3

From Federation to External Constraint

Europe in the Italian Constitutional Imagination

Marco Goldoni

3.1 INTRODUCTION

The aim of this chapter is to offer a study of the role of Europe (and European integration) in the Italian political and constitutional imagination. The argument tracks three discreet moments which have shaped the way European integration (and more generally the horizon of European political unity) has been perceived by Italian constitutional actors.[1] In a first brief, but intense and crucial, phase, the position of the main actors identified 'Europe' as an horizon for political action. In this phase, the majority of Italian political and institutional actors partook an idea of Europe as a project for a federation or confederation for the exercise of collective political action. Central for tracking this commitment is to analyse how the political parties that organised the resistance against the occupying Nazi forces and the Fascists talked about Europe in their writings and newspapers. Europe is not the main or only political priority (any reference to Europe comes together with national and State reconstruction), but it is seen by most political parties as an essential component of collective political action. In brief, there is an implication that it is not possible to realise political freedom unless a constitutional structure (often imagined as federal) is organised at the continental level.

The second phase is marked by a certain level of displacement of Europe from the core of the constitutional imagination, or at least from the narratives that support the programmes of the political parties during the electoral campaign (in 1946) for the Constituent Assembly and (in 1948) for the first general elections. This phase began in 1946, but it provided a framework that would apply until (at least) the Single European Act in 1986. This phase saw the adoption of a neutral (and rather invisible to the public opinion) image of the European Economic Community, but

[1] This tripartite temporal organisation dovetails (with some minor differences) with the interpretation of the trajectory of collective political action in European integration provided by Michael Wilkinson, *Authoritarian Liberalism* (Oxford University Press, 2021).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

it is important because it paved the way for the hegemony of a specific way of looking at Europe that would emerge with the fall of the Wall.

The third phase brings Europe back to the centre stage, but this time as an 'external bound' for domestic political power. Collective political agency is limited, when not quashed, by inputs coming from the European Union and its governing staples: the governance of the economic and monetary union. At this stage, in the imagination of the majority of Italian political actors, Europe has nothing to do (anymore) with enabling political agency. It constitutes an important point of reference for the activity of governing society because it is perceived as authoritative and as a vector of modernisation, though it is an essential component of a frightening move toward political passivity. Tellingly, the main act of political resistance, usually coming from the right-wing side of the parliamentary spectrum, becomes one not of political action but of victimisation. As a consequence, the horizon of constitutional imagination shrinks remarkably: either Italy should do its homework as demanded by 'Europe' or Italy is a victim of Eurocrats and can only suffer their diktats.

There are several lessons that can be learned by reconstructing the different narratives that animate Italian constitutional imagination and its relation to Europe. The argument of this chapter is based on the assumption of the material context that breathes life into different political and constitutional imaginations: based on the concept of the material constitution, it entails that the development of a constitutional imagination is based on the struggles around the organisation of social production and reproduction.[2] Furthermore, following recent research on the formation of constitutional imaginations,[3] I will assume that the way we understand the value (and assess the potential) of political action is internal to the constitutional imagination itself. In this sense, the constitutional imagination of Europe is not an ideological supra-structure that emerges out of an already established material organisation. To the contrary, political action is part of the struggle for the formation of the spectrum of constitutional imagination.

3.2 QUESTIONS OF METHOD: NARRATIVES

Before moving to the analysis of the first phase (the resistance and the end of WWII), it is necessary to step back and explain the approach adopted in this chapter. The

[2] For an (historical and theoretical) overview of the notion of material constitution, see Marco Goldoni and Michael Wilkinson (eds.), *Cambridge Handbook on the Material Constitution* (Cambridge University Press, 2023).

[3] See Jan Komárek, 'European Constitutional Imaginaries: Utopias, Ideologies and the Other', in Jan Komárek (ed.), *European Constitutional Imaginaries: Between Ideology and Utopia* (Oxford University Press, 2023). In this programmatic introduction, Komárek also urges constitutional lawyers to study imaginaries by considering the context of the contemporary political economy.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

reconstruction of the shifting place of the European Communities (and later the European Union) in the Italian constitutional imagination is indeed premised on some methodological assumptions which can only be briefly sketched out in the following paragraphs.[4]

Constitutional imagination is a way of giving form and meaning to the political order of a society. Martin Loughlin provides an insightful starting point when he notes that '[t]he constitutional imagination refers to the manner in which constitutions can harness the power of narrative, symbol, ritual and myth to project an account of political existence in ways that shape – and re-shape – political reality'.[5] The idea is that perceptions of reality are impacted (and fundamentally organised) by the operations of the faculty of imagination. Constitutional orders are no exception to this rule. The way we tell stories and narratives, or re-interpret myths, about the origins or the directions of a constitutional order are ways of moulding the latter. The struggle around the formation of the constitutional imagination is, therefore, a political struggle by definition. It is possible to push Loughlin's point further: it is not only that constitutional orders can borrow the political energy provided by narratives, symbols and myths. It is also the case that, following Robert Cover's iconic statement, '[f]or every constitution there is an epic, for each decalogue a scripture'.[6] This point brings with it two dimensions. On the anthropological level, narratives and myths are not seen as irrational folklore, but as a necessary component of the social condition. On the level of political action, the immanent presence of narratives and myths is also a source of constant proliferation of competing perspectives. In fact, the origin and development of constitutional orders cannot be severed from their narratives and the conflicts that developed around them.

The reconstruction of the constitutional imagination is a daunting task. As highlighted by the given quotes, the constitutional imagination of a social group cannot be neatly separated from social imagination itself. Moreover, there is nothing like an available and stable monolithic constitutional imagination. Part and parcel of the logic intrinsic to constitutional imagination is that there are, unavoidably, competing visions of how an order ought to be conceived in terms of its past, present and future.[7] As Cover noted, there is a jurisgenetic push behind the proliferation of narratives and myths in the interpretation of constitutional orders. For example, understanding a political order in terms of a system or as a project has profound implications over the operations of constitutional actors.[8] The interpretation of a

[4] The approach adopted here is heavily influenced by the following works: Robert Cover, 'Nomos and Narrative' (1983) 94 *Harvard Law Review* 4; Paul Kahn, *Origins of Order* (Yale University Press, 2019); Yves Citton, *Mythocracie* (Editions Amsterdam, 2010); Furio Jesi, *Time and Festivity* (Seagulls Books, 2020).

[5] Martin Loughlin, 'Constitutional Imagination' (2015) 78 *Modern Law Review* 1.

[6] Cover, 'Nomos and Narrative', 4.

[7] For a classic statement that political imagination is perspectival, see Hannah Arendt, *Lectures on Kant's Critique of Judgment* (Chicago University Press, 1982).

[8] The reference is to Kahn, *Origins of Order*, 10.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

constitutional order might swing between different conceptions according to the age. Furthermore, even in the presence of commonly recognised symbols and values, their interpretation will necessarily generate alternative and often incompatible visions. Let's insist on this point: an inherent component of the constitutional order is the struggle for the formation of its imagination. If constitutional law is a 'bridge' that connects two states of affairs, the imagination constitutes the building material of the bridge. In other words, imagining is an inherent component of ordering.

3.3 QUESTIONS OF METHOD: SUBJECTS

These points suggest that the formation of constitutional imagination is a battlefield with many actors involved and it is not external to the wider social imagination.[9] Given the complexity of the task it is mandatory to narrow down the scope of the investigation. In what follows, I will focus only on narratives put forward by the most important political actors in Italian constitution-making: political parties. A *caveat* has to be inserted at this stage. It is indeed a relatively accepted thesis that mass political parties were crucial players in the reconstruction of Italy after the end of WWII.[10] Parties assumed constitutional relevance as the transmission belt between the State, its apparatuses and civil society. The prominent role of the political party in the Italian constitutional order was already a topic of debate among public lawyers during the Fascist age and the attention paid to their development did not stop with the end of the Fascist regime.[11] Political parties were the crucial actors during the last phase of the war for the establishment of the new Italian government after the armistice with the Allies (September 1943). They were also the point of reference for communication with the Allies. Last but not least, they were the main organising forces of the resistance in the North of Italy after September 1943, where Germany had established a new 'Social republic', with a government based in the Lombardy region, whose head of government was, again, Mussolini (this time, however, imposed by Germany). To cut a long story short, political parties were the main organising force of what was, de facto, a double war: a war of liberation from the foreign occupant and a civil war between the Italian fascist government and Italian partisans undergoing in the North of Italy.[12]

[9] Recently, many legal and political theorists have expanded on this point by providing important insights. See, for example, the renaissance of sociological constitutionalism and the attention paid to social imaginaries. Cf Paul Blokker and Chris Thornhill (eds.), *Sociological Constitutionalism* (Cambridge University Press, 2017).

[10] See, ex multiplis, the recent reconstruction in Paolo Pombeni, *La questione costituzionale in Italia* (Il Mulino, 2016), chapter 1.

[11] For an encompassing analysis, see Massimiliano Gregorio, *Parte totale. Le dottrine costituzionali del partito politico fra Ottocento e Novecento* (Giuffre', 2008).

[12] The classic text in support of this interpretation is Claudio Pavone, *Una Guerra civile* (Bollati Boringhieri, 1991).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

It should be added that, in 1945, the centrality of political parties is far from being an Italian peculiarity. Indeed, political regimes organised around competition between parties were spreading across Europe, though the crisis of 1929 generated a backlash with the rise of the single party system. Yet, the political party, whether in a single or multiparty political system, provided the centre of gravity of many European political systems. Though political parties were not the only organised collective subjects in the newly established republican political regime (trade unions were also well-organised and effective), they played a crucial role in the constituent process and, later, in the application of the constitution. Rather correctly, the republican political regime has been defined as 'a republic of parties'.[13] The capacity of parties to organise political action was quite successful and effective in different spheres of the Italian society: from the workplace to education and healthcare, from industrial politics to new forms of social security.[14] The political and symbolic capital cumulated through the resistance made possible, at a certain point, to put forward a credible narrative of the new constitutional order as a project (the turning point could be located around 1958) with a set of narratives and myths that would be capable of mobilising ample sectors of the population for a couple of decades.

The transformation of the organisation of political parties into catch-all parties and, later on, into machines for capturing electoral consent and distributing privileges (with the annexed loss of representativity)[15] is a relatively recent development whose consequences for the constitutional order are becoming increasingly visible. Formally speaking, political parties are still the 'bearers' of the constitutional order and, in this sense, their strive for shaping the collective political imagination is still of some relevance. But one can doubt whether they are still capable of generating enough political energy for interpreting the constitutional order as a project. Given the focus of this chapter on Europe, the latter point is of remarkable importance. As we shall see, there is a direct connection between the place of the idea of Europe within the Italian constitutional imagination and the changing function of political parties. An analysis of the place of Europe within that imagination also teaches an important lesson on the subjects that steer the governing function. Post-Maastricht, though political parties retain a crucial role as the main conduit of inputs coming from other sources, they have lost their grip on the constitutional imagination in favour of other (often technocratic, but also economic) elites. A proof of this incapacity is the failure of the two formal attempts to change large parts of the

[13] Cf the influential reconstruction by Pietro Scoppola, *La repubblica dei partiti* (Il Mulino, 1991).

[14] A recent analysis of the role of elites and political parties in the Constituent Assembly sheds a new light on this point: Lucia Rubinelli, 'Elites, Democracies, and Parties in the Italian Constituent Debates, 1946–1947' (2020) 27 *Constellations* 199.

[15] Carlo Invernizzi Accetti and Fabio Wolkestein, 'The Crisis of Party Democracy, Cognitive Mobilization, and the Case for Making Parties more Deliberative' (2017) 111 *American Political Science Review* 97; Piero Ignazi, *Party and Democracy* (Oxford University Press, 2017).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

written constitution in 2006 (under the impulse of the Berlusconi government) and in 2016 (under the initiative of the Renzi government). In both cases, the governing parties were not able to convince the citizens to vote, in a constitutional referendum, in favour of the constitutional reform.

The rest of the chapter will focus on the narratives adopted by the main political parties during crucial moments of constitutional development in Italian history. I will look at their political programmes, documents and sometimes official declarations published with a view to track the salience and the function of the relation with Europe and the perspective of political and economic unity on the continent. This investigation is far from exhaustive, but it will allow us to show that the change in the constitutional imagination of political parties corresponded to a change in the self-perception of their role in the national and supranational orders. Accordingly, Europe's place in the constitutional imagination mutated as well. The main thesis guiding this reconstruction is that Europe became a different signifier according to the self-perception of the political system's capacity for agency.

3.4 1943–1945: THE FEDERATION IN THE WRITINGS OF THE RESISTANCE

The obvious starting point for understanding the place of Europe in the Italian constitutional imagination is the resistance organised by the political parties initially ostracised by the Fascist regime, after the armistice in September 1943. The relevance of that resistance for the liberation of Italy and its role in the formation of the republican constitutional order have been subject of academic and political scrutiny for decades.[16] The impact of that movement is still a matter of controversy, and this is not surprising as, among many other things, the legitimacy of the origin of constitutional order is at stake. The thorniest issue concerns the role of the resistance as the main inspirational source of the new republican constitution. It is often said that the crucial function of the resistance for the liberation of the country and the influence over the proceedings of the constituent assembly is a myth (inspirational or evil according to the point of view) because, ultimately, it was only thanks to the intervention of the Allies that the country was liberated from the Nazis and the Fascists. Whatever the assessment, there is no denial that the protagonists of the organised resistance had been the political parties (six, in this specific case) banned by the fascist regime and these will later be the main constitution-making actors. They benefitted from the political capital they cumulated by fighting in the North of Italy and from their organisational capacities. The combination of these two factors made these actors the bearers of the constitutional order and, in that capacity, as steering agents of the public opinion.

[16] One example is represented by Sergio Luzzatto, *'Partigia': Una storia della resistenza* (Mondadori, 2013). Another enlightening analysis is offered by G. Filippetta, L'estate che imparammo a sparare (Feltrinelli, 2018).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

The Resistance movements produced (with one important exception) a narrative about Europe through the publication (often clandestine and illegal) of pamphlets, newspapers and journals which would have the task of persuading the population not only of the necessity of fighting Nazi-Fascism, but of the virtues of a politically united Europe. The importance of these writings has been rightly emphasised. They do provide the main materials for tracking how these movements of resistance and political parties would see themselves in the future constitutional order. The importance of the Resistance writings cannot be overestimated in the reconstruction of the role a united Europe played in their constitutional projects. This is valid not only for Italy, but for all European movements of resistance, as noted by an historian of European integration:

> They [the writings of the resistance movements] were not marginal efforts, produced in addition to military actions by a few intellectuals. On the contrary, for years, during which other forms of opposition were hardly possible, their writings *were* the Resistance. The most important function of the movements could only be to formulate ethical and political principles that would help people to live through the totalitarian experience, and that would strengthen their opposition to it. *Most groups began their existence in order to publish and distribute illegal newspapers or leaflets*.[17]

Indeed, the call for a European federation was a transnational phenomenon shared (though not unanimously) across many sectors of the Resistance across the continent. As noted by Walter Lipgens,[18] there were many parallels between the documents produced by the Resistance about Europe and its future. The Italian Resistance was part of wider constellations of movements whose activities and publications presented certain common traits around the question of the future of Europe. It was not only the Italian parties of the Resistance which identified in the political unity of the continent a precondition for the restauration of democracy and the realisation of political freedom. This was a position shared by many movements and parties at least until 1945. It is known that documents and manifestos were circulating among multiple resistance movements, creating a dialogue between national experiences. There were also conferences organised (especially in 1944) for exchanging ideas and putting pressures on the Allies by advocating for the need of a European federation.

An analysis of the documents and key publications by members of the resistance and, most importantly, of the political parties shows that the commitment to

[17] Walter Lipgens, 'European Federation in the Political Thought of Resistance Movements' (1968) 1 *Central European History* 5, 8 (emphasis added). The point made by Lipgens is essential for understanding the analysis of these writings. It is precisely the commitment to the projects advocated in those writings that gave to the parties born (or reconstituted) with the Resistance their constitutional legitimacy.

[18] Walter Lipgens, *Documents on the History of European Integration* (De Gruyter, 1984).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

economic and political unity of the continent was a position shared by all non-communist political forces. The source of this conviction is to be found in the common fight against Nazism and Fascism. The opinion of many political actors was that this fight created a bond of solidarity among European peoples that made political unity not only possible but necessary. It is not surprising that the totalising nature of the war was perceived as a turning point and a unique political opportunity.[19]

This narrative (of the necessity of European political unity) is adopted and developed following the same thread in many countries. In Italy, the activity of publication and propaganda in favour of a European federation developed against the background of the drafting of the Ventotene manifesto by Altiero Spinelli, Ernesto Rossi and Eugenio Colorni.[20] It is fair to say that this is the most influential document produced during WWII in support of a European federation and it gave birth to a strong (but, in the long-term, not majoritarian) federalist movement. An investigation into the perception of Europe in the imagination of Italian political parties cannot but begin from here. As known, Spinelli and his co-authors drafted the Manifesto in 1941 while under arrest and in confinement on the small island of Ventotene. The document started with a harsh critique of the national State and claimed that only a supranational federation could provide the institutional architecture for peace and political freedom. In brief, their narrative was based on the displacement of the main conflict between left and right with the conflict between the national and the supranational. However, the Ventotene Manifesto was not the product of an organised political force confident about its constituent capacity. It is for this reason that the Manifesto contains an a-political view of the European federation. Written under the shock of the success of the Nazi army and the collapse of continental democracies, the Manifesto does not convey a particular optimistic message about collective political action. It is probably this cautiousness that later made it into a classic point of reference for the federalist side.

Be that as it may, the manifesto served as catalyst for the rise of a federalist movement which was created in 1943 with the aim of building a transnational network of political forces in support of the creation of a European federation. This aim translated into a specific operative approach: influencing the choices and

[19] Lipgens summarises this perception and its impact on the European political imagination in an effective way: 'it was the prime fact of this war – in contrast to the first World War – that (with the exception of Great Britain and four small nations, which Hitler permitted to remain neutral) all states on the European continent collapsed under Hitler's attack. Regimes of different social and political character were overwhelmed by the Germans, and thus demonstrated that they were no longer able to guarantee their people that minimum of security and independence that is the basic reason for their existence . . . The historical significance and the effect of this violent lesson on the people of continental Europe can hardly be overestimated'. Walter Lipgens, 'European Federation in the Political Thought of Resistance Movements during World War II' (1968) 1 *Central European History* 5, 6.

[20] Altiero Spinelli and Rossi Ernesto, *Il manifesto di Ventotene* [1941] (Mondadori, 2006).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

the positions of key political parties, with a special emphasis on their youth sections.[21] The movement also published a (clandestine) journal (*L'Unità Europea*) with interventions from some of the most prominent and respected supporters of the federalist idea. In the second issue, one of the co-authors of the Ventotene Manifesto explained that the solution of the problems affecting Europe was to create political unity on a continental scale and invited all political forces to work together for a 'European Revolution'.[22] Behind the project of a continental political unity there was the idea of a third regional force, relatively autonomous and distant from the two rising super-powers, the United States and Russia.

The cultural and political activity of the Federalist Movement achieved important outcomes in two cultural areas: the leftist liberal and a section of the socialist party. The first one gave rise to the Action Party (Partito D'Azione), which gathered many intellectuals and partisans and adopted from the very beginning a pro-European and federalist position.[23] In several documents, often written by Spinelli, and circulated in 1944, with the fear of an increasing influence of the Allies over the future of European unity, the Action Party proposed to operate the alliance among the resistant political parties on two tracks: a national one, revolving around the administration of the future Italian republic, and a supranational one, with a clause to be inserted in the future constitution of a transferring of sovereignty to a democratic European federation.[24] Part and parcel of the narrative put forward by the Action Party publications was insisting on the timeliness of European political unity but, unlike Spinelli's approach based on the primacy of the supranational, most of the writings maintained that the supranational was functional to national reconstruction.[25]

The impact of the federalist movement was possibly even more felt on socialist political culture. Before 1943, only a few (eclectic and heterodox) members of the party were advocating a federalist outcome.[26] As it could be predicted, socialist international solidarity would not represent a sufficient ground for the autonomous value of a European political federation. For this reason, the fact that, during the period starting from 1943, the publications of the Socialist party addressed the federal question with a certain radicality is quite remarkable and, possibly, a proof of the penetration of the Federalist movement's ideas within the party. Of course, the

[21] For a history of the Federalist European Movement and its initiatives until 1954, see Sergio Pistone (ed.), *I movimenti per l'unita' Europea dal 1945 al 1954* (Jaca Book, 1992), 17–61.

[22] Ernesto Rossi, 'Premesse sociali del federalismo', *Unità Europea*, August 1943, issue 2, 3.

[23] For an influential analysis, see Giovanni de Luna, *Storia del Partito d'Azione 1942–1947* (Feltrinelli, 1982).

[24] I follow the reconstruction offered in Raffaella Cinquanta, *Partigiani di tutta Europa, unitevi!* (Il Mulino, 2020), chapter II.

[25] Cf Daniela Preda, 'La scelta europea di Ferruccio Parri', in Fabio Zucca (ed.), *Europeismo e federalismo in Lombardia* (Il Mulino, 2007).

[26] On debate in the Socialist Party before 1943, cf Gaetano Arfé, 'Il percorso dell'europeismo socialista', in *I socialisti e l'Europa* (Franco Angeli, 1989), chapter 1.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

socialist party still considered the socialist revolution as the ultimate end of its political organisation but, from 1943, in many sectors of the party, the European federation came to be seen as a necessary step towards a socialist upheaval. The official position of the party was expressed in the Political declaration of 25 August 1943, published in the clandestine newspaper *L'Avanti*, where we can read the following: 'the Socialist Party rejects policies of political isolation and economic autarchy, and it considers international solidarity of proletarian parties as an essential element of their action. International solidarity is an instrument for the promotion of a politics of peace and it should work toward the transformation of Europe into a free federation of States'.[27] Moreover, the interventions of Eugenio Colorni on the same newspaper during 1944 insisted on the opportunity, for the strategy of the socialist party, of committing to the project of a European political federation. The argument acquired a certain traction within the socialist party because the federation was deemed to be the institutional guarantee for the redemption and autonomy of European peoples in their relationship with the Allies. In other words, for the Socialists, a popular, socialist and European political initiative was the only realistic platform which could not be captured by the reason of State of the Allies. The latter could have allowed the formation of a European unity, but this would have been an operation orchestrated 'from above'.

The third major political force that produced a stimulating activity of publications and political propaganda in favour of a European federation was the Christian Democratic party. Although the elaboration of the party's position on the supranational question came slightly late compared to the other two parties (at the moment of the reconstitution of the party, in 1942, the major concerns were related to the status of the social doctrine of the Church), the Christian Democrats endorsed the prospect of some form of political cooperation or unity early on. Already in the first manifesto of the future programme of the party, the international question was treated as a crucial one (under the auspices of a refoundation of the international order). However, the constitutional form to be given to the cooperation among European states was subject to different proposals within the same party. Publications on clandestine newspapers show an array of options that would go from a fully-fledged political federation to a classic confederation among States, and a different geopolitical identification of the position of a European polity. In certain articles, European political unity is a way of organising the relation between the South of Europe and the wider Mediterranean area; in other proposals (against the Atlantic option supported by the party leader, De Gasperi), aware of the future role of the USSR, the suggestion was to build up a confederation open to the participation of Eastern States (in order to favour cooperation with the Italian Communist Party).[28] Overall, while in the socialist field those who supported a

[27] Gaetano Arfé (ed.), *Storia dell'Avanti!* (Edizioni Avanti!, 1973), 32.
[28] Sergio Pistone, *L'Italia e l'Unita' Europea* (Loescher, 1982), 134.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

European federation deemed it necessary for achieving socialism, in the Christian democratic area, the push towards some form of European political unity was dictated by the recognition that security for citizens could not be delivered only at the national level, but required cooperation and concerted action at least at the regional level.[29]

In the context of Italian resistance, the only party that maintained a cautious and often critical stance towards the idea of a European federation was the Communist Party. The questions of national reconstruction and international cooperation were, for the Communists, a priority; and they often saw, in the federalist ideas, a trojan horse for the containment of communist goals.[30] Politically, there were two reasons behind the scepticism towards European unity. First, since 1934 the Communist Party had adopted the position of the Comintern on the fight against Fascism: popular and patriotic fronts with international cooperation. Second, the Communist Party's leaders feared that a United States of Europe would be heavily bending towards the Atlantic. These motives explain why the two main publications (printed in clandestinity) of the party (*L'Unità*, a newspaper founded by Antonio Gramsci, and 'La Nostra Lotta') dealt with the questions concerning Europe with caution. A review of the pages of *L'Unità* shows that not a single article, from 1943 to 1945, is exclusively devoted to the topic of the political future of Europe. When the European question was touched upon, it was in articles devoted to other international topics: the Yalta conference, the recognition of the government of national unity by the USSR, the third Moscow conference held in 1943. Often, these nods to the potential for a European political unity are dismissive of it as a project with a classist basis. Parallel to the marginal space devoted to the European federal question is the extended coverage of Federal Democratic Yugoslavia, the antecedent of the Socialist Federative Republic of Yugoslavia. In the analyses dedicated to Yugoslavia, the federal question is given a social spin: the Federation of Yugoslavia is lauded because it has already advanced on the path towards socialism and, in that case, the federal basis of the constitution protected the equal rights of all peoples.[31] In short, the question of federalism was addressed (in positive terms) only for the constitution of the USSR and Yugoslavia. Overall, the Federalist movement's project for a European federation did not have much of an impact on the leadership of the Communist Party.[32] As we shall see, ultimately the Communist party

[29] There is another party that made up the block of resistant parties: the Republican Party. The party did not enter, at the beginning, in the Committee for National Liberation as, for the party, the priority was the abolition of the monarchy (it should be noted that there were pro-monarchy elements within the political arc of the resistance).

[30] For a recent and accurate reconstruction, see Luca Cangemi, *Il PCI contro L'Europeismo* (DeriveApprodi, 2019).

[31] 'I fondamenti democratici della Jugoslavia', *La Nostra Lotta*, 1944, 10–11, quoted by Cangemi, *Il PCI*, 13.

[32] Of course, there were dissenting voices (for example, Eugenio Curiel): see Marino Panzanelli, *L'attività politica di Eugenio Curiel* (Il Mulino, 1979).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

advocated the priority of the issue of national reconstruction within the framework of an international cooperation among peoples.[33]

It is time to take stock. The experience of the Resistance against the German occupants and the Fascists produced a constitutional subject (with constituent legitimacy) comprised of six political parties (those banned by the Fascists in the 1920s). Their clandestine activity during the occupation of the North of Italy suggests that (with the exception of the Communist Party) the ideal of European political unity was part of their vision for the future constitutional order of Italy *and* Europe. Some themes recur in many of the documents circulated by these political parties: the creation of supranational institutions with democratic basis; the strengthening of economic cooperation; in a few cases, even the creation of a European army. The narratives put forward by the Resistance movement suggest that the ideal of European political unity was often treated as an autonomous political and constitutional theme, though sometimes linked to the security of the nation State. Yet, these ideas were developed in a situation where they did not have to be tested against the external context of international relations. This lack of a political test diminished the symbolic legacy of these projects. While it was evident that the partisans' exposure to sacrifice was linked to a project of national liberation from both the German occupant and the Fascist government, it was not equally manifest to all involved actors and the wider public opinion that partisans' activities were symbolically connected to the construction of a European political unity.[34]

Partly because of their abstract formulation, partly because elaborated in a precarious and mutating international context, all these writings and dialogue over European unity did not lead to any political achievement in the short-term (and, for what it is worth, the long-term). They informed the constitutional imagination of the new political system, but they did not have the chance to become 'embodied'. More specifically, the project of European unification did not remain central to the collective imagination of those parties after the end of the war. Already in 1946, the topic was not at the forefront of the concerns of many European political parties. Italy was no exception. We turn now to an analysis of the place of European integration in the Constituent Assembly and during the first decade of the new republican constitutional regime.

3.5 1946–1957: EUROPEAN INTEGRATION BY STEALTH

The end of the war signalled the beginning of a process which would make the European question less visible in the public and political debate. It is difficult to

[33] Paolo Spriano, *Storia del Partito Comunista Italiano, volume III: I fronti popolari, la Guerra, Stalin* (Einaudi, 1977), 274–292.

[34] For a clear analysis of the myth-making properties of narratives of sacrifice, see Paul Kahn, *Putting Liberalism in Its Place* (Princeton University Press, 2004), chapter 4.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

track the causes of this process with absolute certainty. A plausible, but not definitive answer, is that the quick mutation of the international context made the difference and frustrated the chances of a European federation. Accordingly, what was at the core of the various parties of the resistance as a constitutional project soon became sidelined in favour of other 'international' themes. As already noted, the communist parties of the resistance mostly adhered to the Soviet interpretation of the strategic value of a European federation. This interpretation seemed to be confirmed by the approval of the Truman doctrine (and the Marshall plan of economic aid) and the rise of centrist political parties in what will be the six founding Member States clarified what was the available political space for a supranational community. We should be clear that it is not the case that these political parties stopped supporting the option of a form of European cooperation. It is just that the latter started to be understood as a union which would solidify the connection with the United States.[35]

In Italy, the sidelining of the European question can be seen in the path that led to the writing of the republican constitution and, especially, on the formulation of the crucial article that regulates the relation of the constitutional order with international law and organisations. The consensus surrounding the writing and final adoption of Article 11 (crucial for the definition of Italian's foreign policy) is telling. Indeed, the division between the Christian democrats and the communists (with the socialists having a slightly more nuanced position) was also reflected on the more general theme of the relation between the Italian constitutional order and international law. In the preparatory committee for the first draft of the constitution (known as the Committee of the 75),[36] the divergences were visible and openly expressed. Communists and socialists were suspicious of an opening of the constitution toward international law for strategic reasons. They were convinced that the international law that was emerging through the United Nations was not favourable to an internationalism of the workers. For this reason, they conceived of international law as a set of treaties signed by sovereign States.[37] For the socialist and the communist parties the political unity of the Continent had to be grounded on the unity of workers.

[35] Gabriele D'Ottavio, 'Il discorso politico sull'Europa nell'immediato dopoguerra', in Giovanni Bernardini, Maurizio Cau and Gabriele D'Ottavio (eds.), *L'età costituente. Italia 1945–1948* (Il Mulino, 2017), 404.

[36] The committee was helped by two of the most prominent international lawyers of the time, Roberto Ago and Gaetano Morelli. The committee's main task was to identify the competent organ for the declaration of war and the signing of international treaties; the legal modalities of introjection of international legal norms into the constitutional order; and the formulation of the principles that ought to direct foreign policy.

[37] For a clear formulation, see the intervention of Palmiro Togliatti (Secretary of the Communist Party) in the constituent assembly during the debate on the articles concerning constitutional law: Palmiro Togliatti, *Discorsi alla Costituente* (Editori Riuniti, 2021).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

Although the reasons behind the adoption of Article 11 were different, but all major political forces were able to converge on a highly abstract formulation of a principle of constitutional openness towards the international legal order: 'Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy promotes and encourages international organisations furthering such ends'. Following the advice of the subcommittee, the formulation of the article remained rather vague and it committed the republic to a pacifist approach to international relations and law. The article also expressed a generic favour for membership of international organisation without specifying its nature and telos. Recent research has shown that it was possible to converge on such an abstract formulation and, despite the deep division that was emerging with the incipient Cold War, in virtue of an agreement among all constituent parties to leave international relations outside of constitutional politics (though it would still be a central matter for ordinary politics).[38] A feature of this agreement was that the programmes presented by the majority of political parties remained silent on the international and regional dimension of the future constitution.[39] An exception was represented by the Action Party and the Republican Party which mentioned (again, rather vaguely) the principle of international cooperation. This was, as we have seen, in stark contrast with what the same political forces were advocating between 1943 and 1945.

It should be noted that, both in its first formulation and in the final version, in Article 11 there is no reference to Europe. If this might be thought of as a natural outcome given that the process of integration had not yet started,[40] it is rather surprising when one bears in mind the centrality of European cooperation for the parties of the resistance. In fact, the fate of Europe was still present in the public debate and it was mentioned several times during the debates in the Constituent Assembly. Amendments in favour of an explicit reference to European international organisations were proposed by a member of the Christian Democratic Party and a member of the Socialist Party. Both proposals were rejected on the basis of the argument that the reference to international organisations would cover regional

[38] Antonio Varsori, *L'Italia nelle relazioni internazionali dal 1943 al 1992* (Laterza, 1998), 3–43.

[39] The Christian Democrats' programme for the constituent assembly did not contain a single mention about the international sphere. The electoral manifest of the Socialist Party indeed made reference to a possible 'limitation of national sovereignty for the realisation of international peace' but did not mention Europe. The electoral manifesto of the Communists mentioned the international dimension, but only in a fleeting passage, by rejecting any form of militarism or imperialism, and asking for the rejection of any membership in a block of rival military powers. See, for an analysis of these documents, Gabriele D'Ottavio, 'Il discorso politico sull'Europa nell'immediato dopoguerra', in Giovanni Bernardini, Maurizio Cau and Gabriele D'Ottavio (eds.), *L'età costituente. Italia 1945–1948* (Il Mulino, 2017), 406–408.

[40] For a summary of the traditional explanation of the lack of any reference to Europe, see Marta Cartabia and Joseph Weiler, *L'Italia in Europa: profili istituzionali e costituzionali* (Il Mulino, 2000), 134.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

organisations as well. Other references to the possibility of future European integration were made during the debates in the Assembly.[41] One can already track different visions of European integration from these interventions: from the classic reference to the Ventotene Manifesto to a confederal understanding of European unity. In other interventions, a functionalist conception of integration was formulated with a view to advocate the construction of a European market and the abolition of tariffs.

Article 11 was interpreted already by the first republican parliament, whose majority gave a wide scope to its field of application. In this sense, the aim of the article ought to be read in expansive terms, that is, beyond the references to peace and the containment of armed conflicts. The parliamentary majority hinted to the fact that membership in international and supranational organisations had to be seen as a legitimate and constitutionally desirable way of pursuing peace.[42] This constitutional attitude indicated a default position of constitutional openness towards supranational and international norms. Unless convincing evidence was brought to demonstrate the potential dangers of membership in an international organisation, the constitution was interpreted by the political majority as always supportive of international law.

However, one can track a different path for the process of European integration that did not apply to the ratification of other international treaties. It is quite telling to compare the parliamentary reaction to the CECA treaty and the adoption of the ECHR, on one hand, and the NATO treaty on the other hand. In the latter case, the option of adhering to the North Atlantic Treaty was seen as a highly political choice in a world increasingly polarised between loyalty toward the United States and the Soviet Union.

In the context of the political culture of the Italian constitutional order, the position of the PCI (the Communist Party) was rather distinctive and a quick look at it will help in explaining why the path of European integration was judged, at least in the first years, as constitutionally irrelevant. The vote of the communists against the CECA treaty and then the Rome Treaty (instituting a common market) was representative of a significant part of the Italian electorate. It should be added that the Socialist Parties abstained during the vote for the ratification of the Rome Treaty, making the inception of the process of European integration an affair of majority politics rather than a constitutional issue. In fact, the communists were not against the idea of further integration in Europe but they disagreed over two essential issues. First, the idea of Europe underlying the Rome Treaty was judged to be too divisive and, potentially, contrary to the aim of bringing peace to the

[41] I follow here the reconstruction of the debate during the session of 15 March 1947 by Pietro Faraguna, 'Costituzione senza confine: Principi e fonti costituzionali tra sistema sovranazionale e diritto internazionale', in Fulvio Cortese and Corrado Caruso (eds.), *Immaginare la repubblica* (Franco Angeli, 2018), 73–74.

[42] Sergio Bartole, *Interpretazioni e trasformazioni della costituzione* (Il Mulino, 2004), 282.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

continent as stated by Article 11 of the Constitution. In a famous intervention on the Communist newspaper *L'Unità*, the leader of the Communist Party (Palmiro Togliatti) made clear that the idea of Europe promoted by European integration was heavily inclined towards Atlanticism and, for this reason, prone to cause division and conflict among European nations. The Communist Party, he noted,

> does not reject these proposal [of European unity], but we say that Europe has to be understood for what it is. Europe begins at the Urals and ends in the Atlantic Ocean. Let's get closer to all European peoples, let's find a way to collaborate in a closer way with all these countries, from Russia to England, from the countries of recent democratisation to France. It is an important attempt but it cannot be done in the name of a small group of satellites of US imperialism, and it cannot be a means for splitting the Continent into two, preparing in this way for war.[43]

The Communists were worried about the economic impact generated by these treaties. They thought, for example, that the CECA treaty was part of an agreement between monopolistic groups derived from the Schumann plan and that it would have impacted countries like Italy in a negative way. Moreover, the Treaty would exclude the countries under the influence of the Soviet Union, blocking potential economic collaborations between the two rising blocks.

The vote against CECA of the Communist Party was the beginning of a season of opposition of that party against European integration. But the organisation of the discussion in Parliament and the following vote of ratification moulded the perception of European integration within Italian constitutional imagination. The constitutional question of the compatibility of the Treaty with the republican constitution was sidelined by key political actors. The report submitted by the executive in support of the proposal of ratification of the treaty was utterly uninterested in the constitutional basis for the adoption. The document was simply silent on the constitutional question, implying that the ratification of the Treaty was not of constitutional relevance. In the Senate, however, the question of the correct constitutional basis for the ratification was posed by arguing that the ECSC was not pursuing the aims stated in Article 11. Moreover, the political opposition demanded, in the lower chamber, that the ratification should take the form of a constitutional statute and not an ordinary one.[44] In the ensuing debate, the political majority minimised the issue, highlighting that the new international organisation granted conditions of reciprocity to its members and that the birth of every new international organisation would require a loss of sovereignty. The reply in the lower chamber by the spokesperson of the political majority tended to minimise this loss and, more generally, the impact of the Treaty on the Italian constitutional order.[45] Ultimately,

[43] Palmiro Togliatti, 'Fermiamo la mano ai nemici della pace!' *L'Unità*, 25 September 1951.

[44] The point would be that the approval of a constitutional statute required an aggravated procedure.

[45] For an analysis of the debate, see Bartole, *Interpretazioni e trasformazioni*, 278.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

this interpretation of the first step of European integration paved the way for two important tenets concerning the position of Europe within the constitutional imagination. First, there was no problem of compatibility between the aims of Article 11 and the rise of a regional organisation based on the common management of certain resources and, later, on a common market. Second, by minimising the impact of European integration (with the aim of de-escalating conflict between political parties), the political majority and the executive built the premises for what would become 'integration by stealth'. In other words, it is thanks to this important antecedent that the constitutional question on the legitimacy of European integration was first minimised and, later, made almost invisible. It is also thanks to this decision (and to the structure of the Italian judiciary) that the process of introjection of European norms was channelled, for several years, by the lower bodies of the judiciary.[46]

The same approach to Article 11 was adopted at the time of ratifying the EEC and Euratom treaties. Although those treaties clearly widened the scope of European integration, their impact on the Italian constitutional order was minimised by the government with the support of the political majority. In both chambers the constitutional question of their legitimacy was briefly discussed, but the answer from the majority was to belittle the significance of the loss of sovereignty requested for the adoption of those treaties. The ratification of the EEC treaty sealed the Italian constitutional approach to European integration and succeeded in excising any questions of constitutionality from the horizon of available political options. Given the opposition of the Communist Party and the scepticism of the socialists, the political majority built around the party of Christian Democracy could not pursue the path of constitutional reform (as the majority required would be two thirds in both parliamentary chambers).[47]

This established practice made European integration so invisible to the eyes of political actors that even the approval of a major transformative treaty like the Maastricht treaty went almost unchallenged. The ratification of the Maastricht Treaty represented both the pinnacle of the introjection of primary EU law by stealth and, at the same time, the beginning of what we have termed the third phase, that of Europe as a benevolent external bound. In the parliamentary debate for the approval of the Treaty, only one objection to the constitutionality of the Treaty was raised (from the extreme right-wing of the parliamentary spectrum) and in relation with the lack of reciprocity in light of the opt-out clauses granted to the United

[46] This is the accepted narrative, but a more nuanced version of the role of lawyers and judges has been put forward in Tommaso Pavone, *The Ghostwriters: Lawyers and the Politics behind the Judicial Construction of Europe* (Cambridge University Press, 2022).

[47] It should be added that, at that point in time, the new institution of the popular referendum had not been introduced. Hence, the only path for constitutional maintenance was the approval of a constitutional norm with a qualified majority: Antonio Varsori, *La cenerentola d'Europa? L'Italia e l'integrazione europea dal 1947 ad oggi* (Rubettino, 2010), 34ff.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

Kingdom and Denmark.[48] A few doubts on the capacity of Article 11 of providing the basis for the Maastricht treaty were raised, but once again the strategy of the executive (supported by a wider majority in Parliament as, in the meantime, the former Communist Party had become supportive of European integration) was to promise (in vague terms) to undertake the necessary initiatives for making the Treaty compatible with the Italian constitution. Yet, nothing was done after the ratification of the Treaty. The same happened for the ratification of the Constitutional Treaty and then the Lisbon Treaty. This strategy of internalisation of EU primary and secondary law was also cemented by the silence of the Constitutional Court which never called for the need of a constitutional reform for further integration.[49] But, in terms of the constitutional imagination, something had changed after the Maastricht Treaty. It is worth pausing and unpacking the changing context which brought about the change.

3.6 EUROPE AS AN EXTERNAL CONSTRAINT ('VINCOLO ESTERNO')

While European integration did not often make it into newspapers' headlines and many of the constitutional debates during the first decades of the republican constitution ignored it, the political system and other domestic institutions (like the newly instituted Constitutional Court) had to apply the constitutional document (often in conflicting ways) when they had to relate with European norms. Many important reforms were approved by statutes (that is, by Parliament), often with a lively dialectic between the political majority and the opposition. In certain key areas of societal organisation (labour markets, schools, health care system, social security system), the narrative was one of active implementation of the constitutional project, and the intensity of the conflict during the 1960s conveyed a message far from political passivity, which also actively involved several social movements (labour, students, women).

This period of political mobilisation lasted for a decade. It brought about several social and legal changes which would entrench certain interpretations of the republican constitution (especially on civil and social rights).[50] However, the end of a cycle of remarkable economic growth, the sudden and conspicuous rise of inflation and the emergence of terrorist organisations with their violent attack against institutions and symbols of the republic marked the end of that phase of constitutional development. These material and political changes created the

[48] Faraguna, 'Costituzione senza confini', 87.

[49] The Court supported the option of coping with the penetration of European norms into the constitutional order by the means of constitutional interpretation: Vittorio Barsotti, Marta Cartabia, et al., *Italian Constitutional Justice in Global Context* (Oxford University Press, 2016), 205ff.

[50] Cf, *ex multiplis*, Nadia Urbinati, *Lo scettro senza il re* (Donzelli, 2009), chapter 1; Guido Crainz, *Storia della Repubblica* (Donzelli, 2016), chapters II and III.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

conditions for the formation of a new public discourse. By the end of the 1970s, the seeds for a new narrative around the Italian political system had been sewn. Domestically, the analysis of the Italian political system as incapable of deciding became central in the political debate and, in brief, it involved public lawyers as well under the question of how to build a 'deciding democracy'. A narrative initially confined to certain neo-liberal and conservative circles acquired increasing traction in the public debate. The main features of that narrative concern two important points: first, a growing distrust of the political class generated by the diffuse political corruption and the incapacity of political parties to realise major social and economic reforms (under the idea that the Italian economy was stagnating by the end of 1970s and needed an injection of economic reforms); second, the organisation of political institutions and powers as dictated by the constitution was stigmatised as the cause for the perceived absence of the governing capacity. More specifically, the parliamentary basis of the form of government and the plurality of political parties comprising the political system were taken to be the cause of a weak decision-making system. A consequence of the rise of this interpretation of the malfunctioning of the constitutional system was the emergence of a discourse around constitutional reform or, even, a new constituent assembly. The call for a constitutional reform with at its core the strengthening of the executive and in particular of the government was already a symptom of the weakening capacity of traditional political parties to steer the political direction of the government. Several attempts were made for a formal change of the second part of the constitution (on the organisation of powers), but none was successful. Possibly, this failure enhanced the perception of the decreasing political power of parties.

It is at this point that a new narrative element was introduced in the public debate and it will successfully transform the perception of European integration in the constitutional imagination. Revealing of the new forces influencing the political imagination, a new idea was coined by the then President of the Bank of Italy – Guido Carli – and supported by the highest State officials. The idea was to build a narrative about the so-called external constraint ('vincolo esterno').[51] Tapping into a tradition of Italian political thought, often afraid of the foreign imposition of political will over the peninsula, the idea was quite simple: the Italian constitutional order and certain sectors of the State ought to be transformed by binding politics to rules and benchmarks set outside of the ordinary domestic political process.[52] The underlying assumption was that the main political actors and the constitutional organisation of powers could not muster enough political power for achieving changes deemed to be necessary. In other words, according to the ideologues of

[51] In his memoir, Carli was explicit: 'the European Union represented an alternative path for the solution of problems which we were not managing to handle through the normal channels of government and parliament': Guido Carli, *Cinquant'anni di vita italiana* (Laterza, 1993), 5.

[52] For a history of the notion, see Enrico Diodato, *Il vincolo esterno* (Mimesis, 2014).

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

the external constraints, the political system did not have a full governing capacity anymore.

As was the case for the period after the drafting of the republican constitution, the shaping of the constitutional imagination was heavily influenced by international events. The end of the Cold War, the fall of the Berlin Wall and the inception of a new economic globalisation were among the causes of the collapse of the political parties that wrote and applied the republican constitution. By 1993, the parties that wrote the constitution had almost completely collapsed, new political subjects emerged, the Maastricht Treaty had been voted and the first steps toward a new wave of globalisation had been undertaken and more were developing. While in the first phase of the republican constitution, the external constraint had been operating on the basis of international relations and it was represented by the Atlantic alliance, the new external constraint was now identified in a more integrated European Union. But, while the limits imposed by membership of NATO did not impede domestic political action (or at least, it was not perceived to be directive of domestic political action), in the case of the new European Union and the introduction of the path toward the single currency, the impact on the perceived capacity of acting domestically in an autonomous way was quite remarkable. The trauma of the end of the so-called First Republic was compensated by a new narrative which portrayed political actors as deprived of real political agency even over crucial domestic issues. The conditions attached to the participation in the single currency and then the conditions imposed in order to remain member of the Eurozone shaped the constitutional imagination in profound and remarkable ways.[53] The ideologues of the 'external constraint' inspired the negotiating strategies of the Italian representatives during the process leading to the approval of the new single currency and the creation of the European Central Bank.[54] Many domestic reforms (salary moderation, privatisations, liberalisations, pensions reform) were also voted and implemented quite rapidly during the second half of the 1990s. But the impact of the narrative of the external constraint would be felt even more during the following decade, leading to the formation of technical governments (lead by former central bankers or former European Commission members) when the political system could not deliver on the aims and conditionalities decided at the supranational level and the constitutionalisation of the principle of sound budget after the 2008 crisis (art. 81 of the constitution).

The culture of the external constraint has shaped the imagination of the main political actors by framing the available options on the table. For the moment, the majority of the actors in the political system still support the idea that the political

[53] An enlightening reconstruction is provided in Omar Chessa, *La costituzione della moneta* (Jovene, 2016).

[54] See the seminal account by Kenneth Dyson and Kevin Featherstone, 'Italy and EMU as "Vincolo Esterno": Empowering the Technocrats, Transforming the State' (1996) 1 *South European Society and Politics* 272.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

programme coming from the external constraint has to be introjected into the Italian legal order and one of the key tasks of political parties is to make sure that this agenda is pursued. It is not surprising that the hegemony of this attitude generated a perception of inevitability of certain measures and the corresponding decline of political agency (at multiple levels). It is also not surprising that the reaction against the narrative of the external constraint has taken up the form of the victimisation of Italy and its citizens. This is the other side of the coin of a constitutional culture where only guarantee institutions and external powers (e.g., the European Commission, the EMU, Germany) are deemed capable of sending proper inputs into the political process.[55] However, the victim-like pose adopted by certain political actors took up a conspiracy-theory rhetoric rather quickly: it is the Brussels' bureaucracy or elite that wants to dictate to Italians what they should do and how they should live, as if the project behind the external constraint was only a 'supranational' project pursued by obscure bureaucrats for reasons that, ultimately, cannot be easily retrieved.

3.7 CONCLUSIONS

An inquiry into the place and meaning attributed to the ideal of European political unity by the Italian constitutional imagination provides several important insights. The most important one is that the struggle for constitutional imagination over Europe allows one to track a remarkable shift in the conception of Italian collective political action. Europe has moved from being (at least for the majority of constitutional actors) an ideal political space for a politics of self-government to being an external constraint and the source of important political aims for the constitutional order. Narratives and myths over Europe changed as the perception of the political parties' capacity of exercising autonomous political power started to decline. One can observe the trajectory that began with 'Europe' being seen as the optimal political space for the realisation of political freedom. It is a narrative that makes up a constitutional imagination of active and transformative party politics. In the language of Italian constitutional law and doctrine, this was a political system capable of forming and imprinting a political direction onto Italian society. Contextual reasons made the role of Europe rather marginal during constituent debates, but this did not affect the perception of the constituent capacity of the political system. However, the international context and the domestic pressure for a quick economic recovery pushed the question of European political unity aside and made it, increasingly, an ordinarily legal (rather than constitutional) question. By 1957, the perception of European integration as an ordinary process had come

[55] For a rare overview of the impact of the external constraint on Italian political culture, see Roberto Gualtieri, 'L'Europa come vincolo esterno', in Piero Craveri and Antonio Varsori (eds.), *L'Italia nella costruzione europea. Un bilancio storico (1957–2007)* (Franco Angeli, 2009), 331ff.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004

to shape the imagination of the majority of political actors. By the time of the approval of the Maastricht Treaty, a new vision of the role of Europe had come to inform the constitutional imagination of Italian political parties. Almost unanimously (and this time including the left parties), Europe had become an essential external staple for the stabilisation and modernisation (in economic and liberal terms) of Italy. Quite interestingly, it will only be at the turn of the twenty-first century that the impact of this conception of Europe will be felt as a 'constitutional issue'. Yet, quite tellingly, the main reactions against some of the substantive inputs coming from the European Union were either of political passivity (we cannot but do what Europe is asking us to do) or of political victimisation (Europe is ruining Italy and its constitutional achievements). This political stalemate is the product of many factors. But one of the most important can be found in the trajectory of a constitutional imagination whose formation goes back, at least, to the 1950s.

Downloaded from https://www.cambridge.org/core. UNIVERSIDAD AUTONOMA METROPOLITANA, on 18 Nov 2026 at 00:43:33, subject to the Cambridge Core terms of use, available at https://www.cambridge.org/core/terms. https://doi.org/10.1017/9781009604093.004