' following closely the United States of America: Commission = President; European Parliament = House of Representatives; Council of Ministers = Senate; and Court of Justice = Supreme Court.

## **A Europe of regions**

Alternatively, there is the idea of a 'Europe of the regions': the 'Senate' would not represent the nation states, but smaller areas: for example, Scotland, Bavaria, Brittany and Sicily. The object of this blueprint is deliberately to dismantle the centralised power of the nation state, downwards as well as upwards. It would also provide one answer to those who oppose the whole idea of a united Europe on the grounds that 'small is beautiful' — a reaction against size and centralisation of which Scottish and Welsh nationalism, for example, provide evidence (Document 27).

## **Direct elections a key to federal Europe**

Whatever the precise blueprint, however, direct elections to the European Parliament are clearly a key element in the creation of a federal Europe. As we have already seen, indeed, both supporters and opponents of the elections have argued that they make eventual federation inevitable.

## **The pragmatic approach**

The second major school of thought, however, rejects the idea of making blueprints for the future. Former British Prime Minister Ted Heath, for example, writes that the argument about federal or confederal Europe is actually a positive hindrance to European progress (Document 28). Rather than take existing models like the United States the pragmatists argue that the Community is already something quite new in the world; and that it will develop in its own way.

## **Europe à la carte**

This approach is sometimes described as 'Europe à la carte' and has been attacked from different angles. Opponents of the Community, for example, claim that such pragmatism really means 'drifting into a federation by accident' (but see Michael Stewart's reply: Document 29). Others, like Italian Communist and federalist Altiero Spinelli, describe pragmatism as another name for lazy thinking (Document 30).

It can be argued however, that 'Europe à la carte' is a good description of what is actually happening. Even the Tindemans Report (which is widely held to be federalist), lays down no specific description of what European Union is to be. Rather it outlines a number of practical steps to meet specific problems: the energy crisis, consumer rights, currency instability, etc.

## **Direct elections neutral**

The pragmatists can also argue that direct elections to the European Parliament are, in themselves, neutral: i.e. they imply no particular model for the future (Document 31). As British Foreign Secretary David Owen noted, the elected Parliament will reflect public opinion; and this could be just as easily anti-federalist as federalist (Document 32). Indeed, the elections themselves are, in sense, the first chance the Community has had to *choose* between alternative futures (Document 33).

## **Wide choice**

The choice is likely to be wide. Even those who have been vigorously opposed to British membership of the European Community in the past — the current leader of the Labour Party members in the European Parliament, John Prescott, for example — are developing views as to the direction in which the European Parliament and European politics might go (Document 34).

## Document 26

*From the Rt Hon James Callaghan's letter to the National Executive of the Labour Party, September 1977*

**Maintenance of the Authority of National Governments and Parliaments:** The Government has never accepted that the Community should develop into a federation. It is our policy to continue to uphold the rights of national Governments and Parliaments. We do not envisage any significant increase in the powers of the European Parliament. Should any such increase in powers be contemplated it would need the unanimous consent of the Nine Member States and of the Parliaments. The UK should make it clear that in our case any change in the powers of the Assembly would require an Act of Parliament

**Democratic Control of Community Business:** We should try to define categories of Community legislation and develop greater Parliamentary control over those categories which we would otherwise have considered appropriate for Parliamentary legislation.

## Document 28

*From 'Old World, New Horizons', by Edward Heath. OUP 1970*

But still the argument about a federal or a confederal Europe persists. It seems to me to be at best a sterile debate and at worst a positive hindrance to European progress, especially when holding one or the other view is held to be the real touchstone of a true European. Dr. von Brentano, a true European if ever there was one and a most distinguished Foreign Minister of the Federal German Republic once said to me that when he first took part in the developments in Europe he thought that Ministers should call together the constitutional lawyers and instruct them to produce a blueprint for the constitution of the new Europe.

"But now" he said to me "I realise there is no possibility of this happening. What is more I do not believe any longer that it is desirable. Here we are not dealing with some new country taking unto itself a constitution for the first time. We are dealing with ancient nation states with long traditions, hopes, aspirations and deep-rooted prejudices. What I believe is now happening" he went on "is that the more closely we work together in economic affairs so gradually will we create the other institutions which are required by a wider European economic unity. And then every ten years I shall invite the constitutional lawyers to tell us which position we have reached — whether it is confederal or federal or something in between".

"That" I replied, "is a typically pragmatic, British approach and very acceptable to us. The only thing is," I added, "that by the time the constitutional historians have decided where we have got to we shall have got to somewhere else".

## Document 27

*John Papworth in 'The Spectator', 1 March 1975*

We all know that a small crowd is more manageable than a large one, that a tall ladder is more difficult to manipulate than a short one and that an elephant is more cumbersome in its movements than an ant. Why then do we assume that economic affairs are excluded from the consideration of size, scale and proportion that govern the natural world? "Everything," said Seneca nearly twenty centuries ago, "that exceeds the bounds of moderation has an unstable foundation."

The widespread disquiet about the entire Common Market enterprise springs from wisdom of this order; if the forces which are so rightly opposed to the moves towards European integration were to make it the basis of their campaigning instead of allowing themselves to be distracted by side issues about farm prices, the size of Britain's 'contribution' and the rest of it they

might yet surprise themselves by the degree of favourable grass-roots response they succeeded in evoking, for fundamental to the whole debate is the question of liberty and sovereignty, both of which require moderation and seamliness of proportion as their natural expression if their fruits are to be garnered.

In both politics and economics it is not growth that we should be seeking, which may lead anywhere and destroy everything, but control. It is an awareness of how insistently this truth is pressing upon contemporary events which is leading to the grass-roots call, now increasingly heard, for decentralisation, devolution, community power, Welsh and Scottish nationalisms and a host of other concerns which express the alarm people are feeling about overgrowth, over-centralisation and the general erosion of liberty they entail.

## Document 29

*Rt Hon Michael Stewart MP: House of Commons, 24 November 1977*

I took the right hon. Gentleman's further point to be that direct elections must inevitably lead to a union of Europe and to Britain becoming part of the European State, whether that State be unitary or federal. I do not believe that is so. The point has been made and not controverted that one should not increase the powers of the Community as against the powers of national Governments without seeking to alter the treaty, which requires the assent of the Parliaments of the Nine. One can get nine countries to work in closer and closer agreement on many matters and that is what the Community is now doing. It is not a federation or a union, but a community. It is a new animal in the political sense.

Many of the arguments people try to adduce from earlier political forms do not apply today. A group of nine sovereign nations have agreed to act together more closely than nine nations have ever agreed to do before. But one cannot slip into a federation unaware. A decision by a country to cease to be a sovereign State and become part of a larger State, whether unitary or federal, is a decision which cannot be made inadvertently. On those occasions when it has been done it has been done deliberately and with the eyes open. It is rarely done in history, but when it is done it must be done in full knowledge. Any idea that by passing this Bill we shall find ourselves on a slippery slope that will land us in a position where we have lost our sovereignty without knowing it, will not stand up. It does not make sense.

## Document 30

From 'The European Adventure', by Altiero Spinelli.  
Charles Knight 1972

Everywhere it is asserted, apparently with good conscience, that one should be pragmatic, stick to realities, envisage only what is possible and leave on one side doctrinaire quarrels. As if it was possible to advance over the difficult and treacherous terrain in which the European adventure is being acted out, without being guided by ideas which measure up to the facts and to the opportunities ahead.

The fact is that when politicians declare that they wish to set aside questions of doctrine and be pragmatic they generally want to remain lazy prisoners of ancient doctrines and concepts without asking whether they are still relevant or not.

## Document 32

Dr David Owen (Foreign Secretary): House of Commons, 20 April 1977

If we compare the history of Western Europe with the history of the United States we can, I think, appreciate just how far we should have to go, even if we wanted a federal Europe. The United States developed a federal system in a society that was relatively homogeneous, both culturally and socially. The 13 original states had a common language and a common cultural, historical and judicial background. They came together against a common enemy and continued together in the face of a common challenge—that of the vast and largely empty continent which they came to occupy. It took a devastating civil war nearly a century after the founding of the republic to confirm the federation, which developed geographically and demographically, in slow and measured steps. Of course, I understand the deep feelings which motivated the founding fathers in the late 1940s and 1950s to dream of a Community which might weaken the nationalisms which had

brought Europe in this century to its own two disastrous civil wars. It is a measure of the Community's success that no one today believes that Europe is likely to face a third civil war.

But I think we must face facts and I should like to be blunt. It is scarcely conceivable that Europe, with its much greater national, regional, linguistic, cultural and historical diversity, could become a federal State akin to that of the United States within my children's lifetime, or even one's grandchildren's, still less our own lifetime.

There is no inherent reason why a European Parliament should be federally inclined. A directly elected Assembly will, or should, reflect public opinion in the nine member States on the rôle of the Community and on the powers of its institutions, as on other things. Matters of this kind will be legitimate issues in elections to the Parliament. People will stake out their claims in such elections.

## Document 33

Sir Peter Kirk MP: European Parliament,  
14 January 1975, during the passage of the  
direct elections bill

Today we may be taking a step towards a federal Europe for those who want to go in that direction. It may be a step away from it for those who do not; but the essential things is that it is a step towards the participation of the peoples of our countries in the work of the Community as a whole, bringing the Community closer to them and therefore giving them a say in the way they want the Community to go.

## Document 31

Tom Ellis MP: House of Commons,  
7 July 1977

Mr. Ellis: I merely make the point that the nineteenth-century nation State is so outmoded that something must be found to replace it. It seems to me that the only practicable proposition is to go along with this European venture. No one knows where it will take us. It will not necessarily be federalism. It may be something that we have not thought of yet. In politics one is obliged to travel, and I always feel that it is better to travel hopefully.

## Document 34

John Prescott MP, (leader of the Labour Party  
delegation to the European Parliament): from 'Labour  
Weekly'.

The political sensitivity of individual countries makes it extremely difficult to impose adequate national controls on multinational operations, particularly when it is feared that by taking action a national government could affect its own long-term interests.

But the Senator Church Committee in the United States has shown how effective such committees can be. They are to reflect public concern about such developments and expose activities that are a threat to democracy. It would be possible, without major changes, for the Assembly to acquire the authority from the Treaty itself to command chairmen of multinationals to appear before them, their examination and the results would be publicised and the work would fill a gap not currently performed by national governments in Europe.

Thus a developed committee structure in Europe could perform an extremely vital function which would not be competitive with that of domestic parliaments. A different type of political system is developing in Europe and it should take the opportunity to use the best of both federal and unitary government systems.

# Note to students

The introduction explained the purpose of the magazine and the approach to adopt in coming to terms with European elections. Remember that this issue is not a matter of one *right* answer. You need to be aware of the essential facts, of course, but only in order to understand other people's *opinions* and eventually to form your own, for this is an issue on which, as a (future) voter, you will need to make your own judgement.

There is no short cut or one way to do this. We suggest you examine Ben Patterson's article and the sources provided. Perhaps you might glance through the whole magazine to get an idea of the main sections. You might then spend some time on each of these, *but always be prepared to break off to check the source materials at important points.*

If you find this task daunting you might like to consider some of the suggestions for study set out below, *though these will only be helpful if you are already reasonably familiar with the article and the documents.*

## A Where do you stand?

Examine Enoch Powell's argument in his Smethwick speech. Study also Ben Patterson's reference to this argument in 'The Case Against Elections'. Patterson goes on to question the place of national sovereignty in the modern world. Where do you stand on this issue?

- i) Can you foresee the European Parliament developing into the legitimate sovereign body for a united Western Europe?
- ii) In your opinion would this be a good thing?
- iii) Do you feel your interests are better served by a national parliament or a European Parliament or can the two work well together?
- iv) Can you think of other interests than your own which should be taken into account when forming your opinion?

## B Do you agree with your friends?

Discuss issues i-iv (above) with friends or fellow students.

- i) Do their opinions differ in any way from yours?  
(Look for shades of difference as well as opposites.)
- ii) Did this discussion change your view at all?
- iii) Whether it did or did not, state why.

## C Politicians: can you spot their positions?

The documents recorded the opinions of each of the politicians pictured below. Match the quotations to each picture.

"The Parliamentary democracy we have developed and established in Britain is based, not upon the sovereignty of Parliament, but upon the sovereignty of the people."

"I fail completely to comprehend those who accept that we are in the EEC but refuse to make that organisation more democratic by holding direct elections."

"An elected parliament cannot work unless, and until, and as long as, those who do the electing regard themselves as a single whole, all of whose parts will see their separate interests as subordinate to the interest of the whole."

"The fact is that when politicians declare that they wish to set aside questions of doctrine and be pragmatic they generally want to remain lazy prisoners of ancient doctrines and concepts without asking whether they are still relevant or not."

"A different type of political system is developing in Europe, and it should take the opportunity to use the best of both federal and unitary government systems."

"Direct elections ... are the essential first step towards the creation of a citizen's Europe."



Altiero Spinelli



Geoffrey Rippon  
Leader of the European  
Conservative Group.



Edward Heath



Anthony Wedgwood Benn



J Enoch Powell



John Prescott  
Leader of Labour MP's in  
the European Parliament

#### **D Has the article a bias?**

Ben Patterson has presented the major issues and the main opinions as clearly and fairly as he could. Examine his article to see if you can detect his own opinion.

#### **E Local opinions**

- i) Look through back numbers of your local paper (usually kept in the reference section of the public library). If you find references to the European Parliament you should be able to assess the 'editorial line' adopted by the paper.
- ii) Contact local political parties to see if they have produced any literature. Assess this too.
- iii) Conduct an attitude survey by interviewing a few people on their own views. You will need to give some thought to the questions you ask, but above all *listen carefully* and write down the replies.

#### **F National press**

Collect press cuttings from national newspapers of references to the European Parliament and compile a diary —

- i) To keep yourself up to date with developments.
- ii) To compare the treatment of news about the European Parliament.

#### **G Key concepts**

In the article and the other sources there are several references to the following concepts: the executive; the legislature; legislation; nation; state; sovereignty; legitimacy; mandate; democratic control; direct elections; constitutional conventions; formal and informal powers; federal; confederal.

- i) What in general terms do you understand these to mean?
- ii) Can you detect different shades of meaning for some concepts as they are used in the different documents?

#### **H In class**

Either —

- i) Present your views to the class on the issue of the European Parliament and national sovereignty.

Or —

- ii) Prepare a debate on the same issue.

# Further reading

## Basic texts

*European Communities Act 1972.* HMSO

*Treaties establishing the European Communities.* European Communities 1973

*Decision of the Council of the European Communities with annexed Act concerning the Election of the Representatives of the Assembly by Direct Universal Suffrage.* HMSO (Cmnd 6623) October 1976

*First Report, Second Report Part I, Second Report Part II and Third Report of the House of Commons Select Committee on Direct Elections to the European Assembly.* HMSO October 1976

*Direct Elections to the European Assembly (White Paper).* HMSO (Cmnd 6768) April 1977

*European Assembly Elections Bill.* HMSO October 1977

*European Union (The Tindemans Report).* European Communities 1976

## For students

### On the Community in General

*Working Together — The Institutions of the European Community.* A simply written guide, free from the London Office of the European Commission 1977

*The Politics of the European Community* General introduction, especially Part 1. R Pryce. Butterworths 1973

### On the Parliament and Elections

Publications of the European Parliament (mostly free)

*The European Parliament.* Basic briefing on what the Parliament is and does.

*Powers of the European Parliament.* 38 page summary of what the European Parliament does

*European Elections: A Parliament for the Community.* 31 page summary of electorates, etc., in the nine countries

*Political groups in the European Parliament.* 4 page leaflets on the six political groups

*European Parliament Report.* Monthly 4 page news-sheet reporting the European Parliament in readable style

*European Elections Briefings.* 4 page leaflets providing up-to-date commentary on progress to direct elections

### Visual Aids

*Your Vote in Europe.* 20 slides with brief commentary.

*What is the European Parliament?* Wall-chart.

## Others

*Electing Europe's First Parliament.* R Northall & R Corbett. Fabian Society 1977

*Legislation in the EEC — & how to influence it.* 8 pp leaflet. European Presentation Fund/European Movement

*The Powers of the European Parliament.* R Jackson. Conservative Group for Europe 1977.

## More advanced texts

### On the Community in General

*The EEC (Unit 2: Community Method).* Open University 1974.

*European Community: Vision & Reality.* The following extracts: The Common Market of Political Parties p.105. The House of Commons and the European Parliament p.129. The Issue of Parliamentary Sovereignty p.198. The Coming Challenge to Parliament's Powers p.206. J Barber & B Reed. Croom Helm 1973

*The Developing Common Market* J Paxton. Macmillan 1976

*Basic Problems of the European Community.* Ch 6 Strengthening the position of the European Parliament. P Dagoglou. Basil Blackwell 1975

*Policy Making in the EEC.* Wallace, Wallace, Webb. Wiley 1977

*The European Adventure.* A Spinelli. Charles Knight 1972

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