IN 2035 EUROPE IS A FEDERAL STATE

THE RISE AND FALL OF THE POST-WAR EUROPEAN STATE SYSTEM IN THE PERSPECTIVE OF THE BOOK 'THE INEVITABILITY OF A NEW WORLD WAR'

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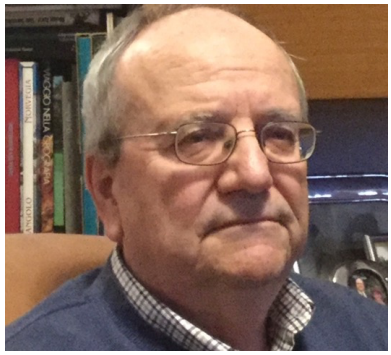
I dedicate this essay to Lorenzo Sparviero, co-founder, and member of the board of the Federal Alliance of European Federalists (FAEF). He died on 9 November 2020 in Milan.



Lorenzo coined the slogan 'federating the federalists' to unite the many European federal movements into a federation of federal organisations to support the creation of The United States of Europe.

We retain grateful memories of his tireless efforts to promote the democratic, social, economic, and military strength of a federal Europe.

If you would like to make a financial contribution to Lorenzo's deepest wish 'Federating the Federalists', please click here.

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FOREWORD

The European Union is under great pressure. Internally, due to crises[1], leading to growing and therefore less and less manageable divisions. Externally, due to geopolitical shifts with economic consequences outside the European Union's sphere of influence. Signs of an imminent decline in the European system of states.

As an intergovernmental operating system, developed on the basis of treaties, the Union is vulnerable. It is full of systemic flaws which, on their own - and all together - weaken its resilience and lead the Union into implosion.

This is not a matter of coincidence. Anyone who studies the post-war development of the European state system, using concepts from a number of sciences, will see the laws that underlie this implosion.

That is what this essay is about. Based on an analytical framework, I outline the dominant systemic errors that are going to cause the Union's decline. I borrow the analytical framework from Dr. Ingo Piepers' book *De onvermijdelijkheid van een nieuwe wereldoorlog*[2]. At the heart of this - in the context of a description of the development of the European state system from 1480 onwards - is the fact that, after four system wars between 1480 and 1945, a new European state system was constantly developing. If the inevitability outlined by Piepers of a fifth system war - or systemic crisis - becomes a reality within a few years, the likely effect will be that the current intergovernmental operating system of the European Union will give way to a federal state. In this context, the following quote from Piepers is relevant (p. 208):

> "A systemic war is a fundamental change and is not limited to war activity in a limited sense; there is war activity combined with alliance-building and a political negotiation process, in which agreements are made between superpowers on spheres of influence and the rules of play for a new international order. A systemic

[1] To name but a few: the post-2008 banking and economic crisis, the refugee and migration crisis, the euro area crisis, the Covid-19 crisis, the Brexit crisis, the crisis of the EU's diminishing geopolitical influence, the crisis of tensions at the EU's eastern border and the crisis of Member States ignoring the Treaty of Lisbon and further agreements, increasing pressure to annul the Schengen Agreement. All in all, an identity crisis in the form of growing divisions in the EU.

[2] Ingo Piepers, *De onvermijdelijkheid van een nieuwe wereldoorlog (The inevitability of a new world war)*, Prometheus Amsterdam 2020. This book is a continuation of Piepers' thesis *Dynamiek en ontwikkeling van het internationale systeem: een complexiteitsperspectie* (2006), *Warning. Patterns in War Dynamics Reveal Disturbing Developments* (2016) and from his study *On the Thermodynamics of War and Social Evolution* (2019). Piepers book (*The inevitability of a new world war*) has not been issued in an English version yet. So, all the quotes from his book have been translated by me, LK.

war is therefore also about values. It is actually better to talk about a systemic crisis rather than a systemic war".

This essay is devoted to an analysis of developments within the European state system since 1945 which - as in the four system wars between 1480 and 1945 described by Piepers - cause a systemic crisis in Europe and lead to an entirely new European state system. That will then be a federal system of states: The United States of Europe. Based on the adage:

Pursuing the federal state formation of Europe is not an ideology, but the connecting of consequences to science.

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The Hague, November 2020
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1. INTRODUCTION

Many in the war-torn Europe of the 19th century were enthusiastic about the world's first federal state, established in 1787-1789 by thirteen colonies of England. Today, that federation has fifty member states under the name of the United States of America. Since 1800, attempts have been made dozens of times in vain to turn Europe into a federal state as well.

Despite - or rather because of - the loss of those thirteen colonies, Britain was motivated for almost a century and a half to forge[3] one large federal link with countries on the European continent, and even with the growing number of federalized states in the United States of America. The motive was clear. Britain was an empire then. Fearful of the success of its former colonies in America, the UK feared that its other colonies would follow suit and secede. By transforming the empire into a federal state, they would not lose those colonies. That was the idea. History tells us how that commitment failed.

It goes too far to describe in detail why all those efforts failed. Even those of Aristide Briand and Gustav Stresemann, statesmen of France and Germany between the two world wars - the Interbellum period - to federalize both countries[4]. At least that is what they called it. What they were striving for was strictly speaking intergovernmental cooperation based on a treaty. And that has nothing to do with federal state formation. Let's forgive them this conceptual ignorance. However, it is partly because of this ignorance that their attempts, and with it the opportunity, to prevent the Second World War by means of federal state formation - a unique[5] instrument for resolving conflicts - failed. Nevertheless, their pursuit of intergovernmental cooperation played a part in the creation of what is now called the European Union. That too is only a form of intergovernmental cooperation and will therefore succumb to the burden of the many systemic errors associated with such cooperation. But more on that later.

> By the way, intergovernmental cooperation means that governments take decisions together on certain issues. The basis for this is a treaty. A treaty binds the Member States. The reality is that Member States which feel that their national interests are being harmed are shirking the operation of that bond. If sanctions are applied at

[3] See Andrea Bosco, *The Round Table Movement, and the Fall of the 'Second' British Empire*, Cambridge Scholars Publishing 2017.
[4] See Wim de Wacht, *Wij Europeanen*, Uitgeverij Bas Lubberhuizen, 2015: https://www.socialeurope.eu/when-we-were-true-europeans.
[5] See Leo Klinkers, *Sovereignty, Security and Solidarity*: 'http://www.faef.eu/trailer/. Lothian Foundation Press, 2019.

all, they shrug their shoulders. The refusal of some EU Member States in the east of the EU to admit migrants is an example of such non-compliance.
The emphasis is on governance, not on representing the people. Treaties that establish a form of intergovernmental cooperation generally have no, or only a seeming form of popular representation to which administrators are accountable for their decisions.
The European Council of the European Union, a group of twenty-seven Heads of State or Government, takes principal decisions without the European Parliament being able to demand full and complete accountability. There is no constitutionally anchored *trias politica*, maintained with a system of checks and balances. We see the same thing with the United Nations Security Council. The five permanent members - China, England, France, Russia, and America, in a group of fifteen alternating members - decide on the basis of unanimity and can therefore - like the European Council - block decisions with a right of veto. The UN General Assembly is a sham parliament.
An intergovernmental operating system between states is an accumulation of national interests. There is no constitutional and institutional provision that serves common interests. That is why intergovernmental cooperation bears the genetic traits of nation-state anarchy: it ignores decisions that Member States do not like, because there is no transnational governance that can prevent and resolve conflicts.

The goal of a federally organised Europe still exists. Dozens of federal movements - each with their own motives and aspirations - keep the desire for a federal Europe alive. This has led, among other things, to the creation of the *Federal Alliance of European Federalists* (FAEF)[6], a federation of federal movements under the adage *federating the federalists*. This FAEF focuses on federalization within Europe. Because federal state formation is a unique instrument for preventing and resolving conflicts between peoples and states, the *Federalism for Peace Foundation* was also set up. This foundation focuses on federalization projects outside Europe[7].

After the establishment of the first federal state in America - based on the ideas of European philosophers - we are now more than two hundred years on. Between 1787-1789 and today, twenty six other countries, including some of the largest British colonies (India, Australia, Canada), adopted a federal state. Those twenty-seven federal states house 40% of the world's population:

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[6] I would like to thank the members of the FAEF board - Lorenzo Sparviero, Mauro Casarotto, Martina Scaccabarozzi, Javier Giner and Peter Hovens - for their contribution to this essay.
[7] The first product of this NGO is the report *From Cold Case to Hot Case. Why and How the United Nations Can and Must Free the Moluccan People*, presented to the United Nations Human Rights Council in Geneva on 12 October 2020: http://www.federalismforpeace.org/wp-content/uploads/2020/04/RapMolEng12april20_def.pdf.

Argentina, Australia, Belgium, Bosnia and Herzegovina, Brazil, Canada, Comoros, Germany, Ethiopia, India, Iraq, Malaysia, Mexico, Micronesia, Nepal, Nigeria, Austria, Pakistan, Russia, Saint Kitts and Nevis, Sudan, Somalia, Venezuela, United Arab Emirates, United States, South Sudan, Switzerland.

The question now is: when will Europe finally become a federal state? The title of this essay is clear: in 2035. I derive the evidence from Dr. Ingo Piepers' book *The inevitability of a new world war*.

2. THE METHOD PIEPERS

This Chapter is devoted to the scientific framework with which Piepers demonstrates that a new systemic war awaits us, after which an entirely new order of the European and global system of states will emerge. While describing the broad outlines of Piepers' analysis, I am mingling my own knowledge with it. Due to the large amount of analytical information provided by Piepers, I will regularly repeat concepts and correlations between concepts. In this way, I hope that his multidisciplinary approach to the concept of 'system war' in relation to the concept of 'state systems' will take root within the equally multidisciplinary science of public administration that I practice.

2.1 System theory as the basis of the Piepers' method

Piepers' book is one of the most interesting scientific books I have read in the last fifty years. Piepers - former commander of the Dutch part of the United Nations Rapid Reaction Force to end the war in Bosnia (1992-1995) - uses a number of sciences to investigate and explain why and how wars arise. And what effects that has on changed state systems when peace is restored.

System theory, the dynamics of networks and pattern formation in those dynamics are central to his approach to war dynamics and the resulting reform of state systems. This stereotypical reform of state systems after a world war is my motive for the title of this essay: *In 2035 Europe is a federal state*.

It is not that Piepers predicts the federalization of Europe. He does not talk about federal state formation, either European or global. However, he does state that the next world war/crisis, which he predicts between 2020 and 2022, will lead to a completely new European and global system of states. I am therefore making an advance with that title. This new world war/crisis, as predicted by Piepers, will be different from the previous one. I will come back to that later.

Piepers has grouped together concepts from such sciences as thermodynamics, ecology, demography, military science, political science, and the science of complexity. Using analyses and syntheses of political, social, demographic, anarchist, and autocratic developments in the context of systems theory and other natural laws, he shows which principles and mechanisms influence the dynamics of war and the resulting development of the European and global system of states. Throughout the years from 1480 to the present day.

2.2 Open system and entropy

The core of systems theory is the concept of 'open system', an element from thermodynamics[8]. Almost every organisation is an open system. That is to say: apart from exceptions[9], organisations are in an open connection with the world around them and are subject to their influences. If they adapt to these influences, i.e., to the effects of the interaction between the organisation and the outside world, they extend their existence. If they close themselves off from these influences, they eventually enter into an identity crisis and perish.

To prevent this demise, organisations must store more energy than they consume. This applies just as much to the organisation under the name 'people' as it does to organisations under the name 'association', 'company' or 'state'. Someone who does not eat and drink, and therefore consumes more energy than they store, will die after a few weeks. Consuming more energy than storing is called 'entropy'. That stands for disorder, decay. So, in order to survive (order) - or to postpone the decline (disorder) for as long as possible - organisations must counter entropy[10] by storing more energy than they use. And that can only be done by being open to that interaction with the environment and adapting to it.

Piepers calls the interaction between an open system and its environment a 'dissipative structure'. This structure - if used consciously - ensures that an organisation indeed stores more energy than it uses and develops the power to innovate all the time. The natural law of entropy stipulates that order only increases where there is more disorder. The natural law of entropy states that every natural process produces entropy as a by-product, and that for the establishment and maintenance of order and organization, continuous work must be done to prevent disorder and decay. And with that principle Piepers explains why and how such extensive wars regularly occur that they can be called a systemic war, leading to an entirely new version of state systems. They are legal responses to such an increased amount of disorder that only a major crisis can create a new order.

I apply this fact to a new and better-ordered European system of states. So, after a major crisis. The current treaty-based EU system of states is incapable - as I will demonstrate later - of preventing entropical decay and disorder and is thus organising its own demise. By failing to adapt, the system erodes itself and implodes. Internal system failures, which force it to fight problems with new ones, deplete the EU's energy. The subsequent systemic crisis then automatically forces

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[8] See David Easton, *The Political System* (1953) and *A Systems Analysis of Political Life* (1965).

[9] One might consider North Korea as a state in the sense of a closed system. The interaction with its environment is minimal.

[10] Derived from thermodynamics this concept is a central element of system theory and cybernetics as a measure for disorder or decay of a system.

a new order, in this case the order of a federal state based on a federal constitution rather than an intergovernmental operating system based on a treaty. I will describe this process in a moment.

2.3 Negative and positive feedback

What appeals to me in Piepers' way of thinking is the consistent application of two concepts from systems theory, annex cybernetics[11]. I am referring here to the concepts of negative and positive feedback. When I got to know these concepts in 1970 - responsible for teaching and research in public administration at the Utrecht University's Faculty of Law - my legal training became a valuable addition. What do they mean?

Negative feedback is derived from the Latin word 'negare'. That is 'deny', 'undo'. Formulated in a simple way, it means: a system within which negative feedback exists can undo a movement - for example, a deviation from a policy course - and thus achieve a balance. But if the reversal of the deviation overshoots, a new balance must be found with the next correction. And so on. It is a steering mechanism that, by undoing deviations, wants to restore order or balance after a form of disorder.

Here are a few examples. If you can put the tip of your index finger on the tip of your nose, you will have a correctly functioning feedback mechanism through the brain, cerebral cortex, eyes, nerves, and muscles. In a non-visible process of continual adjustment of the course taken by your finger, that finger arrives on your nose. If you suffer from Parkinson's disease it does not work. You do notice that you are always missing the tip of your nose, but the correction of the deviation is always exaggerated. Another example. Suppose you must cycle five hundred meters in a straight line. That does not work. You regularly sit a little to the left or right of that line. You always make a zigzag movement - oscillating - which is nothing more than a large series of negative feedback movements which, in striving for a point of equilibrium again and again (i.e., riding exactly on that line), eventually bring you neatly to the end point. The thermostat of the heating or air conditioning system is also a negative feedback mechanism: if the temperature is higher than set, the device turns off; if the temperature drops below it, it turns on. The navigation system in your car also works by negative feedback and gets you where you want to be.

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[11] This is further elaborated in the science of cybernetics. See Prof. dr. S.T. Bok, *Cybernetica. Hoe sturen wij ons leven, ons werk en onze machines?* Het Spectrum 1957. See also Donella H. Meadows, *Thinking in Systems*, Earthscan 2009. And her *Leverage Points. Places to intervene in a system*, The Sustainability Institute 1999. See also on YouTube het *Donella Meadows Project* for a series of very interesting videos on system theory.

The most extraordinary example of a negative feedback mechanism is the concept of trial-and-error in the methodology of science. Designed by Karl Popper in the thirties of the 20th century, it refers to the phrase: *trial motivation and error elimination*. All scientific progress is based on this principle: someone dares to take a stand based on facts and arguments; that standpoint remains until someone else presents a better standpoint with better figures and arguments, refuting the first standpoint as an error. The scientific term for this form of rebuttal is falsification.

Within constitutional law, the checks and balances that must keep the trias politica apart are also a very special kind of negative feedback. Whenever one of the three state powers moves too far into the field of another branch of state, it has some powers to chase the 'intruder' back into its own territory. The best example of this is the checks and balances in the American federal constitution.

In the Ventotene Manifesto, Altiero Spinelli[12] - founder of post-war thinking in federal state formation - describes the process of refutation as an instrument for improving knowledge as follows:

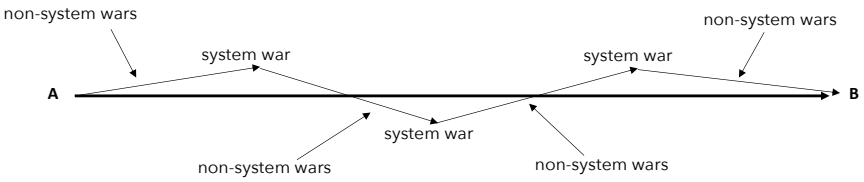
> "The permanent value of the spirit of criticism has been asserted against authoritarian dogmatism. Everything that is affirmed must prove its worth or disappear. The greatest achievements of human society in every field are due to the scientific method that lies behind this unfettered approach."

Negative feedback is therefore the universal target-finding mechanism. Something more beautiful does not exist in the world. You yourself are the product of negative feedback. It started with successful fertilization and ends with resting in a grave dug by people whose internal negative feedback mechanism leads to the use of digging instruments in such a way that you fit in exactly. Sounds a bit sinister, especially if you end up because of an exploding cruise missile, to get back to war dynamics. In the thirties of the twentieth century, war material began to be designed based on the system theoretical goal finding technique of negative feedback. The homing torpedo and the cruise missiles are probably the most professional - but also the most gruesome - applications of these. Although a rocket that delivers astronauts neatly to a space station may prove even more professional the effect of negative feedback. A flaw in the rocket's negative feedback mechanism means that those astronauts can only wave to that space station in passing.

[12] In paragraph 4.1.1 I shall describe extensively the prominent role of Spinelli in the post war thinking about federalizing Europe.

Below, I illustrate how negative feedback - within the analytical framework of Piepers - works on a course from A to B. To explain: if all superpowers participate in a war, there is a system war. If all the superpowers do not take part, we are talking about a non-system war.

Piepers' analysis - designed by me in the context of negative feedback - is as follows:
1. In a transitional phase from 1480 to 1945, four system wars took place.
2. After each system war, the state system changed.
3. Each of those system wars was the result of a war cycle of non-system wars. The aim of these non-system wars was to rebalance temporary the existing disorder. That is how the negative feedback mechanism works in the phase of non-system wars: creating homeostasis until a new non-system war is needed.
4. This works until the disorder becomes so great that a systemic war, as a comprehensive systemic crisis, has to create a new order, a new system of states. This is a form of meta-negative feedback that creates a new order, with a homeostasis/balance of a different level.
5. The transition after the last system war, World War II, created that new order in the form of a new European state system, plus a global state system in the form of the United Nations.
6. Piepers points out that a new war cycle has been developing since 1945, i.e. now a global war cycle that will unleash a new systemic war around 2020-2022.
7. In Chapter 4, I describe how I endorse this line of thinking for this new, now global, war cycle, based on the failures of the European and global system of states since 1945.

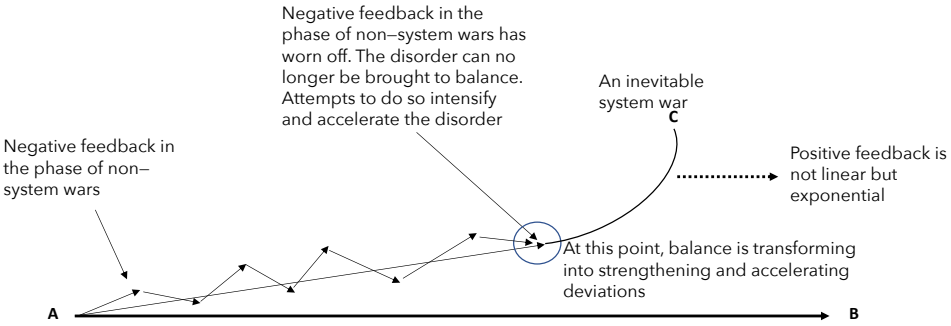


Positive feedback is forward coupling. It is not the undoing of a movement, but its acceleration and reinforcement. It is a neutral concept that has nothing to do with 'positive' in the sense of pleasantly responding to someone's statement in a conversation. It is an acceleration and reinforcement of a movement. Under circumstances this can turn out to be quite negative. Namely, in situations in which the aim is to achieve a goal, but on the way to that goal a deviation from the course occurs - caused by an unknown uncertainty - and that deviation is not responded to with a negative feedback reaction, but with a positive one. The result is then acceleration and amplification of the deviation. After which that acceleration and amplification continues exponentially as a series 2-4-8-16 and so on. Example: as I write this in 2020, the second wave of the Covid-19 pandemic shows how in several countries the number of infections doubled within ten days.

Positive feedback as reinforcement of a course deviation is therefore reinforcement of entropy in the sense of disorder. Piepers can therefore rightly state that positive feedback in the context he describes works perfectly in accordance with the principle of the law of entropy: as the disorder increases, the urge for order increases and, after a systemic crisis, a new international order of states follows as a meta-negative feedback manoeuvre. For the record: the addition 'meta' is for my account. Because Piepers places a heavy emphasis on the fact that a system war creates an entirely new order - and therefore a provisional new balance - I see that as negative feedback from a higher order, and therefore

use the word 'meta'. Below I illustrate how positive feedback - within the analytical framework of Piepers - works on a course from A to B.

Piepers' analysis - designed by me in the context of positive feedback - is as follows:
1. A war cycle of many decades consists of a number of non-system wars aimed at rebalancing the unbalanced status quo. So not to create a new order, but to restore the existing order.
2. During that period, there has been relative stability.
3. After some time that no longer works. Disorder grows, attempts to eliminate disorder create more misery, which brings the then prevailing system of states into a critical phase.
4. This leads to a situation that can also be described as 'When the shit hits the fan'. The start of an all-embracing system war that creates an entirely new order.
5. Note: the acceleration and strengthening is not linear but exponential. Compare it to an avalanche: it starts small but develops faster and wider on its way down.



Piepers describes the mechanism of positive feedback using numerous examples related to the creation of wars. I will try in the same way to close a 'gap' between Piepers' explanation of the origin of wars through the interaction of negative and positive feedback on the one hand and his observation that a new state system is emerging after a world war on the other hand. I am going to try to explain how systemic errors and the resulting crises[13] within the European state system after the Second World War not only contribute to the systemic crisis predicted by Piepers, but why they also lead to the transition of the democratically dead intergovernmental European Union into a democratically vital federal Europe. The long-awaited transformation of the European state system.

In Chapter 4, I then add a third element to the concepts of negative and positive feedback: feed-in. In a nutshell:

- while negative feedback refers to restoring balance by undoing deviations from the course of action that allow an end to be achieved (the end justifies the means);
- and positive feedback refers to strengthening and accelerating course deviations through which one gets further and further away from the desired goal (the means sanctifies the end);

[13] From 2 to 5 November 2020, the Clingendael Institute (the Dutch version of Chatham House in English) organised a teleconference entitled*: State of the Union - Europe caught up in poly-crisis?* The term 'poly-crisis' is correct. The question mark could have been omitted.

- feed-in means an adjustment of the goal. And thus - i.e. where positive feedback (i.e. increasing disorder) causes a system war - offers the choice for the creation of a new - higher - order.

While Piepers in his book draws positive feedback as a spiral of acceleration and amplification (which is normal for dynamic systems), I prefer a drawing that has a goal structure from A to B as its basis. In this way the image of positive feedback as a process of exponential deviation from a course is clearer. Because I am going to add the concept of feed-in in Chapter 4, something else comes into the picture. Piepers' choice to draw positive feedback as a spiral movement makes the relationship with the hermeneutic spiral obvious. My choice to draw it in level shifts brings the image of a quantum leap to the fore. I will show these level shifts in Chapter 4.

I have given the concepts - negative feedback, positive feedback and feed-in - a place in my vision of the development of policy processes in society[14]. I will go beyond that, with reference to the publication, before the Dutch elections in March 2021, of a book[15] in which Peter Hovens - partly based on Piepers' concepts - designs a fundamentally new vision for the institutional Dutch political system which, in terms of democratic value, is just as clinically dead as that of the European Union.

2.4 The connection between two system worlds

At the heart of Piepers' work is the inevitability of a systemic crisis caused by series of positive feedback movements: amplifying and accelerating anomalies that lead to increasing disorder. At best, the inevitability of the crisis is occasionally postponed by small negative feedback corrections of those accelerating and amplifying anomalies, leading to a period of temporary equilibrium.

It distinguishes - and connects - two different system worlds. On the one hand, the system world of social and political processes and events. On the other hand, the system world of natural laws with their established principles and functioning. Next, he shows how, from 1480 onwards, social, and political processes and events form a single comprehensive system through many ingenious feedbacks with natural laws. By the way, without one hundred percent determination. There is still room for multiple solutions. Although the laws of nature dictate that Europe, despite phases of imbalance, will always strive for a state of equilibrium (homeostasis), it is a question of choosing how that equilibrium will be organised

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[14] See *Beleid begint bij de samenleving. Een zoektocht naar de menselijke maat*, Lemma 2002 en *Vakvereisten voor politiek en beleid. Geboden en verboden in alfabetische volgorde,* KPPC 2002.
[15] Peter Hovens, *SamenWereld, Hoe het geloof in de politiek en het vertrouwen in de overheid terugkeert*, Sterk Leren Academy, 2021.

socially and politically. And that is what this essay is all about: the (choice for the) establishment of a new European system of states after the expected new, i.e., fifth, system war since 1480.

The value of Piepers' insights lies in the fact that he dares to make a connection between the unpredictability of social and political events and the predictability of the functioning of natural laws. Other sciences limit themselves to descriptions of those events and draw conclusions from them. They do not know, or deny, that natural laws also play a role in the way in which disturbances, conflicts, crises, and wars develop and, through recognizable patterns, lead to paradigm shifts in state formation. But once again, no matter how compelling the principles and mechanisms of natural laws are, there is always room for multiple choices.

2.5 Aspects of wars and war dynamics

The means to be deployed determine the nature of a war: conventional, nuclear, biological, and chemical. Nowadays, cyber war is added to this. If the warring parties use more or less the same means, it is symmetrical warfare. If a party does not have a regular army but uses guerrilla tactics, it is asymmetrical warfare. For the time being, Piepers sees the Gulf War of 1990-1991 as the last conventional war.

In addition, Piepers distinguishes five different types of wars based on who wars with whom: wars between population groups, between states, between states and population groups and civil wars. In the case of wars between states, the distinction also applies: wars between ordinary states and wars in which superpowers (e.g., America, China, Russia) take part. If one or a few superpowers fight, it is a superpower war. If all superpowers take part, it is a system war. Piepers sees the Second World War as (for the time being) the last system war.

It seems to me that Piepers' view that one should speak of a non-system war if not all superpowers participate in it, is of particular importance. The function of a systemic war versus a non-systemic war differs fundamentally. The function of non-system war is (as a negative feedback mechanism) to rebalance the balance between states. The aim is to restore the balance of power. The function of a systemic war, on the other hand, is to find a completely new balance in the system of states. The introduction of a new international order.

As I said earlier, a systemic war, like a non-systemic war, is a form of negative feedback: the disorder between states has reached such a level that a non-systemic war can no longer provide a temporary equilibrium. The desire to restore the status quo is not an issue. The disorder is too great for that. That is why, in my view, a system war is a meta-negative feedback. And that meta-character produces another, a new order of the state system, a new balance at a 'higher' level. As I

remarked earlier: a process that resembles the concept of the 'hermeneutic spiral'[16] in philosophy. And on 'quantum leap' in physics[17]. I leave these equations to rest.

By the way, war dynamics does not refer to a single war but to several wars and the relationship between wars in the longer term within a cycle. The behaviour of the state system plays an important role in this. The study of all this leads to the recognition of certain patterns in the wars within the European system of states between 1480 and 1945.

2.6 The advent of nation-state anarchy

This is the moment to explain why Piepers starts describing these patterns in the year 1480. Mind you, the 1480 of Europe. Around the end of the 15th century, state-like structures began to develop in Europe. At that time the dominant empire, not yet a state, was the so-called Holy Roman Empire (of the German Nation). The words in parentheses belong to this empire, although they are seldom used. The word 'German' makes it clear that it was a very large empire in Central Europe, consisting of several hundred kingdoms, duchies, counties, principalities, dioceses, archdioceses, and cities. All under the authority of an Emperor. And all of them regularly quarreled with each other[18]. Note: the number of these hundreds of state-like territories of the 15th and 16th centuries with about 80 million inhabitants has now shrunk to twenty-seven regular states within the European Union with almost 450 million citizens (the number is without the United Kingdom).

What Piepers only briefly indicates is the fact that, in addition to all the conflicts and small wars, the so-called Thirty Years' War of the Holy Roman Empire with France and Sweden and the Eighty Years' War of Freedom between the Netherlands and Spain found a turning point in 1648[19]. That year is crucial for understanding the concept of nation-state anarchy. It is a well-known, but

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[16] A very concise representation of the meaning of the 'hermeneutic spiral' is the process of ever better understanding through a confrontation of ongoing analyses and syntheses.
[17] A quantum leap is a jump of an electron from one energy level to another.
[18] See Rolf Falter, *België, een geschiedenis zonder land*, De Bezige Bij 2012. En: *De geboorte van Europa. Een geschiedenis zonder einde, Polis 2017*.
[19] During those eighties the Netherlands proclaimed in 1581 the *Placate of Abandonment*, a manifesto to justify secession because of outrages by the Spanish King. That Placate - of the same weight as the Magna Carta of 1215 in England and the Declaration of Independence of 1776 in America - still played a role in that Declaration of 1776 and a few years later in the composition of the first federal constitution in 1787-1789. Reason for President Barack Obama to admire a copy of that Placate at the Rijksmuseum in Amsterdam during his visit to the Netherlands on 24 March 2014.

unfortunately seriously underestimated concept. It has cost many millions of lives between 1648 and 1945.

Let me explain this. The increasing rivalry described by Piepers between all kinds of parties from 1480 onwards - with more and more war machinery - led in 1648 to the Peace of Münster and that of Osnabrück. Together, these two peace processes formed the basis for the Peace of Westphalia in the same year. Although state-like developments took place between 1480 and 1648, the formalization of the concept of 'sovereign state' took place in the year 1648: the birth of the nation states. States were given borders; inhabitants were no longer the subjects of a noble person, but citizens of a state. National identities were created, states did not have to listen to orders from others, nor tolerate being attacked and occupied.

But what happened, and why is the scientific evidence from Piepers so important: those nation states simply continued to wage war. Why did they go to war? Because - as Piepers makes clear - there are legal patterns that led to wars. And they continued until the wars of 1939-1945. It was only then - in 1945 - that a system transition, a phase transition, took place in the sense of the birth of a new European and global system of states: the European Union and the United Nations respectively.

What did we learn from all those wars from 1480 to 1945? Nothing at all. If we had realised in 1945 (the birth of the United Nations global system of states) and in 1951 (the birth of the new European system of states) that the Treaty of Westphalia was never strong enough to prevent new conflicts and wars, we would not have thought - and certainly not after the failure of the League of Nations based on the Treaty of Versailles 1919 - about giving the global system of states and the European system of states the basis of a new treaty[20] after 1945. Instead, a federal state based on a federal constitution would have been created in full knowledge of federal affairs. The result, as I shall try to demonstrate later, is that this fundamental systemic error has built up so much entropy (disorder, decay) over the last seventy-five years that both state systems - the European Union and the United Nations - have come to the end of their life cycle and are about to collapse.

One of the causes of the continuation of wars, so despite the new - treaty-based - international order after 1648, is called 'nation-state anarchy'. The Greek word 'anarchy' is composed of 'an' = 'not'. And 'archein' = 'govern', 'rule'. In this sense 'nation-state anarchy' means the absence of a transnational[21] government capable

[20] In reality, we are talking about a large number of treaties introduced between 1951 and the present day. That in itself is a system of disorder. I will come back to that in Chapter 4.
[21] I do not like the use of the word 'supranational' because it has a hierarchical connotation. In a federal state formation, a Federal Body looks after the interests of the whole and Member States

of preventing and/or resolving conflicts between states. Those who know the essence of federal state formation know that only that type of state formation (not an intergovernmental treaty, but a federal constitution) can solve the absence of transnational governance. As a result, federal state formation is that unique instrument for establishing peace. Incidentally - contrary to the assertion of (populist) nationalists and others who do not take the trouble to study this subject closely - without loss of sovereignty of the Member States. I am also saving this for later.

The loss of sovereignty invariably claimed by nationalists makes politicians and citizens react negatively to proposals to federalize Europe. Only when you make it clear that the International Olympic Committee, of which the federal FIFA is a member, is the largest private federation in the world, will a light come on. No sports club at the base of society anywhere in the world, which is united through the federal national sports federations into continental federal sports federations that make up the federal IOC, will experience that membership as a loss of local sovereignty. On the contrary, that giant federation offers individual members of their club the chance to win a gold medal. Without the IOC, they will not be able to do that on their own.

In his Ventotene Manifesto, Spinelli refers to nation-state anarchy as follows:

> "The absolute sovereignty of national States has led to the desire of each of them to dominate, since each feels threatened by the strength of the others, and considers that its 'living space' should include increasingly vast territories that give it the right to free movement and provide self-sustenance without needing to rely on others. This desire to dominate cannot be placated except by the hegemony of the strongest State over all the others. As a consequence of this, from being the guardian of citizens' freedom, the State has been turned into a master of vassals bound into servitude."

2.7 The dynamics of war in the European and global state system

Based on this scientific framework, Piepers is making a detailed analysis of events and circumstances that between 1480 and 1945 - through four accelerating war cycles - led to a state of equilibrium in Europe, while at the same time laying the foundations for a global system of states, the United Nations. A phase transition from a system without structure and coherence before 1480 to a system of states in Europe after 1945 with structure and coherence. The transition therefore took place in four stages, each with its own cycle of war, which gradually progressed to

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look after interests that they can look after themselves. There is no hierarchy because the Federal Body, at the request of the Member States and vested with some competences of those Member States, provides a concern that the Member States themselves cannot achieve.

such a critical state that systemic war became inevitable. After which the next cycle of war began to form. The last of the four produced the Second World War, which in turn produced the European and global state system, slowly but surely evolving into such entropical disorder[22] that the next, the fifth, systemic war will break out. According to Piepers, between 2020 and 2022. On the understanding that the way in which that system war manifests itself is not predictable, contrary to the expectation that it will not be accompanied by classic acts of war.

Piepers outlines how each of the four war cycles, although shorter and shorter, took place in the same way: a relatively stable period was always followed by a short critical period of the state system after which that state system started a systemic war. Each war cycle had periods of relative stability with only a few wars. Moreover, their role as non-system wars was to preserve the status quo of the existing equilibrium and to prevent or restore that equilibrium.

Systemic wars are completely different. Their function is to create an entirely new international order and hence a new system of states with a longer period of relative stability. Piepers emphasizes that systemic war is more than just war. It indicates a crisis of the system that produces a state regrouping through war activities, alliance formation and negotiations.

I will come back to this in Chapter 3 but do understand that the four war cycles between 1480 and 1945 each in themselves consisted of series of disturbances of the existing order, after which that disorder (entropy) was always settled with non-system wars (the mechanism of negative feedback within the dissipative structure) in order to eventually get so far out of balance that only a system war (in my words 'meta'-negative feedback) could bring about a new state of equilibrium.

The first dissipative structure from 1480 onwards reached a phase transition in 1945 with the creation of a new European and a new global system of states through the system war WWII. At the same time, however, a second dissipative structure - with a new, i.e., fifth cycle of war - was launched, in which the global state system began to play a radical role for the first time. Think of the Cold War, the fall of the Berlin Wall in 1989, the Balkan War, conflicts in the Middle East and in Africa, geopolitical tensions and trade wars, conflicts in areas such as refugees, immigration, climate, terrorist attacks and rebellious population groups.

So even after 1945 the non-system wars/crises continued and a balance was created somewhere for a short time. In the meantime, however, state entropy within the European and global system of states is accumulating. A new war cycle -

[22] Although entropy is a concept from the laws of nature, I use it in this essay as a development that also occurs in tensions between people and conflicts between states.

similar in configuration to the previous four - is forming. After a period of short relative stability, 75 years, a new systemic crisis/war awaits us, resulting in a new balance, a new order.

3. A CLOSER LOOK AT THE PERIOD 1480-1945

After this first description of Piepers' scientific framework, I will now discuss the characteristics of the period 1480-1945. With the aim of making those characteristics visible in Chapter 4 in the period 1945-2020, seen from the point of view of the systemic errors of the European state system, with occasional references to similar developments in the global system of states. The new European state system began in 1951 with the establishment of the European Coal and Steel Community. The world began in 1945 with the creation of the United Nations.

3.1 The four war cycles

But first an outline of the way in which Piepers describes four system wars for the period 1480-1945, each with a new version of the state system. In that period of 465 years, wars, the formation of the concept of state and the advent of a European system of states were closely linked.

He mentions as the first system war the Thirty Years' War of 1618-1648, ignoring the Eighty Years' War of 1568-1648 between the Netherlands and Spain. As I mentioned earlier, both wars were ended through the Peace of Münster and Osnabrück, after which, in 1648, the Peace of Westphalia brought about the systemic transition with the formalization of sovereign nation states. The French Revolutionary and Napoleonic Wars of 1792-1815 formed the second systemic war. This was followed, partly based on the laws and measures taken by Napoleon, by a new order of the European system of states. The First World War from 1914 to 1918 brought forth the new order of the League of Nations as the third system war. And the Second World War, as the fourth system war - through the Atlantic Pact of President Roosevelt and Prime Minister Churchill in 1941 - created the global state system of the United Nations in 1945.

Between these four system wars are four cycles of non-system wars. These are therefore wars which, in the interim, create a new balance, but which do not lead to a new order. These cycles became ever shorter: 1480-1648, 1648-1815, 1815-1918, 1918-1945. Respectively 168, 167, 103 and 27 years. Now, counting from 1945 to the present day, we again experience a longer cycle of 75 years. We have achieved this through the relative stability of the European and global system of states, which have been able to mitigate conflicts using instruments other than non-systemic wars and armed UN interventions - for example, more and more intergovernmental systems of governance based on treaties, agreements, and understandings. Periodically some years of calm. But we are ultimately going to pay the price of a new systemic war, because treaties, agreements and

understandings between states contain serious systemic flaws that erode and implode[23] such systems. Chapter 4 is devoted to this.

It is important to maintain that a systemic war is essentially a systemic crisis. There is much more to it than just war. All kinds of events, social processes and developments, unrest, turmoil, and more and more means of amplifying that unrest and turmoil into violence, are raging right through existing systems of states. To the current European state system applies that

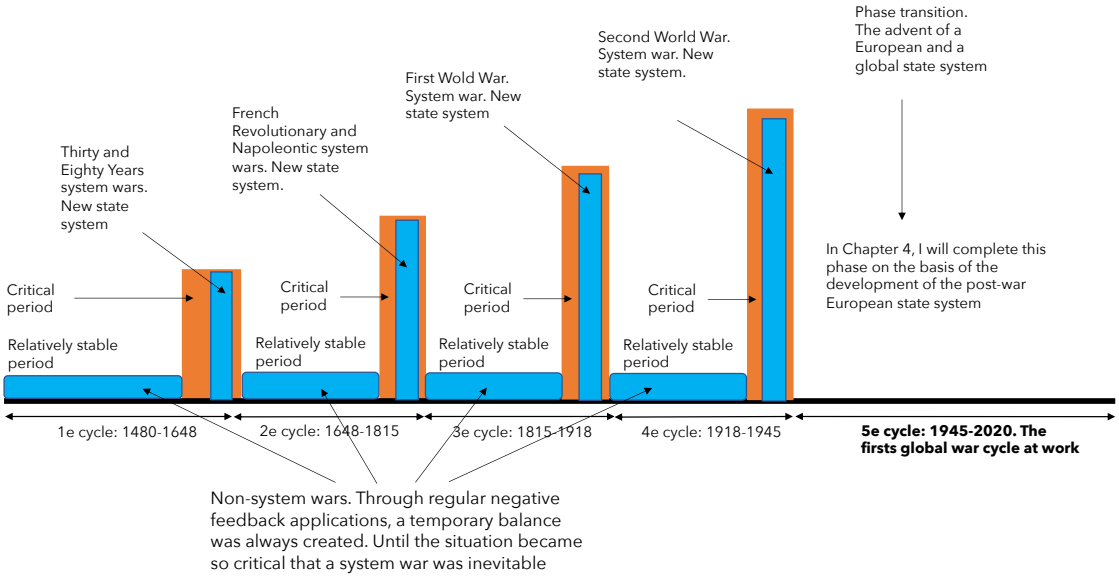
> perceptible attempts at autocracy with its social oppression and weakening of institutions, new technologies with their potential abuse, changing constitutional frameworks with serious defects, blurring of cultural identities, populist nationalism with its egocentric and hateful features, terrorism, tensions between the world of Christians and that of Islam, more and more angry people turning away from governments, whether or not due to the negative effects of neoliberalism,

disrupt the interplay of negative feedback mechanisms that are always intended to provide some calm, order, balance. All indications of a critical status of the European and global state system and the start of a new cycle of war, in which all the major powers will play their own game in the quest for a new order.

3.2 The first phase transition: 1480-1945

With a drawing, Piepers sketches the phase transition after four war cycles, each with four system wars. Below is an adaptation of that drawing, a slightly different design. I add elements including a fifth cycle, the one from 1945 to the present. This is the first global war cycle after the transition to a global and European state system. Because war cycles repeat themselves - they have the same patterns - a new system war or system crisis will result in a different system of states. I will indicate in Chapter 4 that this will be a system of global and European federalization.

[23] See my article *The perverse impact of operating with treaties. EU politicians don't know the difference between an undemocratic intergovernmental treaty and a democratic federal constitution. The lack of knowledge is amoral, the result is immoral*, in: Europe Today Magazine 16 July 2020.



3.3 Growth, pace and end of dynamic systems

This part is rather complicated. But it is indispensable for a good understanding of what follows in Chapter 4.

State systems are living, dynamic systems. They contain networks with characteristics of universal laws in areas such as growth, innovation, sustainability, and the pace of the life cycle. Including the end of life cycles. It works just like other systems, for example with people with their networks of blood vessel systems: a clot of blood in a vein and gone is the life of that system. Or cities with branching road systems: structural congestion affects the quality of urban life. Also, political, socio-economic, and cultural activities with branching structures, like the internet, grow and provide energy until they stop. Only professional maintenance and timely renewal can delay the end of a living system for some time. The elderly among us understand this well.

Thinking in terms of those universal laws of growth, innovation, sustainability, and the pace of the life cycle reveals fundamental principles that determine the behaviour of systems. That behaviour is the aim of networks to optimize the network structure, enabling those networks to do what they exist to do, namely, to fulfil a distribution function of energy. Just as branches and roots through the distribution of energy create the system 'tree'. And let it exist until the energy runs out. That survival and yet depletion of that energy is determined by evolution. It is a matter of selection.

State systems are governed by the same principles of energy distribution, such as knowledge, power, influence, military capacity, economic growth, geopolitical

political relations, support from societies. Their optimization depends on the structure of that living system. In other words, the quantity and sustainability of the energy supplied by the networks of the state system is determined by the quality of that system. Quality is then also determined by mass. As Piepers says (p. 113): *"An elephant is a much more efficient mechanism than a mouse, which is evidenced, among other things, by the much lower heart rate of an elephant compared to that of a mouse, and by the much longer life span of an elephant"*.

Optimization of the system - partly determined by the amount of mass - is therefore subject to natural laws that govern the network mechanisms. They work on different scales: sublinear, linear or supralinear. Depending on the level, such a network shows a certain behaviour and growth. Respectively: less than exponential growth, exponential growth, or super exponential growth. Networks on a sublinear scale show finite growth. Networks of a supra-linear nature have infinite growth possibilities, provided that sufficient energy sources are available. Piepers (p. 116): *"The finite growth of subline networks is a consequence of the increase in efficiency; at a certain point, energy is no longer available for growth and only for maintaining the network in question"*.

These insights are fully applicable to the development of the European and global system of states as a process of growth. Between 1480 and 1945, the population of the European Union, including the United Kingdom, grew from over 80 to over 500 million, while the number of state-like territories before 1648, and real states after 1648, gradually decreased to 27 in the European Union. The decline in the number led to an increase in the size of the remaining states. That decline in the number, and hence individual growth in size per state, is based on energy and other resources. Those energy and resources are needed partly for the preservation of those states, partly for growth. Every living system, however, experiences finite growth after reaching a maximum size. And this is caused by the sublinear scale of physical distribution networks. In mammals, these are the branching networks of blood vessels that transport and distribute blood and oxygen to the cells in the organism. If such a network grows, there is an advantage of scale, but in the long run this means that the available energy is only used to maintain the system, including repairing malfunctions, and no longer for growth. Once again, the elderly among us understand exactly what is written here. The sub-linear scale of physical distribution networks and the economies of scale that that produces mean that growth is finite.

This fact can be projected onto one of the most difficult issues within the European Union: can it allow more Member States (= growth of the system) with the same intergovernmental networks to provide the energy supply that will keep the system alive? The answer is: no, it cannot. There is no such energy. The system is already

collapsing. More Member States, however dear they may be to me, will only speed up the collapse of the European Union. The networks of the intergovernmental operating system which, with energy supplies, should ensure its growth and further maintenance, have been exhausted.

Only through fundamental intervention in the intergovernmental network will the Union be able to grow to as many as 50 Member States, like the United States. And - you guessed it again - this can only be done by exchanging the intergovernmental European system of states for a federal state. Only the networks within that specific federal constitutional and institutional organisational structure will provide the supralinear energy to guarantee such growth. Until, sooner or later, the supply of energy and resources within that federal system, too, falls short. Then growth can no longer be supported and will stagnate. Then growth and renewal will stop, and it is conceivable that there will be insufficient energy supply for the necessary maintenance and renewal of the federal system. After which a meta-negative feedback should bring about a new, once again higher order.

It seems that we are now seeing this happening in the United States, in the form of an example of an asymmetrical 'war': Trump, supported by the Republican party and an ultra-right, partly fascist, constituency, fighting with non-value driven 'weapons' such as lies, bullying, violation of the constitution, denial of the rule of law, against the President-elect Biden, supported by the Democrats and a constituency operating with value driven 'weapons' such as the constitutional checks and balances to maintain the trias politica, respect for the rule of law, respect for experts and concern for social values such as Medicare for all, black lives matter. In the pursuit of autocratic rule, President Trump tries, by means of divide and rule, to dismantle the constitutional and institutional anchors of that federation. He undermines the networks that feed the federation's energy by attacking the trias politica with its cast-iron checks and balances, by nepotism, by evading the rule of law, by attacking the sovereignty of Member States, by manipulating the financial and economic system, including the fiscal transfer union, by ridiculing the status of superpower, making it impossible for the US to make geopolitical corrections and by weakening popular support for political and social renewal. He sacrifices - exhausts - America, as it were, in favour of his personal interest: to become autocratic. The internal and international networks with which America always feeds, maintains, and renews, lose part of their energy-producing power, and erode into energy-guzzling splits. But at the same time, the entropy disorder organised by Trump stimulates the organisation of the drive to restore that order. And that became clear in the elections of 3 November 2020. The systemic conflicts - linked to this erosion - will, with several corrective negative feedback movements, lead to a new balance, unless some forces and powers succeed in unleashing a civil war. Even then, however, there will be a correction,

albeit of a larger, meta-order. In any case, the genetic vitality of the American federal state system guarantees the revival and renewal of federal rules, structures, and processes. Not only of the relationship between the white and coloured population groups after any attempt at equal rights has so far failed[24]. It is to be hoped that this will include the abolition of the seriously outdated and undemocratic electoral system organised on a district basis, corrupted by Gerrymandering[25] and Pacs[26], in favour of the introduction (after more than thirty unsuccessful attempts over the last two centuries) of a system based on proportional representation (popular vote) with transnational elections. The district-based electoral system leads - as in the UK - to a two-party system that creates an inconceivable entropy. Also, and above all in terms of democracy. The 'winner takes all' principle leads to an un-representation of the 49% in the case of a 51 to 49% vote. It is not for nothing that it is called a 'spoil system' in public administration.

I use this example from the United States to point out that chaos within a system can be caused by that system itself, not by chance factors outside that system. So is the chaos within the European Union. Sooner or later, however, the lawfulness of the growth of entropical disorder will lead to reorganization by means of a meta-negative feedback.

3.4 Taking a closer look at Europe's growth

Between 1480 and 1945, a European state system developed as a result of the numerous negative feedback mechanisms within a dissipative structure. With four war cycles leading to four system wars when regular negative feedback could no

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[24] After the Civil War from 1861 to 1865, four Reconstruction Laws decreed the equality of the black population in 1867. Ten years later they were overturned. The so-called Jim Crow laws after 1880 prescribed racial segregation. Martin Luther King led a new fight for equal civil rights in the second half of the 20th century, with only partial success. In 2020 this will be revived. If it succeeds in bringing that segregation to an end at last - and if it succeeds in renewing the outdated electoral system on a proportionate basis - those networks will add unprecedented new energy to the renewal of the federal state system in the US.

[25] Gerrymandering is the right of political parties within Member States of the US Federation to periodically review district boundaries within the state. Objective: due to demographic shifts within a state, the boundaries of constituencies should be reviewed in such a way that in elections - based on the adage the winner takes all - it works to the advantage of the party wishing to review the boundaries. The term gerrymandering is derived from the name of the Governor of Massachusetts - Elbridge Gerry - who introduced it into law in 1812. On the map it gave the image of a salamander. Hence the contraction of 'gerry' and 'mandering'. It is generally seen as one of the corrupting aspects of the American electoral system and therefore regularly challenged in court.

[26] PAC (also known as SuperPac) is the abbreviation of Political Action Committee. These collect donations, often many tens of millions, which are then donated to the campaign bodies during the election campaign. Although this is subject to strict rules, it has the connotation of 'buying the elections' by individuals and organisations with an interest in a particular election result.

longer provide a temporary balance. In other words, if the increasing tensions caused by ever-increasing rivalry within the developing system of states could no longer be mitigated by non-systemic wars, only a systemic war could create a new order and thus new calm.

Tensions in social systems are comparable to entropy in physical systems. They contribute to disorder and insecurity. The fact that tensions can be interpreted as threats but also as opportunities increases disorder and insecurity. And that is a reason, a cause, a source for politicians to strive for a new order; the order they want, of course. The wars that are waged to this end have a regulatory function and therefore contribute to the reorganization of the system of states.

Because Europe itself is an open system, in constant interaction with the rest of the world, colonization gained momentum from the 15th and 16th centuries onwards. Colonization had a twofold function for the growth of Europe: it drew the energy from the colonies to feed its own expansion, thus dumping the tensions of Europe's own system of states into those colonies. And it also resolved tensions by means of trade wars and piracy between states; negative feedback to find a balance again and again between the states that wanted to conquer part of the colonial booty. Over the centuries, the effect has been an increasingly clear-cut process of integrated European state formation. On the way to a status of equilibrium. The colonial expansion of Europe and the slowly integrating nature of the European system of states are essentially communicating vessels: the economic, political, and military loss of one became the success of the other. However, increasing rivalries ignited in 1939 in the Second World War, after which a new balance was achieved with the composition of the global and European structure of states.

3.5 Regulation and balance

Societies are open, living systems. Due to the dissipative interaction with the environment, they become unbalanced. But through regulation in the sense of corrective negative feedback, balance (homeostasis) can be restored. That is regulation of entropy, of disorder, because of political, social, economic and cultural tensions.

The question is always: how much regulation do you need? A lot or a little? Can you restore the balance with minimal regulation or is more needed? The answer to that question lies in another question: how efficiently do the people working on corrective regulation work? That efficiency depends on the degree of order within states and between states. For both situations, the degree of corrective regulation required is different. Where there is relative order within a state, minimum

regulation is obvious: 'don't shoot a gun at a mosquito'. Where there is entropical disorder between states, the power of a paradigm shift is needed.

Democracy is a good instrument for minimum regulation; for restoring a dynamic balance in a society within a state. 'Good' in the sense of creating balance without state coercion from above. However, the effectiveness of democracy as minimum regulation depends on the quality of that democracy. And that is where the big problem lies with the European Union. Within the 27 Member States of the EU, there are constitutional and institutional aspects of democratic public authority. Some more and some better than others. However, between those Member States, the construction of democracy based on the Treaty of Lisbon is an astonishing mess. It is a hotchpotch of all the errors from the big book of wrong constitutional rules and institutional networks that should give energy to a system of states that radiates peace, order, authority, and influence. Nothing could be further from the truth. Within the European system of states, there is no homeostasis and entropy is spreading year after year. I am going to describe and illustrate this in Chapter 4.

4. PIEPERS' ANALYTICAL FRAMEWORK APPLIED TO THE EUROPEAN STATE SYSTEM AFTER 1945

I shall apply the analytical order of Chapters 2 and 3 to the European system of states after World War II in this Chapter 4. This should lead to a synthesis of aspects underpinning Piepers' assertion that we will soon have a new system war/crisis. From time to time, I will mention similar aspects within the global system of states of the United Nations.

I make a distinction between four characteristically different periods: 1945 to 1950, 1951 to 2001, 2001 to 2009 and 2009 to 2020. That - to use a term from Karl Marx - is the path of the *Verelendung* in the post-war European system of states: from 1946, it built up a large amount of energy and slowly but surely reached the point where the available energy could only be used for temporary maintenance repairs to the system and no longer for renewal. After that - by using more energy than storing it - it is now in an identity crisis, waiting for the end of that *Verelendung*, the *Kladderadatch*[27], in the sense of a system implosion.

4.1 The critical period after the Second World War from 1945 to 1950

Piepers makes it clear that there is a 'critical period' in the run-up to a systemic crisis/war, but also immediately afterwards. In advance, the entropy disorder is so great that normal corrective negative feedbacks no longer work. The state system becomes so disorderly that only a system war/crisis can create a new order. This critical period extends beyond the crisis/war. In the drawing of section 3.2, I showed this by showing another strip of red of the critical period after the blue-coloured war.

Piepers describes in detail the critical period before 1939, but not after 1945. He suffices several times with remarks that indicate little confidence in the strength and coherence of the European state system after 1945. And that the period after 1945 is the prelude to a new cycle of war. But he does not give details. Probably because the form and content of the post-war EU system of states falls outside his field of vision. Piepers' not filling in the specific aspects of the critical period after 1945 is the 'gap' I referred to in paragraph 2.3. I am now going to close that gap.

4.1.1 The source of the post-war critical period was already in the Second World War.

Opponents of the Italian autocrat Benito Mussolini were exiled to the island of Ventotene in the Tyrrhenian Sea just before Naples. One of the exiles who became

[27] De German word *Verelendung* means a process of impoverishment. *Kladderadatch* is the inevitable break down of the system.

famous after the World War was Altiero Spinelli. With Ernesto Rossi, who wrote part of the third Chapter, Spinelli published the Ventotene Manifesto in 1941. An adapted version of 1944 is considered to be the standard. The title of the Manifesto reads: *For a Free and United Europe*.

Spinelli wrote that Manifesto in line with the ideas of the writers of the American Federalist Papers (1787-1788): James Madison, Alexander Hamilton, and John Jay. With eighty-five Papers they explained - through the newspapers - to the people why and how the Convention of Philadelphia (1787) could come to the design of a federal state[28]. The Ventotene Manifesto therefore builds on the essence of federal state formation as composed by that Convention of Philadelphia of only fifty-five people. Spinelli saw a European federation modelled on that of America as the only form of state which, after the end of the war, could lead to peace, prosperity, and security between the states of Europe.

A quotation from the Ventotene Manifest:

> "The question which must be resolved first, failing which progress is no more than mere appearance, is the definitive abolition of the division of Europe into national, sovereign States. The collapse of the majority of the States on the continent under the German steam-roller has already given the people of Europe a common destiny: either they will all submit to Hitler's dominion, or, after his fall, they will all enter a revolutionary crisis and will not find themselves separated by, and entrenched in, solid State structures. Feelings today are already far more disposed than they were in the past to accept a federal reorganization of Europe."

The inability or unwillingness of people to reflect on the atrocities of nation-state anarchy represent in Spinelli's eyes *"a serious obstacle to the rational organization of the United States of Europe, which can only be based on the republican constitution of federated countries"*.

Note that one of the essential features of federal statehood is to secure democratic relations by establishing a federal constitution: not a federal constitution, therefore not a federation. But neither a democracy. Without a constitution, administrators are not politically accountable to a parliament. This absence of a constitution is a source of autocracy. And that was the great fear of the Philadelphia Convention. They saw a federal constitution of only seven articles as the only way to keep a new autocrat (they had renounced the autocratic King of Great Britain in 1776) away

[28] The Philadelphia Convention designed the federal constitution on the basis of the ideas of European philosophers such as Aristotle (popular sovereignty), Althusius (federal state formation), Montesquieu (trias politica), Rousseau and Locke (social contract and popular sovereignty).

forever. Consider the sentence 'no federal constitution, therefore no federal state' as: 'no apples, therefore no apple pie'.

However, we are dealing with a movement - deeply embedded in the intergovernmental EU system - partly supported by some federal movements, which denies that a federal state requires a constitution. Or believes that the Treaty of Lisbon can be amended so often that, in the long run, it will automatically become a federal constitution. The systemic crisis predicted by Piepers will hopefully put an end to this conceptual error. Unless the Federal Alliance of European Federalists (FAEF) succeeds sooner - pointing to the entropical disorder created in part by federalists and which inevitably leads to a systemic crisis - in creating new unity within federal movements through the federation as an alliance of federal and pro-European organisations striving for a federal Europe.

Incidentally, this discussion also fully applies to the United Nations. There too, since its creation in 1945, there is a movement - supported in part by some world federalists - which sees systematic adaptation of the treaty-based UN system as the path that leads naturally to a federal world federation. Other world federalists, however, think in the same way as a movement of European federalists in that only the complete abolition of the intergovernmental system - in favour of the creation of a federal state - can be the solution. They base their right on a historical fact. Let me explain this.

Anyone who makes the effort to study the operation of the 1787 Philadelphia Convention - and the Federalist Papers of Madison, Hamilton and Jay dedicated to it - will be astonished to see that, as early as 1787-1788, they were talking about the pernicious systemic errors of a treaty as an instrument for ensuring coherence and union between States. In this context, it was the treaty under the name of the *Articles of Confederation*. Its purpose - following the Declaration of Independence of 1776 - was to hold together the thirteen freely-fought colonies as a confederation of independent states. That did not work. There was rivalry, quarreling and even the instigation of armed conflict between a Northern, a Southern and a Central group of those thirteen states. The Philadelphia Convention put an end to that treaty within two weeks, did not contemplate carrying out their task - prescribed by law - of amending it, threw it in the wastebasket and, in a few months, drafted the first federal constitution. Of only seven articles. An extraordinarily fine piece of constitutional law. In a number of Papers, Madison and Hamilton explained to the people of the thirteen small states why and how a treaty with its inevitable systemic flaws destroyed[29] cooperation

[29] For Madison's and Hamilton's fundamental criticism of the faulty system of the confederal treaty as the source of the conflicts, see *Episodes of flaring up European unity in the context of federalism*:

and cohesion between those small states. That is why, in the Ventotene Manifesto, Spinelli declared himself to be a staunch supporter of a federal constitution for the post-war construction of a federal Europe along the lines of the thinking of the authors of the Federalist Papers and the founding fathers of the Philadelphia Convention. This line of thinking is based on the system of federalism in accordance with the Political Method[30] of Johannes Althusius of 1603. It would be going too far to explain the essence of that approach here[31].

The power of Spinelli's Ventotene Manifesto proved its worth between 1945 and 1950 in organising numerous meetings aimed at federalising Europe. Unfortunately, all of these took the course of positive feedback, thus deviating from the line of federal state formation that Spinelli had outlined. I am going to mention the five most important ones[32], of which the fifth went completely wrong. Instead of corrective negative feedback, the process of deviating from standards[33] of federal state formation was then further strengthened as a matter of principle. It is this error that allows Piepers rightly to think that the European state system is a weak intent that organises its own demise. Now for those five meetings between 1945 and 1950.

4.1.2 Hertenstein 1946

Between 15 and 22 September 1946, the Swiss federal movement Europa Union Schweiz organised a meeting in Hertenstein (near Lucerne) which resulted in a twelve-point programme. This programme can be seen as an elaboration of the federal ideas of Spinelli's Ventotene Manifesto. In order to do justice to Piepers' emphasis on the importance of looking closely at what happens in a critical period

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https://www.faef.eu/episodes-of-flaring-up-european-unity-in-the-context-of-federalism-introduction/.

[30] In full, the title of his method of federal state building is: *Politica methodice digesta, atque exemplis sacris et profanis illustrata*.

[31] The report by the Federalism for Peace Foundation *From Cold Case to Hot Case*, referred to earlier in a footnote, on the failed federation of the United States of Indonesia 1949-1950, leading to the occupation and oppression of the Moluccan people, presented to the Human Rights Council in Geneva on 12 April 2020, contains a Chapter which contains the essence of Althusius' method. The link to the report is http://www.federalismforpeace.org/wp-content/uploads/2020/04/RapMolEng12april20_def.pdf.

[32] For more information I refer to the *European Federalist Papers* that I wrote with Herbert Tombeur between August 2012 and May 2013. See http://www.europeanfederalistpapers.eu/phocadownload/European%20Federalist%20Papers.pdf.

[33] In my book *Sovereignty, Security and Solidarity* (Lothian Foundation Press 2019) you will find the standards of elementary federalism. An abridged version can be found in an article in Europe Today Magazine of 7 September 2019: https://www.europe-today.eu/2019/09/07/standards-of-federalism/.

before and after a system war, here are the twelve points of the Hertenstein Programme of 22 September 1946.

> 1. A European Community on federal lines is a necessary and essential contribution to any world union.
> 2. In accordance with federalist principles which call for a democratic structure beginning at the base, the community of European peoples must itself settle any differences that may arise among its members.
> 3. The European Union is to fit into the framework of the UN Organisation as a regional union under Article 52 of the Charter.
> 4. The members of the European Union shall transfer part of their sovereign rights - economic, political and military - to the Federation which they constitute.
> 5. The European Union shall be open to all peoples that consider themselves European and conform to its fundamental rules.
> 6. The European Union shall define the rights and duties of its citizens in a declaration of European civil rights.
> 7. This declaration shall be based on respect for the individual and his responsibility towards the various communities to which he belongs.
> 8. The European Union shall be responsible for orderly reconstruction and for economic, social and cultural collaboration; it shall ensure that technical progress is devoted solely to the service of mankind.
> 9. The European Union is directed against no-one and renounces any form of power politics. It refuses to be an instrument in the service of any foreign power.
> 10. Within the framework of the European Union, regional unions based on agreements freely arrived at are not only permissible but desirable.
> 11. Only the European Union can ensure to all its peoples, small and great, their territorial integrity and the preservation of their own character.
> 12. By showing that it can solve the problems of its destiny in a federalist spirit, Europe will make its contribution to reconstruction and to the creation of a world community of peoples.

Points 1 and 3 make it clear that their authors do not seek an isolated federal Europe but see the federalization of Europe as an aspect of a global federal state. However, they make two mistakes, one of which is the main systemic error, which to this day marks the EU's disorderly weakness. By seeing a federal Europe as an essential contribution to the intergovernmental United Nations, they want to mix oil with water. That does not work. The UN, which was just founded in 1945, has nothing to do with the formation of a federal state. It is an intergovernmental body with serious democratic, constitutional, and institutional deficits. This mismatch - linking the intended federal European organisation with an intergovernmental global organisation - is the source of the error which I will report to the fifth meeting. If the authors of the Hertenstein Programme had studied the Ventotene Manifesto properly, and also the essence of federal organization in accordance with Althusius, the Philadelphia Convention, as well as the Federalist Papers of

Madison, Hamilton, and Jay, they would have had to reject, in this Programme, the intergovernmental UN treaty, unless it were to be transformed into a global federation.

The second error is in paragraph 4. Federal organizing does not involve the transfer of parts of the national sovereignty of Member States, in the sense of a loss of that sovereignty. Member States of a federation retain their full sovereignty but know that they cannot (any longer) take care of certain interests on their own. Member States entrust the care of this to a Federal Body. In simple terms, member states of a federation say: "You, as a Federal Body, may use our powers to look after interests that we cannot look after ourselves. But remember, our powers are inalienable. If you make mistakes, we will take them back and take care of them ourselves".

> The scientific formula of federal organization is: vertical separation of powers leading to shared sovereignty. I will clarify this with drawings in Chapter 6.

As you can see, the war had only just ended, or people in Hertenstein were already starting to deviate from the standards of federal state formation. This is a systemic error in the sense of a systemic break in knowledge of federal state formation as built up by Althusius, the Philadelphia Convention, the authors of the Federalist Papers and, once again, shared with the European community through Spinelli. Having and retaining knowledge is the main source of energy for creating, maintaining, and renewing a system. Until, with better knowledge, one can reach a higher level. That is the scientific process of increasing knowledge by falsifying outdated knowledge. However well-meaning it may be, confusing federalism with intergovernmentalism is not a level of new, higher knowledge, but one of a lower level.

Events since Hertenstein 1946 can be seen as the beginning of the weakening of the networks of the European system of states whose energy depleted between 1945 and 2020 to such an extent that it no longer functions as a supply of energy for maintaining the present state system. Let alone its growth and renewal. England joined the European Economic Community in 1973, but with such reservations (for example, Prime Minister Thatcher's cry *'I want my money back'*) that at that time energy for the benefit of the Union was already running out. Brexit is partly due to one of the systemic flaws of the Treaty of Lisbon: the European Council is allowed to push[34] any decision that it sees as serving the Union's objectives top-down through the 'throats of the Member States'. In the end, that was too much for the British.

[34] See Article 352 of the Treaty on the Functioning of the European Union, one of the constituent treaties of the Treaty of Lisbon, adopted in Rome on 25 March 1957.

4.1.3 Winston Churchill in Zürich 1946

On 19 September 1946, Winston Churchill launched a fiery speech at the University of Zurich with the metaphor of using the tragedy of the Second World War as the ruins from which a federal Europe like a Phoenix could rise. He advocated the creation of the United States of Europe on the Swiss model. For his arguments, I refer to the relevant video that can be found on the Internet[35]. I will now mention just one remarkable detail.

A few years earlier, in June 1940, German troops were ready to take Paris. On 16 June, Churchill - assisted by the general who had fled to England and later French President Charles de Gaulle - made a telephone call to the French Prime Minister, Paul Reynaud, who had left the meeting of the French War Office to answer the telephone and gone to another room. I quote the following[36]:

> "June 1940 was a turning point in British history. On the afternoon of 16 June, a few hours before the French Government opted for the capitulation, Churchill made, on behalf of the British Government, an offer of "indissoluble union." 'There would have been great difficulties to surmount,' commented Sir John Colville, Private Secretary to Churchill, 'but we had before us the bridge to a new world, the first elements of European or even World Federation.'
> When a sceptical Churchill put forward to the British Cabinet the text of the declaration drafted by Jean Monnet, Sir Arthur Salter, and Robert Vansittart, he was surprised at the amount of support it received. Clement Attlee, Ernest Bevin, and Sir Archibald Sinclair had already declared themselves in support of the idea of a European federation based on the Anglo-French nucleus. The Cabinet adopted the document with some minor amendments, and de Gaulle, who saw it as a means of keeping France in the war, telephoned Reynaud with the proposal for an 'indissoluble union' with 'joint organs of defence, foreign, financial and economic policies,' a common citizenship and a single War Cabinet. The proposal, however, never reached the table of the French Government. The spirit of capitulation, embodied in Weygand and Pétain prevailed, and France submitted herself to the German will, for the second time in seventy years."

Churchill offered France an unbreakable union in June 1940 - even before Spinelli's Ventotene Manifesto was written. Even as a first element of a European and perhaps even World Federation. A union with common bodies in the fields of defence, foreign policy, financial and economic policy, common citizenship, and a single war cabinet. These are basic elements of a Federal Body's package of competences. But Churchill came too late with his offer. When Reynaud returned

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[35] https://www.youtube.com/watch?v=giilcPJsYuw.

[36] See Andrea Bosco, *June 1940. Great Britain and the First Attempt to Build a European Union*, p.2, Cambridge Scholars Publishing 2016.

to the meeting, it appeared that Marshal Pétain had already convinced the War Cabinet of the need to capitulate.

Let us take a closer look at this. Britain's highest representatives, despite the great uncertainties of the war, offered a union of the character of a federal state, a union of France and England, but as a harbinger of a European and perhaps world federation. That is no mean feat. How does it relate to Churchill's fiery speech in Zurich on 19 September? Then, six years later, Churchill made it clear that there was an urgent need for a federation of the countries of the European continent, but without Britain. In his view, the Commonwealth, Britain's confederal link with its former colonies, was sufficient. What has become of that in 2020? With Brexit, the United Kingdom left the European Union and Commonwealth countries are leaving the Confederate Commonwealth one by one by no longer accepting the British Queen as Head of State. For England, the rock of Gibraltar, a few islands here and there and permanent membership of the Security Council remain. Meanwhile, it appears that Scotland and Wales are not resisting secession and membership of the EU. Or to form a federation with the other two parts of the United Kingdom - England and Northern Ireland[37].

What happened in Hertenstein was a system breakdown in the sense of knowledge blurring or knowledge obfuscation. Churchill's position in Zurich is a political withdrawal from the thinking of a federal Europe including England. It is a systemic break in terms of political commitment to thinking and acting in terms of standards of federal state formation. There were three aspects to that withdrawal:

(a) For about a century and a half, Britain had led a drive for a federal Europe, including Britain, modelled on the United States of America.
(b) His offer to Prime Minister Reynaud was co-written by Jean Monnet, a French businessman who worked as a liaison between Roosevelt and Churchill in building up arms supplies to England before America took part in the war. Monnet knew the history of the US federal system and was co-responsible for the federal standards in Churchill's offer.
(c) In Zurich, however, Churchill no longer opted for spending energy on a federal Europe including Britain, but for spending energy on the Commonwealth, a confederal link with the colonies that began to weaken immediately after the war, because those colonies fought themselves free (only Malaysia became

[37] As parts of the United Kingdom, Scotland, Wales, and Northern Ireland - with their own parliament and government - have some form of autonomy under the term 'devolution'. It is only a small step to extend that devolution to a federal state. Proposals are regularly appearing in the British press to introduce this federalisation at home. It is an issue that Labour's new leader, Keith Starmer, also brings up from time to time. See his article in The Guardian of 26 January 2020 Only a federal UK can repair shattered trust in politics: https://www.theguardian.com/politics/2020/jan/26/rebecca-long-bailey-calls-for-greater-powers-for-scotland-and-wales?CMP=Share_iOSApp_Other.

independent through negotiations) and the largest former colonies developed as federal states.

4.1.4 Congress of Montreux 1947

At Spinelli's instigation, the Union of European Federalists (UEF) was set up in Paris on 15 December 1946, followed by a youth organisation called Young European Federalists (YEF/JEF). The UEF held a congress in Montreux between 27 and 32 August 1947. Spinelli's ideas had taken root in the meantime, as witnessed by the presence of delegations from no less than 16 countries, with some forty federalist action groups. The Congress adopted a resolution calling for the establishment of a federal European government. It turned out to be the prelude to the organisation of the European Congress in 1948, which I will discuss below.

Of importance to Piepers' analytical framework is the fact that, as a French initiative, the UEF began in 1946 as the Union Européenne des Féderalists. Under that French name, federalists approached federalism in the sense of so-called integral federalism[38]. This is the original concept of federalism of John Althusius with his Political Method of 1603, applied in concrete terms by the Philadelphia Convention with the drafting of a federal constitution, considerably reinforced by the authors of the Federalist Papers and offered again by Spinelli in his plea for the creation of the United States of Europe.

But other federalists of this same Union Européenne des Féderalists, operating under the English name of Union of European Federalists, lost sight of the fundamental nature of Althusius' federal state formation and began to discuss the federalisation of Europe in a model that ultimately became the EU's intergovernmental operating system. A model that is alien to basic federalism. And which, to this day, is partly responsible for the fact that the Union of European Federalists (UEF, with several thousand members) - deeply rooted in the intergovernmental EU system - has achieved zero point zero federalization of Europe in more than seventy years. And it is not only the UEF that has failed to make any real effort to establish a federal Europe. Nor has the Spinelli Group. That group of around 30 leading European politicians, like UEF, is in favour of a repeated adaptation of the Treaty of Lisbon on the assumption that you can then turn it into a federal constitution, a new kind of alchemy. What banalities that led to in the period from 2001 to 2009 is the subject of paragraph 4.3.

[38] See Dimitri Mortelmans e.a., *Het integraal federalisme als bestuurskundig en maatschappelijk model*, in: Vlaanderen Morgen 1994/5.

The Spinelli Group and the Union of European Federalists (UEF) would do well to read the following quote from Spinelli's Ventotene Manifesto - after all, their own birth certificate.

> "With propaganda and action, seeking to establish in every possible way the agreement and links among the individual movements which are certainly in the process of being formed in the various countries, the foundation must be built now for a movement that knows how to mobilize all forces for the birth of the new organism which will be the grandest creation, and the newest, that has occurred in Europe for centuries; in order to constitute a steady federal State, that will have at its disposal a European armed service instead of national armies; that will break decisively economic autarkies, the backbone of totalitarian regimes; that will have sufficient means to see that its deliberations for the maintenance of common order are executed in the individual federal States, while each State will retain the autonomy it needs for a plastic articulation and development of political life according to the particular characteristics of the various people."
>
> If a sufficient number of men in the main European countries understand this, then victory will soon fall into their hands, since both circumstances and opinion will be favourable to their efforts. They will have before them parties and factions that have already been disqualified by the disastrous experience of the last twenty years. Since it will be the moment for new action, it will also be the moment for new men: the movement for a free and united Europe."

The abandonment of Spinelli's correct view that a federal state can only exist based on a federal constitution and the insistence by the Spinelli Group and the UEF that you can turn a treaty into a constitution if you tinker with it often enough has not, from 1946 to the present day, achieved not even a millimeter of European federalism. Sergio Pistone formulated it as follows in 2008[39] :

> "The Union of European Federalists (UEF) was founded in Paris on December 15th 1946 and held its first congress in Montreux from August 27th-30th 1947. Since then, sixty years have passed and European federation, the objective which the UEF was created to achieve and which shaped all of its activities, has not been accomplished, although the European integration process has made significant progress in such a direction."

The dividing line that exists today between the UEF with an intergovernmental approach that has not even given rise to a presumption of federal state formation versus federal movements with a classic approach to federal state formation that

[39] See Sergio Pistone, *The Union of European Federalists. From the foundation to the decision on direct election of the European Parliament (1946-1974).* Giuffré Editore 2008.

has more than proved its worth[40] began in Montreux. However, because the EU system cherishes the federalists with an intergovernmental approach in its bosom, federalists with an elementary approach cannot exert any influence on the removal of the intergovernmental administrating system in favour of establishing a federal system. This war between doctrines within circles of movements striving for a federal Europe is partly responsible for such a loss of energy that the European Union cannot renew, nor has enough energy for maintenance, needed to postpone the decline for a long time.

To tackle this problem, the Federal Alliance of European Federalists (FAEF) was set up to do justice to the Spinelli quotation I have just mentioned. Finally, after more than seventy years, federal movements seeking to unite a European federation based on federal standards within a federation of such movements under the adage 'federating the federalists'. If a federation of federal movements and pro-European[41] organisations succeeds in increasing (mass-producing) the degree of organization, federalists can be ready, after the systemic crisis, to lead a new European system of states on a federal basis. A corrective negative feedback, back to the basis of correct federalization.

Hertenstein was a system break in the field of knowledge of standards of federalism; Zurich a system break in the field of political involvement in federalism and Montreux a system break in the field of the methodology of federal design. Needless to say, it is up to everyone to reject my uncompromising adherence to this standard knowledge, to this standard political involvement and to this standard methodology. But then this person commits himself to a well-founded scientific refutation - falsification - of both the Political Method of Althusius, the groundbreaking constitutional and institutional work of the Philadelphia Convention, of the eighty-five Federalist Papers, of the Ventotene Manifesto, of the

[40] Once again, the world now has 27 federal states which together house 40% of the world's population. Note: there are strong federations; they have been set up in accordance with the standards of elementary federalism. America's is a strong one. There are also weak federations; they have poured intergovernmental water into federal wine but can still be called federations. Belgium, for example. There are also so-called failed federations. There are so many deviations from the standards built into their set-up - consciously or otherwise - that they fail over time. This was the case in Europe, for example, in Yugoslavia and Czechoslovakia. The latter has been split into two separate states, the Czech Republic and Slovakia. Yugoslavia has disintegrated into Serbia, Montenegro, Bosnia and Croatia, a nation-state division with its inevitable conflicts.

[41] There are dozens of them. Some names: Più Europa, Union Europea de Mallorca, World Federalist Movement Netherlands, Volt, Diem25, Pulse of Europe, Stand Up for Europe, European Federalist Party, We are Europe, European Sardines Group, New Europeans, Federalist Connection, Our Country, Europe?, Europe: what a passion, EUsolidarity Now, and many others. For the record, exactly as befits a federation, all FAEF member organisations remain sovereign, autonomous. No forced assimilation through mergers.

European Federalist Papers and of other writings containing standards of federal state formation. Then we will meet again in ten years' time.

Before turning to the 1948 European Congress, I would like to come back to a few words from the Pistone quotation: *'... although the European integration process has made significant progress in such a direction'*. I am referring to 'European integration'. Those words are wrong. Not that I blame the Pistone. Everyone who took part in the construction of the European Union placed it in the context of 'European integration'. And they still use those words. But why are those words wrong? In conjunction with the aforementioned Article 352 of the Treaty on the Functioning of the European Union, one of the partial treaties of the Treaty of Lisbon, adopted in Rome on 25 March 1957, 'European integration' is a euphemism for 'European assimilation'; that is making Member States uniform. Article 352 allows the European Council to push top-down any issue which it considers serving the interests of the Union down the Member States' throats. In other words, by ignoring the principle of subsidiarity, which prescribes that the Union should leave to the Member States what the Member States are better placed to take care of themselves.

Article 352 is one of the many so-called colluding articles of the Treaty of Lisbon. This means an article that clashes with another article (in this context, the subsidiarity article), and is therefore indicative of the character of the Treaty of Lisbon. It is a monster under constitutional law. It is precisely this top-down assimilationist character of the Treaty of Lisbon that has always led the United Kingdom to adopt a counter-argumentary stance in favour of a Brexit.

If:
(a) the intergovernmental European Union would understand that top-down assimilation measures are constantly and increasingly antagonizing the Member States, and
(b) the United Kingdom would once again have high-level statesmen at its disposal,
then, with English history leading the way[42] in the pursuit of a federal Europe between 1800 and 1940, one would have chosen to dissolve the EU in favour of a federal Europe.

Indeed, in a federation, zero point zero assimilation takes place. Nothing is lost. The member organisations of a federation remain as they are: each with its own constitutional system, its own domain of decision-making and its own cultural

[42] Think not only of the dozens of attempts from England between 1800 and 1940 to establish a federal Europe, but also and especially of the English Lord Lothian (Philip Kerr) who led the vanguard of that endeavour between 1919 and 1940.

identity. In fact, federal affiliation provides something extra. Namely the care for interests - by a Federal Body - that Member States cannot look after on their own.

I therefore endorse Vernon Bogdanor's view when he writes[43]:

> "In fewer than 100 days, Brexit will have been completed. Britain will be outside the European Union customs union and the internal market. But Brexit poses questions for the EU as well as for Britain. It challenges what might be called the ideology of Europe. It is, after all, a serious matter for a democratic organisation when a major member state decides to leave."

Looking back at Angela Merkel's Bruges lecture in 2010 in which she points out the ever-present tension between 'Brussels' and the Member States, Bogdanor writes:

> "If that tension is disturbed, and supranational policies intrude upon national identities, there will be popular resistance."

Precisely formulated. It is the apparent inevitability of - to some extent determined - developments in a cycle of war, the fifth since 1480, that is causing both sides to lose out. The resultant additional tensions increase Europe's entropical disorder until a systemic crisis creates a new order.

By the way, Bogdanor is by no means a federalist. Later, when the Maastricht Treaty of 1992 is discussed in paragraph 4.2.2, it will become clear that the French President, François Mitterand, had nothing to do with a federal Europe. Bogdanor writes in his Guardian article:

> "As long ago as 1990, when Jacques Delors, former president of the commission, told the European parliament that he wanted Europe to become a 'true federation' by the end of the millennium, the then French president François Mitterrand, watching on television, burst out: 'But that's ridiculous! What's he up to? No one in Europe will ever want that. By playing the extremist, he's going to wreck what's achievable.'"

And then Bogdanor again:

> "Few in Europe seek to submerge their country's national identity in a federation. Instead, they seek to pursue their own national interests constructively within a co-operative European framework. Perhaps Britain should have done the same."

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[43] *Brexit was no aberration. The European Union needs to learn from it*, in: The Guardian, 25 October 2020.

This *'submerge their country's national identity'* shows that he too - like Mitterand and many other European politicians - does not know that federal state formation will leave 'the country's identity' completely intact. With the constant submission of an opinion without knowledge, the intergovernmentalists are building a house of entropical disorder that will inevitably collapse.

4.1.5 The European Congress 1948

From 7 to 11 May 1948, more than 700 people from twenty-six European countries, as well as observers from the United States and Canada, met in The Hague: the Congress of Europe. Everyone of political weight was there. The English delegation consisted of Winston Churchill, Harold *MacMillan,* and Anthony Eden. For France, Paul Reynaud, François Mitterand and Pierre-Henri Teitgen were present. Konrad Adenauer, the later German Federal President, represented Germany. There were also Paul Henri Spaak from Belgium and of course Altiero Spinelli from Italy. Several philosophers were present alongside artists, Nobel Prize winners, economists, church leaders, professors, lawyers, journalists and entrepreneurs. A colourful collection, all aimed at contributing to European unification.

This congress, organised by the Coordinating Committee for European Integration, laid the foundations for the later political, economic, and monetary union, the establishment of the Council of Europe[44] and the drafting of the European Convention on Human Rights, to be implemented by a European Court of Justice.

The importance of this congress lay in the great unanimity to build a new future for Europe with new law and new organisations. But because three years had already passed since then in a process in which the foundations of federal statehood - as Spinelli pointed out - were no longer known or ignored, all the proposals made at that Congress were contained in terms of the conclusion of treaties: the playing field of Heads of Government, governors. As far as the concept of 'representation of the people' was concerned, it went no further than calling for the creation of a European deliberative assembly, a European Assembly.

It has never been able to achieve the level of a parliament made up of representatives elected by the people; nor a constitution based on the trias

[44] The Council of Europe, established on 5 May 1949 by the Treaty of London by ten Member States, is an international organisation made up of 47 European countries and 6 non-European countries. The Council is not part of the European Union and its main aim is to promote unity between Member States. Particular attention is paid to the European Convention for the Protection of Human Rights and Fundamental Freedoms. Do not confuse it with the European Council, the 27 Heads of State or Government who make up the European Union.

politica with checks and balances. The result is the current European Parliament, which, although it has its own decision-making power from time to time and in some respects, is a *sick* joke from a democratic point of view in the order of correct constitutional law. We also see this in the treaty system of the United Nations. The General Assembly, as the intended parliament, is not a parliament for the simple reason that the five permanent members of the Security Council, with their unanimous decisions, are in control. Just as the European Council of 27 Heads of State or Government takes decisions based on unanimity. This is a way of working that leads to an exchange of national interests with the threat of a veto[45]. Democracy? Forget it.

Think of this Congress of Europe in 1948 as a consolidation of the idea, already started in Hertenstein in 1946, that the political formation of the future Europe should have intergovernmental status of one or more treaties.

4.1.6 The Schuman Declaration 1950

This gradual process of increasingly far-reaching deviation (positive feedback) from Spinelli's original basic goals - working from the fundamental approach from Althusius to the Federalist Papers - was embodied in the Schuman Declaration, or Schuman Plan, of 9 May 1950. Robert Schuman - Minister for Foreign Affairs in the French Government - made a brief but historic speech on that day. I shall quote three crucial sentences highlighting the most important words:

> "The pooling of coal and steel production should immediately provide for the setting up of common foundations for economic development as a first step in **the federation of Europe**, and will change the destinies of these regions which have long been devoted to the manufacture of munitions of war, of which they have been the most constant victims."
>
> "By pooling basic production and by instituting a new High Authority whose decisions will bind France, Germany and other member countries, this proposal will lead to the realization of the first concrete foundation of a **European federation** indispensable to the preservation of peace."
>
> "The essential principles and undertakings defined above will be the subject of **a treaty signed between the States** and submitted for the ratification of their parliaments."

[45] On 8 November, Hungarian media reported that Prime Minister Victor Orban, in a letter to Ursula von der Leyen - President of the European Commission - threatened to veto the EU's multi-annual budget if European subsidies to Hungary were linked to the EU's requirement for Hungary to respect the rule of law. Reason for this: For some time now, Orban has been trying to amend the Hungarian constitution in such a way that he can become an autocrat.

The third quotation against the first two is exactly the line of development from Hertenstein: speaking with two tongues. On two occasions, Schuman emphasizes the importance of a federal Europe, but to have it elaborated in a treaty. So intergovernmental cooperation. And that is not possible. Simple basic constitutional law. A federal state is only a federal state if it contains a constitution. A treaty does not provide for that.

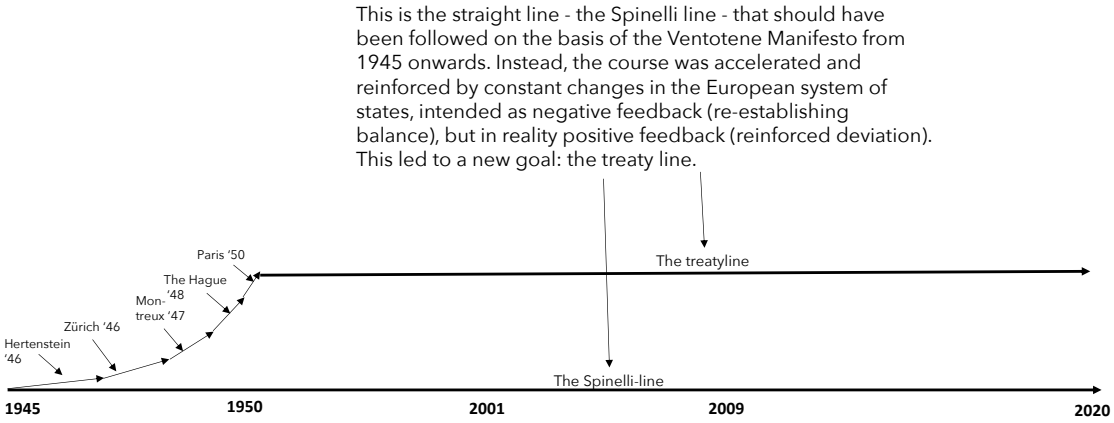
In addition, I must question the role of Jean Monnet. Earlier I mentioned his name as co-author of the offer made by Winston Churchill in June 1940 to his French colleague Paul Reynaud. Monnet had worked for some time in America near President Roosevelt. His contribution in June 1940 was based on correct knowledge of elementary federalism. And so, he had the knowledge that it was precisely the rejection of a treaty - the Articles of Confederation - by the Philadelphia Convention in 1787 that meant the birthright of the American Federation. The question therefore arises: 'How could Monnet - who is known to have advised Schuman on the text of the Schuman Plan in May 1950 - have agreed that Schuman made the biggest error of errors by advocating a federal Europe on the basis of a treaty?'

Let us look at the rhythm of these five interventions, operating in a slow process of growing deviat*ion* from the right course during the critical post-war phase:
Hertenstein 1946: a conceptually incorrect attempt to mix federal organisation with intergovernmental organisation.
Zurich 1946: a political renunciation of the pursuit of a federal Europe with England and instead opting for the intergovernmental Commonwealth.
Montreux 1947: a methodological fork in the road: elementary federalism based on standards versus an intergovernmental current; the beginning of a battle of federal doctrines among federalists.
The Hague 1948: consolidation of administrative, intergovernmental thinking, increasingly distant from federal state formation.
Paris 1950: Alea iacta est[46], the die is cast. Schuman's choice of a treaty-based approach is an irreversible fact.

The process from 1946 to 1950 marks some successive classic movements of a positive feedback mechanism. In the next paragraph, I put this in a drawing which, after new paragraphs, continues in the sense of reinforced deviation from the course of 1945.

[46] With these words Julius Caesar, on 10 January, in the year 40 B.C., crossed the river Rubicon to make it clear to the Senate in Rome that he, and he alone, was in charge.

4.1.7 The period 1945-1950 in drawing
The critical post-war phase from 1945 to 1950 began with the knowledge of federal state formation according to Spinelli, based on the thinking of the authors of the Federalist Papers, who in turn derived the federal standards from the Philadelphia Convention, which in turn relied on Althusius and other European philosophers. In the drawing, the straight line from 1945 to 2020 marks the doctrine of elementary federalism. A process of deviation from that doctrine began in 1945. Without corrective negative feedback. That is why the deviation is not linear, but exponentially drawn, the manifestation of positive feedback.



4.2 The period from 1950 to 2001
With the Schuman Declaration of May 1950, European heads of government were given free administrative space to begin European unification with the instrument of treaties. A new goal: federalization by means of treaties. The possibility of establishing a European federation based on a federal constitution was over. Heads of government cannot make a federation. They can only set up administrative cooperation. This made the European system of states - in accordance with the inevitable process of 'birds of a feather flock together' - a gathering place of intergovernmentalists, including the Union of European Federalists (UEF) and later the Spinelli Group.

4.2.1 Reinforcement of the deviation after 1950
Following the Schuman Plan in 1950, heads of government began to work on the unification of Europe with successive treaties.

The first example of the treaty approach was the establishment of the European Coal and Steel Community (ECSC) by the Treaty of Paris, signed on 18 April 1951

and entered into force on 23 July 1952. The six founding countries were: France, West Germany, Italy and the three Benelux countries, the Netherlands, Belgium, and Luxembourg. There was to be a High Authority, an administrative body, with Jean Monnet as its first President. As advisor to President Roosevelt and Prime Minister Churchill in June 1940, he championed a European federation modelled on the United States, but in 1951 he became the supreme administrator of the first European intergovernmental system of states[47].

The aim of the ECSC was to make each other dependent on the use of coal and steel to produce weapons. This meant that one state could not arm itself without the knowledge of the other. After 1951, around twenty other states acceded to this treaty. This cooperation ended in 2002.

After 1951, treaties were concluded quickly. The most important are listed below. It shows how tempting it is to work with treaties. Administrators cut corners, have a treaty drawn up and present their parliaments with a 'fait accompli'; occasionally sugarcoated by giving them a form of participation, but without a true constitution with a fundamental trias politica and her necessary checks and balances.

4.2.2 Accelerated and amplified course deviations
These are the most important treaties following the establishment of the ECSC:

- The Treaty of Rome 1957, which entered into force on 1 January 1958. This Treaty created the European Economic Community (EEC) and the European Atomic Energy Community (Euratom). It implied an extension of the concept of European integration to include general economic cooperation.

- The Brussels Treaty (Merger Treaty) entered into force on 1 July 1976. This Treaty aims at an institutional reorganization. No longer a High Authority but a single European Commission, a single European Council to govern the ECSC, Euratom and EEC. This Treaty ended with the Treaty of Amsterdam on 2 October 1997.

[47] The European Union honours Jean Monnet for all his achievements. He is seen as one of the driving forces behind the EEC and the Euratom. He has received prestigious prizes, been made an honorary citizen of Europe and several universities have created Jean Monnet Chairs. Nevertheless, I continue to wonder how someone of that quality of federalist could have become an intergovernmentalist. Incidentally, Spinelli, too, was unable to resist the temptation to join the developing intergovernmental administration of Europe. From 1970 to 1976 he was a Member of the European Parliament, from 1976 to 1986 he was European Commissioner. But his aspirations for a federal Europe based on a constitution remained unchanged. In 1980, he set up a group of federalist MEPs who once again tried to give the European Union a federal constitutional basis.

- The Single European Act, which entered into force on 1 July 1987. Another reorganization of the European institutions to take account of the accession of Spain and Portugal and the advent of the internal market[48].

- The Schengen Convention of 1985. This agreement launched the abolition of internal frontiers.

- The Maastricht Treaty of 1992, which entered into force on 1 November 1993. Under the name of the Treaty on European Union, it is one of the sub-treaties of the Treaty of Lisbon. This Maastricht Treaty is important in the context of the concept of negative feedback. The aim in Maastricht was to prepare the European Monetary Union (EMU). The Netherlands - in the person of Prime Minister Ruud Lubbers - started the discussion with proposals for a federal basis for that EMU. The German Chancellor Helmut Kohl and the French President François Mitterand blocked this. The reason for this was that Lubbers was not in favour of Kohl's efforts to reunite East and West Germany after the fall of the Berlin Wall in 1989. Kohl had an ally in Mitterand who, in return, demanded that the idea of a federal foundation under EMU be abandoned. That is how it happened. All in all, therefore, this Treaty has not been able to act as a corrective negative feedback to federal state formation.

- The Treaty of Amsterdam 1997, which entered into force on 1 May 1999. Another reorganization of the institutions in connection with the accession of new Member States and - an exclamation mark fits here - a so-called consolidation of earlier treaties. The purpose of consolidation is to alleviate the proliferation within the treaty system by merging treaties and then renumbering the articles. From the point of view of one of the most difficult areas of constitutional law - that is to say, making transitional law in such a way that treaties and directives can still be found and used within the legislative procedures - this work is essentially impossible. It is complicated by the fact that the construction of these treaties has always had to be guided by the specific interests of Member States that demanded exceptions to the general rules. A form of nation-state anarchy. The subsequent Treaty of Lisbon has thus - partly - resulted in a legal monster.

There are more intergovernmental treaties, regulations, and agreements. But this should suffice to support the impression that the successive most important treaties have a chaotic constitutional complexity. This is made particularly clear by the recurrent need to consolidate treaties, burdened with the many opt-outs, the exceptions that Member States have negotiated for themselves. Consolidations

[48] The internal market is the free movement of goods, persons, services and capital within the Union without internal frontiers.

are in themselves negative feedback-ups to seek a legal and organisational balance, a balance sheet, after a period of increasing disorder. However, taken as a whole, they are one big reinforcement of the continuing deviations from the course.

This need to consolidate successive treaties that got in each other's way was not only evident in the Treaty of Amsterdam. After 2001, consolidated versions of the Treaty on European Union were published in 2016, the Treaty on the Functioning of the European Union in 2016, the Treaty establishing the European Atomic Energy Community in 2016 and the Charter of Fundamental Rights of the European Union in 2016. With a huge number of articles. Although all of them are intended to correct entropical disorder with new regulation, on balance it only added more disorder to the European system of states, contributing to the fifth cycle of war mentioned by Piepers.

Compare that constitutional disorder of the EU system of states with the federal constitution of the United States of America of seven articles which, with twenty-seven amendments, holds fifty states together[49]. That is constitutional law of the highest order. The quality of European constitutional production from 1951 onwards only deserves a fat zero. It is a source of disquiet and unrest in EU Member States. And a breeding ground for populist and nationalist politicians to turn against 'Brussels'. A European Union that organises its own Waterloo.

4.2.3 The drawing of the phase 1950 to 2001

The bottom line from 1945 to 2020 - the Spinelli line - is the course that should have been taken from the end of the Second World War. If that process had been led by people who understood the standards of federal state formation, it would have been achieved with simple negative feedback movements to adjust deviations from that course in the interim. That did not happen. While the deviation from the course began in the phase from 1945 to 1950, it continued exponentially from 1950 onwards.

At 1950 I draw a new horizontal line. After all, with the Schuman Plan of 1950, a new order of the European system of states began, now aimed at the unification of Europe based on a system of treaties. The first step in this direction was the

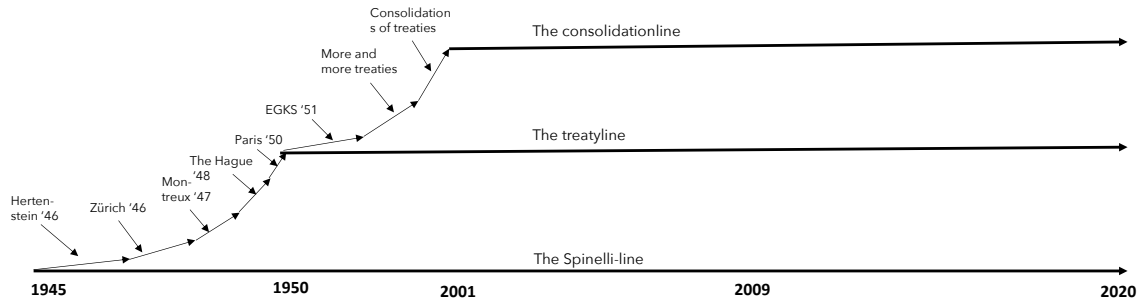
[49] Only in 1860/1861 did eleven states unilaterally leave the US Federation. This took place between the time when Abraham Lincoln was elected and the moment, a few months later, of his official entry. These eleven states were economically dependent on slavery and feared that Lincoln would abolish it as soon as he took office. However, he did not do so. He started a war against the outgoing states based on an article in the federal constitution forbidding unilateral withdrawal. The federal government won this civil war in 1865, after, incidentally, slavery had been abolished in 1863.

creation of the ECSC in 1951. A simple further removal of the original line 1945-2020.

Since the Treaty of Rome in 1957, the system of working with more treaties has accelerated and strengthened. It thus shows a positive feedback reaction: even further away from the original line.

With the Treaty of Maastricht, the Netherlands intended a change of course from back to the original line by arguing for a federal foundation under the European Monetary Union (EMU), but because this did not go ahead, I am not signing it.

The final acceleration and strengthening of positive feedback lie in the regular consolidations: the need to consolidate treaties and renumber the articles. Desperate attempts to create legal order, however, creating even more disorder because it is not possible, in this way, to do justice to one of the most difficult legislative doctrines, namely, to draft clear and unequivocal transitional law so that everyone knows what does and does not apply. Consolidating what was well-intentioned, which also took place in the phase between 2001 and 2009, only leads to further problems of interpretation and conflicting articles (collision). Therefore, a new line, the consolidation line.



4.3 The period from 2001 to 2009

By the year 2001, that turmoil and unrest had increased to such an extent that it was time for a 'trick special'. The chaotic intergovernmentalism provoked bursts of federalism throughout the Union. This led to the establishment of the *Convention on the Future of the European Union*, as decided by the European Council in December 2001.

4.3.1 The Convention on the Future of the European Union
The aim was a Convention along the lines of the Convention of Philadelphia 1787, with the task of drawing up a draft federal constitution for the European Union. But .... with the proviso that the European Council - in other words, the group of Heads of State or Government - would have the last word. You now understand what that proviso would entail.

The Convention produced a Draft Treaty establishing a Constitution for Europe in July 2003. By linking the word Treaty with the word Constitution, it was called a *Constitutional Treaty*. There is no such thing. It is either a treaty or it is a constitution. A constitutional treaty is a non-existent phenomenon.

I will describe here the process of making this Constitutional Treaty between 2001 and 2003, with a destructive blow in 2005 and a further Verelendung (impoverishment) between 2005 and 2009.

In short, this attempt to leave the intergovernmental path and head back towards federal state formation was a complete failure. This is due to the misguided conception of the European Convention led by the French statesman Valéry Giscard d'Estaing, and to the fact that no one was there with any basic knowledge of federal statehood.

The Convention was provided for in the Laeken Declaration of 2001, based on the questions of how the European Union should proceed, what improvements were useful and necessary and, above all, what geopolitical position the Union should aspire to. The Convention was to produce a new text to replace all the existing European treaties. In other words, instead of consolidating conflicting European treaties by putting them together as well as possible, the aim was to replace all of them by a single document: a federal constitution like the constitution drawn up by the Philadelphia Convention in 1787. That was to be a good basis for a new European Union with flexible governance and capable of enlargement to twenty five - or more - Member States. The product of the Convention would then be assessed in an Intergovernmental Conference and, after any changes, adopted by the European Council of Heads of State or Government. These two conditions alone - an assessment by an Intergovernmental Conference and adoption by the European Council - should have sounded all the alarm bells among federalists.

So, it went completely wrong:
- No less than two hundred and seventeen people took part in the Convention: representatives of the Member States, the national parliaments, the European Parliament, and the European Commission; representatives of thirteen countries waiting for membership of the EU; representatives of various

European institutions and civil society organisations, such as employers' and employees' organisations, non-governmental institutions and representatives of universities. Such a number of members, added to their national backgrounds and institutional interests, guaranteed a hotchpotch of political folklore and the safeguarding of one's own interests rather than thinking in terms of common European interests.

- After sixteen months of consultation - driven by national, regional, and private interests - the final product (accepted by two hundred and nine of the two hundred and seventeen members) was submitted to that Intergovernmental Conference of representatives of the governments of the then Member States and of the States that were to join. So, the draft in terms of what was supposed to be a federal constitution came into the hands of people who were organised and charged with intergovernmentalism developed since 1946, far removed from federalism, and by their function in the inevitable process of 'birds of a feather flock together', aimed at safeguarding their own national, regional, and private interests.

- This Intergovernmental Conference worked on it from October 2003 to June 2004, after which the European Council - the decision-making intergovernmental body which, by proper constitutional standards, should not exist - took a final decision on it on 18 June 2004. The Treaty, referred to as a Constitution, was signed in Rome on 29 October 2004 by the Heads of State or Government of twenty-five Member States.

- At that time, ratification still had to take place on a country-by-country basis. For ten countries, including France and the Netherlands, this had to be done by referendum. Its history is well known. In France and the Netherlands (2005) this 'Constitutional Treaty' was rejected by referendum.

- From the on a few years of intergovernmental tinkering with the rejected text resulted in the Treaty of Lisbon in 2007, which entered into force in 2009. It is without doubt the worst legal document ever produced in Europe. A legal student who would put such a thing in his thesis would immediately receive the Abeundi Consilium: the advice to leave.

Here we come across an incomprehensible aspect of human behaviour. The design of the Philadelphia Convention was taken as a guideline. That Convention was made up of just fifty-five people who had so much sense - and courage - that, within two weeks, they threw away the treaty that they were supposed to amend and then, within a few months, drafted a federal constitution of seven articles by, for and of the people. One would expect the mandate for Valéry Giscard d'Estaing

and the members of the Convention in 2001 to be based at least on that approach. No, it would not. Precisely according to the intergovernmental delusion of the time, the Convention was stuffed with everyone who thought they should be involved on the assumption that their absence would lead to an inferior product. It was from the outset a thinking in terms of 'own country, own region or own organisation first'. An accumulation of national, regional, and private interests far removed from thinking in terms of common European interests.

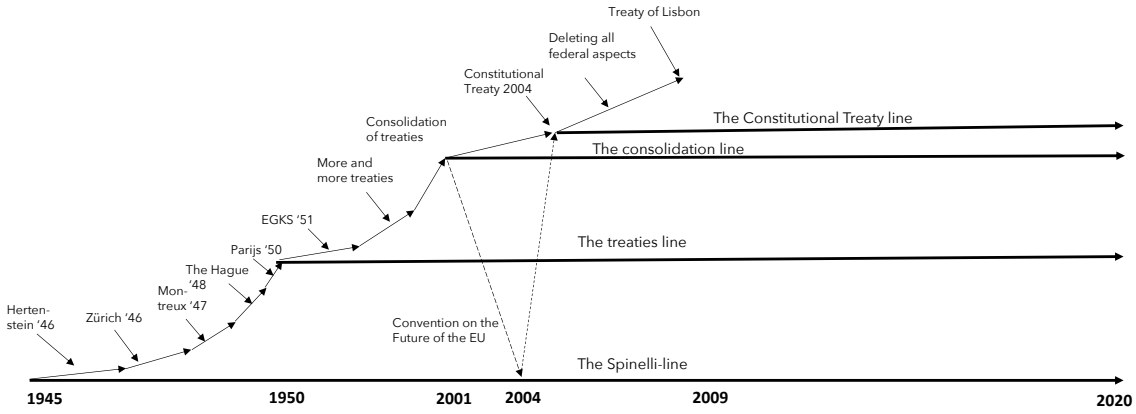
Most people find it normal that everything that is made - be it a loaf of bread, or a house, or a car, or a rocket, or a computer - should be made by professionals. They buy it because the support for that decision is based on science, or the assumption, that there have been no amateurs or bunglers at work. And so, the product does not suffer from system faults. Nobody buys a computer or gets on an aero plane until they have worked on its construction themselves.

But in this case, the composition of a constitution for Europe based on the work of the Philadelphia Convention, it has been completely abandoned. It was considered normal to put a few hundred amateurs and bunglers into the constitutional work. This is the most important work that can be done in a democratic society. Thus, seven years later, the intention to return to the Spinelli line ended up in a strengthened form of the intergovernmental operating system: the Treaty of Lisbon.

4.3.2 The drawing of the phase 2001 to 2009

The establishment of the Convention on the Future of the European Union was an intention to have a negative feedback reaction towards the original line - the Spinelli line - of federal state formation from 1945 onwards. But the actual way of working was not. In view of the intention in 2001, I draw a line all the way down as if it were a negative feedback movement. Until 2004. In essence, however, intergovernmentalism has continued since the Convention on the Future of Europe came into force.

Nevertheless, in order to do justice to the intention to make a federal constitution, I draw a line to 2004 - i.e., to the straight line - and then back up again in order to reconnect with the ongoing strengthening of positive feedback. As it was therefore non-negative feedback, I draw the relevant lines in the form of a dotted line. And to do justice to the fact that instead of negative feedback there was positive feedback the deviation continues exponentially.



4.4 The period from 2009 to 2020

So, there was no European Constitution following the thinking of the Philadelphia Convention. Instead, in 2009, the intergovernmental Treaty of Lisbon entered into force, consisting of two partial treaties: the Treaty on the European Union and the Treaty on the Functioning of the European Union. As no one understands this, consolidation had to take place again, of course. However, I am not going to go into that here.

4.4.1 A list of system errors

The main systemic flaws in the Treaty of Lisbon are:

- It is used as an instrument to administer the European Union - being a conglomerate of separate countries - as a single coherent state. That cannot be done with a treaty. It requires a constitution.

- The treaty works top-down, while a federal constitution works bottom-up: of, by and for the people, established by the people based on ratification and not by referendum.

- It forces Member States to assimilate while a federal constitution guards and preserves the sovereignty and the constitutional and cultural uniqueness of each Member State.

- With its many exceptions to general rules and with its protocols for specific interests of Member States, it is an accumulation of national interests.

- Member States that do not wish to comply with jointly taken decisions - see, for example, the refusal to admit migrants - shrug their shoulders when 'Brussels' threatens sanctions. The same applies when Member States amend their own constitutional law in an autocratic sense. Poland and Hungary, for example. What is more, they threaten to veto the EU's multi-annual budget and the hard-won Recovery Fund of EUR 750 billion if the European Council goes ahead with the intention of cutting subsidies for both countries if they do not want to comply with the principles of the rule of law in their own countries. It is one of the many symptoms of a disintegrating European Union.

- The representation of common interests such as, for example, a European defence force, a European foreign policy, a European financial and economic system with a fiscal union, a European healthcare system, a European migration policy and a European scientific and educational system is lacking.

- There is no European Parliament that - in the sense of a transnationally elected parliament as one of the three state powers of the trias politica with strong checks and balances - can call a European government to account.

- There is no European government accountable to a European Parliament. The European Commission, which is seen as a kind of government, with its appointment of Euro Commissioners per Member State, is a typically intergovernmental phenomenon in which that Commission has the character of an gathering of civil servants.

- The undemocratically elected European Council, with the final powers, does not answer to parliament. Moreover, the 27 members of that European Council have a double mandate: they are head of government or head of state in their own country, and in the EU, they are members of the inviolable European Council: at the same time 'boss and servant'. This is called 'incompatibility of offices/functions'.

- The EU is a characteristic example of Jean-Jacques Rousseau's view that even in a system considered democratic, there is always a tendency towards oligarchization. In the EU, the European Council of twenty-seven members is that oligarchy. Within the Council itself, oligarchy continues. That is where Germany and France are the bosses. There is an oligarchical 'tandem' of Macron-Rutte on one substantive issue. Both are striving to abolish decision-making within the Council based on unanimity. They motivate this desire by pointing out the importance of the EU being able to decide quickly on sanctions against countries outside the EU if they misconduct themselves in the

eyes of the Council. Strictly speaking, their desire is to strengthen the classic administrative feature of intergovernmentalism[50] in which administrators are guided by their insatiable desire for more powers in the hands of the few, ultimately in those of one, the autocrat.

- The Union's financial and economic system is a patchwork of conflicting institutions and competences.

4.4.2 The unnoticed signal from Robert A. Levine

The last point requires me to recall an event that took place in 1999. The New York Times of 9 January 1999 featured a contribution by Robert A. Levine entitled *What the EU needs is a copy of 'The Federalist Papers*. Levine, a former senior official in America's federal administration, made that statement at the start of Economic and Monetary Union - in accordance with the 1992 Maastricht Treaty - and explained that Europe could learn some useful lessons from America in this pursuit of full economic integration. The most important lesson is that without a federal foundation, Economic and Monetary Union will collapse sooner or later. The bitter effects of the banking and economic crisis in 2008, from which some Member States have barely recovered, the continuing squabbles over financial transfers from northern to southern countries, the conflicts within the Union over a EUR 750 billion Recovery Fund to keep nine countries with serious economic damage from the Corona pandemic afloat, the ongoing search for temporary financial solutions to insoluble financial problems by the ECB shows Levine's predictive power: in the absence of a federal foundation - due to political mismanagement during the Maastricht Treaty in 1992 and the failed Convention of 2001-2003 - the single currency, known as the euro, is one of the increasing divisive powers that are driving the Union apart.

The signal from Levine in 1999 was never picked up. Not by politicians, not by scientists, not by journalists. Had it been taken to heart, the phase from 2001 to 2009 would have been completely different. Then the bizarre *Convention on the Future of the European Union* would have been designed and implemented in accordance with the alleged but unfulfilled design and implementation of the Philadelphia Convention; then there would not have been a non-existent 'Constitutional Treaty' and now we would not be sighing under the Treaty of Lisbon.

Since apparently no responsible person had read or understood Levine's reference to the Federalist Papers of Madison, Hamilton and Jay, Herbert Tombeur

[50] For insight into the questions raised by this, see my article in Europe Today Magazine, Macron and Rutte: intergovernmentalism 2.0: http://www.europe-today.eu/2019/05/03/macron-and-rutte-intergovernmentalism-2-0/.

and I decided to do it ourselves. Between August 2012 and May 2013, we wrote - as far as possible in the style of the authors mentioned - twenty-six Papers. Including a European federal constitution of ten articles. No more articles are needed.

By making all the mistakes from the great intergovernmental book of errors between 1950 and today, the European Union today looks like the America of the thirteen states under the *Articles of Confederation* treaty. Eleven years after the Declaration of Independence, three groups of states were at odds with each other. Now, in the EU, we see a struggle between North and South for money, between East and West for migrants, between individual Member States and 'Brussels' fighting about autocratization in countries such as Poland and Hungary, and between Member States and 'Brussels' getting fed up with the top-down assimilating nature of the EU.

I will summarise the systemic errors mentioned once again.

- The European Union is in the hands of administrators who make decisions based on their state interests; it is not in the hands of representatives of the people who act in the interests of European citizens.

- That is why, after 1950, cooperation based on treaties was chosen as an accumulation of national interests of states. In other words, a coalition of states rather than an association of peoples.

- The choice was not made to serve the interests of a European people - in all its different modalities - based on a single European constitutional basis.

- Over the years, this accumulation of national interests has forced new treaties and repeated amendments and consolidations of existing treaties, making it an inextricable legal jumble.

- Then there are always leaders who jump to the fore with the announcement that they are going to solve this, if they are given the appropriate powers to do so: the oligarchizing element within the EU.

- And those administrators then come up with new proposals to change the treaty system, which further complicates that system until it breaks down.

- In the meantime, major geopolitical shifts are taking place around the world that the European Union can only look at. There is a lack of prestige to influence this.

4.4.3 Another European Conference

Of course, European politicians also saw that in the second half of the decade 2010-2020 the entropy disorder grew significantly. And with it also the realization that it was time to try to put things back in order.

In March 2019, President Macron called for - again - a conference on the future of Europe. This led to a decision by the European Parliament and the European Commission at the end of 2019 to hold such a conference on Schuman-Day: 9 May 2020. However, due to the Corona crisis, the launch was postponed, and it is still not clear when the conference will actually take place.

The reason for organising such a conference is that the current operating system, based on the Treaty of Lisbon, is showing more and more cracks. Not only has one Member State decided to leave the Union, but contradictions within the Union on issues such as climate, migration, the rule of law, subsidiarity, euro area/euro, geopolitical input, structural financial transfers and occasional financial transfers (CoronaBonds) and the policies of the European Central Bank (ECB) have led to a situation where the southern and northern Member States, the eastern and western Member States and all the Member States and Brussels are facing each other. All in all, there are sufficient reasons to re-examine the current operational system.

However, the question is: how fundamental is the structure of the planned conference on the future of Europe? In an article *To err is human, but to persevere in error is diabolical*[51], I compared this set-up with the failed Convention on the future of the European Union of 2001-2003 led by Valéry Giscard d'Estaing. I refer to that article for the full version. Here I will mention only the most characteristic aspects of the structure of this 2020-2022 Conference:

- Because the intergovernmental system has exacerbated rather than reduced tensions between the Member States, this 2020-2022 Conference aims to find a solution in correcting[52] errors within that system. There is no longer any reference to the doctrine of federal state formation instead of the intergovernmental system. While the Convention of 2001-2003 aimed to create a federal framework along the lines of the Philadelphia Convention's thinking, this 2020-2022 Conference on the future of Europe 2020 lacks any reference to federal state formation.

[51] In: Europe Today Magazine, 29 May 2020.

[52] System errors cannot be corrected and certainly not in a process of accelerating and amplifying course deviations. The result of (attempted) correction is a new positive feedback reaction in the sense of: "One solves one problem but two come back for it".

- The aim is to draw up new EU laws and - again - amend the EU Treaties. Solutions will be sought in adaptations within the intergovernmental system of treaties and agreements.

- Guy Verhofstadt, former Prime Minister of Belgium, and leader of the Liberal ALDE Group in the European Parliament, who is also a member of the Spinelli Group, is a candidate for the Presidency.

- The European Parliament oversees the Conference. The European Commission has mandated three of its members. One in charge of preparing the conference in cooperation with the European Parliament, one in charge of representing the European Council at the conference and one in charge of monitoring the follow-up to the results of the conference in the form of new laws and treaty amendments.

- A Steering Group on organisational and logistical issues, composed of representatives of the European Commission, the European Council and the seven political groups in the European Parliament, will provide operational leadership.

- Representatives of the European Commission, the European Council, the European Parliament, the national parliaments, representatives of the regional parliaments and representatives of civil society oversee ratification.

- However, the European Council will take the final decision on the outcome of the conference.

- The institutions mentioned are also in charge of implementing their concrete legislative proposals in laws and treaty amendments.

- There will be six citizens' meetings, representing citizens throughout Europe. They will be responsible for drawing up recommendations to be submitted to the above-mentioned participants. These meetings are not members of the Conference. Meetings of around 200 participants will be held in different cities.

- In November 2019, Germany and France launched the document 'Conference on the Future of Europe, Franco-German non-paper on key questions and guidelines'. It raises questions about the difference between steering top-down and bottom-up.

- The Spinelli Group has spoken out several times in favour of this conference. It raises questions about the position of this group in relation to the doctrine of federalism.

- The Union of European Federalists (UEF), like the Spinelli Group, is in favour of this Conference on the future of Europe 2020-2022.

As a Member of the European Parliament, Verhofstadt takes different positions. Sometimes he supports the idea of a federal constitution for a federal Europe. Then again, he advocates adjustments to the EU's treaty system. If he does indeed accept the leadership of the conference, it is a choice in favour of the second position. As a prominent member of the Spinelli Group, the question arises as to whether he - in his capacity as leader of the 2020-2022 Conference - will introduce the magnum opus of the chairman of the Spinelli Group, Andrew Duff, *On Governing Europe*. This document is an elaborate adaptation of the Treaty of Lisbon on the assumption that the modification of the treaty system will automatically lead to a federal constitution; as I said earlier, the introduction of alchemy into constitutional legislation.

Incidentally, it would be strange if Verhofstadt were to lead the conference. His book entitled *Europe's Last Chance* (2017) is a merciless setback to the perverse nature of the EU's intergovernmental operating system. I do not know of any book that so accurately and painfully denounces the serious flaws and mistakes of the treaty system. Verhofstadt even set up an anti-intergovernmental group with several other Members of the European Parliament in 2010. It is therefore strange that he is available as a candidate for the presidency of this Intergovernmental Conference.

Now look again at the participants in the planned Conference on the future of Europe 2020-2022. Here, too, the organisation is based on a top-down inventory of the interests of existing public and private organisations. A recipe for multiplying intergovernmental systemic errors. The design of the 2020-2022 Conference is an extrapolation of everything that is wrong with intergovernmental thinking and will lead to a strengthening of polarization within the EU. You do not believe me? Then read the following.

We do not yet know how many people will act as representatives of the EU bodies, all of which have some form of leadership of the Conference. We also do not yet know how many people have already influenced the organisation and objectives of the Conference in the pre-conference phase. We do know, however, that by its very nature this method of organisation does not work from the general to the special (deductive), but from the special to the general (inductive): a sum of

national, regional, and private-sector interests. In other words: it will be an inventory of the wishes of individuals representing public and private bodies. Exactly as it was done at the 2001-2003 Convention. It will be negotiated and lead to a treaty based not on a concept of a common European interest, but on the negotiated sum of specific national, regional, local, and private interests. These are then somehow crammed into a new treaty, with a series of exceptions (opt-outs) to general provisions and a strengthening of the powers of the European Council, in derogation from the principle of subsidiarity, to take any decision which the Council deems useful in the interest of the Union. Once again, it is the European Council of 27 Heads of State or Government that takes the final decisions on the production of all the representatives of all those public and private bodies. And of the recommendations of the citizens' meetings.

And then the chaos will really multiply. Around forty-two parliaments will have to give their opinion on that outcome. And around fifteen national courts. And there will have to be a referendum in - probably - around 20 countries. What will be the result of this accumulation of completely inappropriate regulation and organisation? And who dares take responsibility for this?

And what about the input of the six citizens' assemblies? The President of the European Commission, Ursula von der Leyen - describes the citizens' input required as follows (Political guidelines for the next European Commission 2019-2024):

> "I want citizens to be able to make their voice heard at a conference on the future of Europe, starting in 2020 and lasting two years. The conference should bring citizens together, including an important role for young people, civil society, and the European institutions as equal partners. The conference must be well prepared with a clear scope and clear objectives, on which Parliament, the Council and the Commission agree. I am prepared, if necessary, to follow up the agreed legislative measures. I am also open to changes in the Treaty".

I should like to make two comments: (a) The three main EU institutions are setting the course. As always, top-down thinking. (b) Von der Leyen also sees an adjustment of the Lisbon Treaty because of this process.

On 9 May 2020, celebrating the 70th anniversary of Schuman Day, the Spinelli Group launched the following statement:

> "The Conference on the future of Europe is the chance to relaunch the process of European unification along federal lines first envisaged in the Schuman Declaration."

On the same day, the President of the Union of European Federalists (UEF) said:

> "The Conference 2020 represents an historical opportunity towards a sovereign democratic and federal Europe."

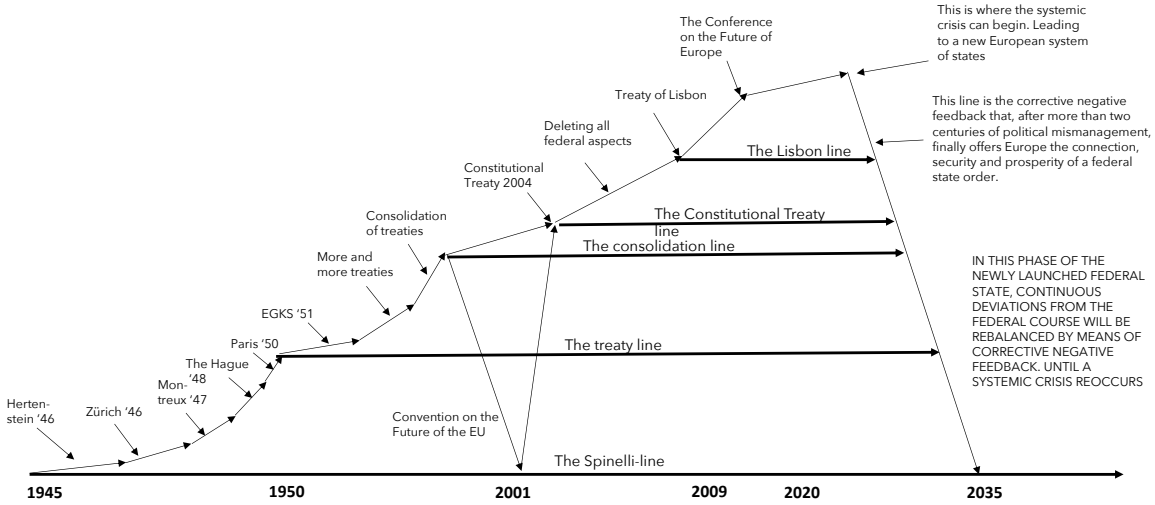
What is wrong with these people seeing a federal feature in the 2020-2022 Conference? In the design of this 2020-2022 Conference, any reference to federal statehood has been removed; and Schuman made the mistake of allowing federal statehood to be moulded into a system of treaty law. How is it possible that the Spinelli Group and the UEF can no longer be concerned about their own founder, Spinelli, who, in the Ventotene Manifesto, said, among other things

> "... the rational organisation of the United States of Europe, which can only be based on the republican constitution of federated countries.

4.4.4 The drawing of the phase 2009-2020

Working with the Treaty of Lisbon exponentially increases the tensions that already exist between the Union and the Member States. Including Brexit, the tensions between groups of Member States and between individual Member States and the EU. I am not going to describe all of them, and I will suffice with a continuous line of positive feedback. It ends with the announcement of the (still delayed) *Conference on the future of Europe*, scheduled between 2020 and 2022.

If that conference is indeed to take place in accordance with the set-up I described earlier, then the entropy will culminate in an eruption, the moment of the major systemic crisis, leading to a new European system of states in the form of a federal state. That is what I am drawing with the meta-negative feedback line, all the way back down to Spinelli's original basis of federal thinking. I estimate the completion of that European Federation in 2035. More about this in Chapter 5.



In this drawing, any transition in the sense of adapting the EU system of states is a form of 'non-systemic war/crisis in a phase of a war cycle'. Gradually, regulating the increasing tensions becomes less and less effective. This ineffective regulation increases tensions. This drives the EU state system towards a critical situation that in the past has always resulted in a systemic war/crisis, leading to a new international order. The European intergovernmental system of states is at the end of its life cycle. There is no more room for a new - possibly innovative - adaptation, other than through meta-negative feedback to the original 1945-2020 line. But European leaders cannot do that, just as a lame person cannot jump over a wall. Only a systemic crisis can bring about a new order.

For the record, the same thing is happening within the global state system of the United Nations. The signals of intensified rivalry between major powers, of ineffective peacemaking, peacebuilding, and peacekeeping, as a result of which there are still regional wars and violent conflicts, more than 60 million refugees, still occupations, oppression and exploitation of peoples who cannot defend themselves against a ruler, the reason for the existence of the *Unrepresented Nations and Peoples Organisation* (UNPO), a group of more than fourty peoples whose self-determination is illusory[53]. The San Francisco Promise of 1945, the birth of the United Nations, promised the gradual improvement of the UN

[53] On 14 August 1941, on the American cruiser USS Augusta, President Roosevelt and Prime Minister Churchill signed the Atlantic Charter, the basis for the United Nations treaty in 1945. Paragraph 3 of that Charter laid down the right to self-determination for every nation in the world. The existence of the UNPO marks the fundamentally flawed state order of the United Nations as the cause of the failure to comply with this rule of the Atlantic Pact and of all the UN rules and institutions subsequently written and created to guarantee that self-determination.

intergovernmental treaty, a promise that has not been kept. The price of this will be paid by the foreseeable system war, leading to a world federation based on an Earth Constitution[54].

On page 172, Piepers describes the development of the European system of states up to 1945 with words that apply in full to the period that I described with the previous drawings after 1945. I think a quotation is in order here:

> "The dissipative structure was instrumental in a phase transition with two complementary effects: the basis for a state of equilibrium and therefore political unification in Europe and the scaling up of the state system to a global level. The dissipative structure was driven by population growth and increasing rivalry between European superpowers. One could say that the connection - connectivity - between Europe and the European system of states was the driving force behind the dissipative structure. In fact, it was in that interconnectedness that an ever-increasing contradiction - intrinsic incompatibility - was enshrined. During the period 1480-1945, there was a systematic increase not only in the interdependence of European states in order, for example, to achieve and maintain a certain level of prosperity, but also in the security dilemma inherent in the system of states and closely linked to rivalries and conflicting interests between states in the European system of states. That contradiction was responsible for the generation of tension in the system of states. The function of an international order is to overcome the incompatibilities inherent in the system of states and make them workable. But it is always a matter of time and an international order succumbs to its own inconsistencies and the tensions it generated. These inconsistencies are the result, among other things, of the differentiated development of superpowers".

Now I add the concept of Feed-in to negative and positive feedback.

4.4.5 Feed-in to complement negative and positive feedback

Negative feedback is restoring balance. In a course towards a goal, it is aimed at restoring deviations from that course.

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[54] In the Magazine of the Democratic World Federalists (DWF, San Francisco) of 24 September 2020, the President of the DWF, Roger Kotila, writes under the title *United Nations World System Is Wrong- Weak & Small Nations Suffer*: "Professor Martin's analysis of the UN World System Ideology is invaluable to understand why the UN cannot do its primary job. Wars continue unabated. A nuclear arms race is underway. What is wrong? The following excerpts illustrate the reality at the UN that makes it difficult to impossible for the UN to do what is really needed. For example, the 17 Sustainable Development Goals can't be met. Democratic World Federalists sponsor a strategy called THE SAN FRANCISCO PROMISE which asks the UN General Assembly to launch UN Charter Review using the EARTH CONSTITUTION as a model new world charter/constitution to establish a "new UN."

Positive feedback is reinforcement and acceleration of a movement. If that movement is aimed at a target and if a deviation from the target occurs on the way to that target, it is an exponential deviation from the target.

Feed-in is the adjustment of the target. This took place five times between 1945 and 2020:

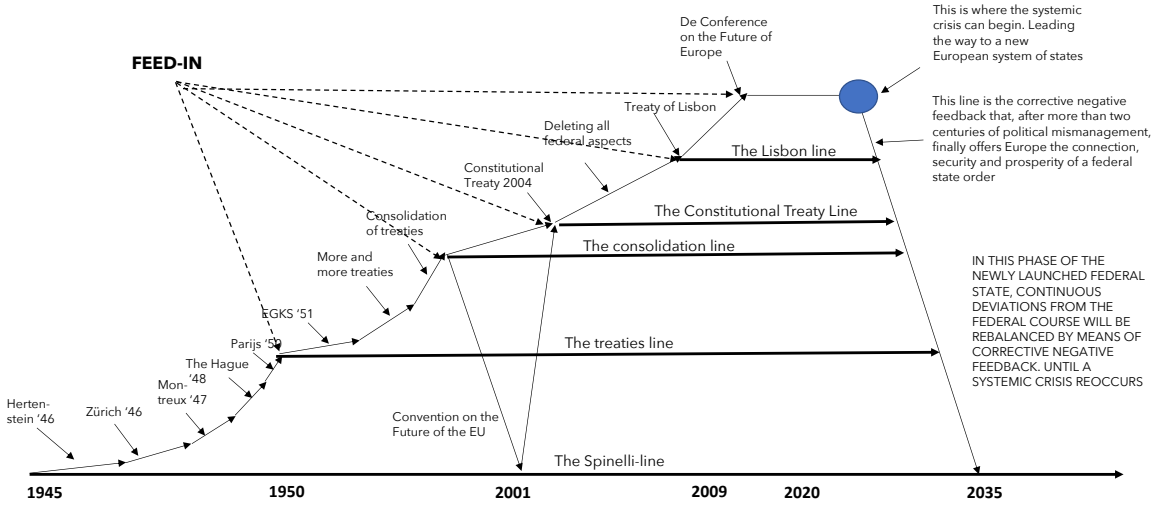
- In 1950 by choosing to build the post-war European system of states with treaties instead of building a federal Europe in accordance with the Ventotene Manifesto.

- The reinforcing deviations led by 2001 to the realization that a return to a federal course was desirable. With the Convention on the future of the European Union, the intention was to return to the baseline 1945-2020 with a recovery movement. So, that failed. In fact, positive feedback movements continued. The intention was therefore drawn with dotted lines.

- With the advent of the Treaty of Lisbon, a new direction was charted, in which the continuing deviation gave rise to the realization that a fundamental rethink of the organisation and functioning of the EU system of states was needed, as a result of which a new goal was formulated in 2020.

- All in all, an accumulation of entropical disorder with ever shorter periods of time, indications of the build-up of the critical phase just before the outbreak of the systemic crisis.

- The circle marks the moment when the systemic crisis breaks out. In the next chapter, I will place that in time, including the reasoning as to why a federal Europe will emerge after that crisis.



4.4.6 The meta-character of the corrective negative feedback

The aim of the system changes between 1946 and 2020 was to regulate tensions - due to intergovernmental interdependence between Member States. But now comes the time when they can no longer be neutralized, leading to a system war/crisis. This will make the continuous process of positive feedback give way to a huge negative feedback movement.

That is why I called corrective system wars a form of meta-negative feedback. The line from the circle back to the line 1945-2020, and beyond, symbolizes that. It is a massive corrective movement to regain the balance that Spinelli offered - a federal Europe based on basic standards of federal state formation.

In itself, of course - from my point of view - that is a good thing. But I am not blind to the perhaps indescribable damage that a new system war/crisis could do. Incidentally, according to Piepers, there is no point in asking the question of who should be called to account for this. In accordance with the analytical model by which he explains the sequence of four system wars since 1480, each subsequent system war is contained in the redesign of the state system after the previous one. Piepers (p. 222): *"Even without Hitler a Second World War would have broken out. It would have been a different variant."* After only about twenty-five years, the next one is now coming. Piepers (p. 192): *"... all signals are on red, but they are ignored".*

5. IN 2035, EUROPE WILL BE A FEDERAL STATE: HOW SO?

5.1. The critical phase and the systemic crisis

I would like to repeat a quote from Piepers' book (p. 208):

> "A system war is a fundamental change and is not limited to war activity in a limited sense; there is war activity in combination with alliance formation and a political negotiation process, in which agreements are made between superpowers about spheres of influence and the rules of play for a new international order. A systemic war is therefore also about values. It is actually better to talk about a systemic crisis rather than a systemic war".

There were always critical periods before and after the four system wars in the past. The pre-war phase builds up an excess of tensions and conflicts that do not lead to temporary rebalancing through negative feedback corrections from a non-system war. The increasing entropical disorder then has no alternative but to go into a systemic war/crisis, usually after a relatively limited cause. For example, the murder in 1914 of intended heir to the throne Frans Ferdinand of Austria and his wife on 28 June 1914, which led to the First World War. Just as the German invasion of Poland in 1939 triggered the Second World War.

In the critical phase following a systemic war, a new system of states is then designed through negotiations and new spheres of influence. After the First World War it was the League of Nations based on the Treaty of Versailles 1919. Because this treaty had the necessary systemic flaws[55], it could not fulfil its function as a global system of states, after which a new critical phase slowly began to build up before the Second World War.

A systemic war/crisis offers mighty powers the opportunity to seek a new balance, which is then enshrined in a new international order. They do, however, ensure that their interests are properly defined. A classic example is the way in which, in the construction of the United Nations, the five great powers of the Second World War appointed each other permanent members of the Security Council, each with a right of veto. One cannot be further removed from a democratic legal order than using such a means of power. The UN is a global nation-state system: self-interest first. And then it is simply waiting for the next cycle of war/crisis to show a new critical phase.

[55] The main systemic flaw in a treaty is the fact that states which do not want to comply with it - i.e. do not act on the basis of *pacta servanda sunt* (treaties must be complied with) - can ignore the treaty with impunity. In this way, as early as the beginning of the 1930s, Hitler, with the power to make emergency laws - the main instrument of autocrats - was able to build up an industrial military complex. In violation of the Treaty of Versailles.

5.2 How do you recognize the critical phase?

We are now in the middle of a new critical phase. For the global system of states because of the increasingly poor functioning of the United Nations in areas such as peacemaking, peacebuilding and peacekeeping, human rights, and international self-determination. For the European system of states because of an enhanced form of positive feedback since 1946, which has now caused such a conflicting Union that it is waiting for the trigger to burst. It is *a matter of* guessing *what* the trigger *might be*. Will it be global? For example, the chaos of civil war in the United States because of the elections on 3 November 2020? Partly in response to China's vision of its planned development up to 2035 - announced at the end of October 2020? Or an impetus within the European Union? For example, another Member State wanting to *seek the exit*, or a sudden autocratic action by, for example, Hungary or Poland? Or an attack on a member of the European Council? We will see.

I am now following Piepers' reasoning in saying that we are in the critical phase of a new global system war/crisis. Then I apply that reasoning to my findings regarding the European system of states.

5.2.1 Building the critical phase between 1945 and 2020

Piepers distinguishes two dissipative structures. One from 1480 to 1945 - focused on the interaction between the European system of states and its environment - and a second from 1945 to 2020: now at global level. Within this, the EU system of states is partly responsible for building the new - now global - war cycle from 1945 onwards.

Despite the difference in scale, both dissipative structures are subject to the same factor that drives entropy: increasing rivalry between states. The current dissipative structure is driven by populist nationalism, opposing ideologies, terrorism, trade wars, climate denials, resistance to immigration, refugee crisis, cybercrime, the decline of some superpowers (United Kingdom, France, Russia) and the rise, or new aspirers (India, Iran, Saudi Arabia, North Korea), the inability of the UN to resolve regional wars, occupations, oppression and exploitation of peoples with the instruments of peacemaking, peacebuilding and peacekeeping, the Covid-19 pandemic, empowerment of societies through social media with risks for traditional authority structures, separatist movements within Member States (Scotland, Catalonia), renationalization and regionalization, in short, all factors that tear up the social fabric within states but also between state systems. Piepers discusses in detail the intensification of rivalries between major powers based on the increasing dysfunctionality of the United Nations, disintegration, and

fragmentation, particularly within the European Union[56], radicalization and terrorism, the consequences of climate change, population growth and Brexit. As far as the dysfunction of the United Nations is concerned, Piepers is mercilessly clear (p. 217).

> "The problem is that the United Nations, like all international orders, was created and organised to maintain the status quo, not to change it. Any change, however sensible, in the power and interests of one of the five permanent members can easily be blocked by them. As a result, the international order, the United Nations, will at some point become part of the problem and will itself contribute to the build-up of tension at the final stage of the international order".

This quotation applies in full to the dysfunctionality of the European Union. The right of veto of the 27 members of the European Council prevents any attempt to create a European system of states of a higher quality than the current one. Like a federal Europe. Not because it would affect their national interests, but because, through conceptual ignorance[57], they think/presuppose/presuppose that the federalisation of the European Union would harm their interests. They do not know that a federation does not restrict their sovereignty and, on the contrary, offers extras.

The year 1989 is important for Europe's role in the construction of the current critical phase. With the fall of the Berlin Wall and with it the end of the Cold War between Russia and America, these two superpowers were no longer the leaders in the geopolitical force field. They made room for the emergence of other powers, including China in particular, which were claiming a place at global level. Although Russia continued to play a global role, it also began to manifest itself increasingly with violence and threats of violence on the eastern border of the European Union (Georgia, Ukraine, Baltic States) and - commercially - with trade agreements including the supply of gas to the EU.

From 1989 onwards, the EU came under increasing pressure. Externally, the superpowers exerted a centrifugal force on Europe in global developments,

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[56] Among other things, he points to the nation-state nature of the Union: Member States evade the Treaty when they put their own interests first. A new structure with an optimal form of governance has not yet been found. The complexity of governance within the current EU is on a supra-linear scale. So, it is growing super exponentially. And that, according to Piepers, is a big problem until an optimal structure is found. In my view, that can only be a federal form of state.

[57] This conceptual ignorance is nourished and maintained by pro-European institutions and companies which are partly dependent on EU subsidies for their survival, as well as by scientists who have no interest in clearly analysing the dysfunctionality of the intergovernmental EU versus the functionality of a federal Europe, and by federalist groups such as the Spinelli Group and the Union of European Federalists who continue to proclaim that repeated adjustments to the intergovernmental treaty automatically result in a federal constitution.

against which the EU structures and procedures proved not to be resilient. Why not? Because the EU is not a superpower. Furthermore, the European system of states is not yet at the right - federal - level, which means that the EU is still a nation-state structure. When Member States are under pressure, they fall back on themselves because there is no transnational body to assist them. For example, there is no European response to the Covid-19 pandemic.

There is increasing pressure internally due to the tensions of the dysfunctional intergovernmental operating system. It is there externally because of global developments and geopolitical shifts over which the EU has no influence. The EU is powerless to deal with Russia's threats on its eastern border, other than by deploying additional NATO troops in those regions in the absence of a European defence force of its own.

The advent of a systemic war/crisis is recognized by the decline in the average size of non-systemic war/crisis[58]. The phases between these non-system wars/ crises are becoming shorter and shorter. At a certain point, the phase between one and the next is so short that the entropy disorder can no longer be regulated, and the necessary new balance can only be achieved with the meta-negative feedback of a systemic war/crisis. Based on his model's calculations, Piepers concludes that the current cycle of the global system of states has now reached the critical phase - that is, in 2020, plus or minus two years. And that the global system war/crisis is therefore imminent. Because the 'minus two years' have now passed, we must expect the crisis to break out in the 'plus two years' from 2020.

I will leave aside Piepers' descriptions of how the global level shows where and how that reduction in the average size of non-systemic wars is taking place as an indication of the arrival of the critical phase as a precursor to the systemic war/crisis. I am concentrating on how the European system of states evolved to see where it fits into Piepers' global description.

If we look again at the drawings in chapter 4 of the developments within the European system of states between 1945 and 2020, it is striking that between 1951 (the beginning of the new European system of states, based on treaties) and 2020, two tipping points occurred, with the second occurring considerably faster than the first:

[58] Non-system wars are necessary to regulate tensions during a relatively stable period of time. But at the same time, they build up new tensions which, over time, can no longer be regulated by non-systemic warfare. As a result, the effectiveness of non-system wars decreases and tensions build up, pushing the state system into a critical state and then a system war takes place. With a new state system.

- After hopeless tampering with treaties from 1951 onwards, the insight arose that this was no longer possible and in 2001, with the Convention on the future of the European Union 2001-2003, an attempt was made to return to the straight line of federal state organisation 1945-2020.

- But because that Convention was disrupted, partly by an amateurish organisation, partly by a lack of knowledge of federal state formation and partly by the supremacy of intergovernmental representation of interests, a reinforced form of intergovernmentalism was ultimately chosen, only to find out after 20 years in 2020 that this had been the wrong choice after all. Hence the advent of the proposed Conference on the future of Europe 2020-2022, which was postponed by the Covid-19 pandemic. In its design, that Conference no longer has any federalist aspect and is 100% focused on strengthening the current intergovernmental form of governance. If this conference actually takes place in 2021, I expect it to be wiped out at the critical stage when a systemic war/crisis will turn everything on its head.

I shall now give the floor to Piepers again (p. 232):

> "The combination of chaotic war dynamics, the force exerted by the second dissipative structure on the global system of states (towards a state of global equilibrium), the half-hearted transfer of powers from states to the European Union and the fact that the global international order (United Nations) is now increasingly fragile, make Europe very vulnerable to disintegration and renationalization. You can now see that happening."

In 2020, the global system of states is charging to justify a system war/crisis. A process of self-destruction as a prerequisite for the creation of a new order. Both global and European. But for continuity of life a capacity, a structure, must step into the vacuum. And that can only be a federal one. Returning to the warring nation-state anarchy may be unavoidable for a short time, but eventually an order of a higher level than the present system of states - global and European - will take shape. I will come back to that later.

5.2.2 Dating the forthcoming system war/crisis

Based on his calculations, Piepers argues that in 2020 - plus or minus two years - the global system of states will once again reach a critical phase. According to his model calculations, that phase will take about 17 years. So, until 2037. Within those seventeen years, the next system war/crisis will take place. The seventeen years are the search time for a new international and European balance sheet in the form of a new global and European system of states.

Piepers explains the length of that period not only based on all the data surrounding the four system wars from 1480 to 1945, but also based on the fact that the current global (and as far as I am concerned also the European) system of states at all levels of their organisation is highly fragmented and therefore unstable. Furthermore, it is not only states and their armies that are now involved in destabilization, but also populations throughout the world who organise uprisings and demonstrations, whether or not via the Internet, and the dissemination of disinformation by bodies of governments in order to influence the behaviour of peoples elsewhere. I expect the global system of states to destabilize even more rapidly as the implosion of the European Union approaches.

Piepers sees an unstable zone whose clusters or networks are not only highly interwoven with superpowers, but are also geographically interconnected (p. 269):

> "This zone runs from the Baltic States via Belarus, Ukraine and Crimea, via Turkey, Syria, Iraq, Israel, Saudi Arabia and Yemen, to Afghanistan, Pakistan, India and China, the South China Sea and Taiwan to North Korea. In that zone there are many clusters which often overlap for the superpowers and their allies involved".

A titanic struggle between the United States and China is likely to be the main theme of the upcoming systemic war/crisis between 2020 and 2037. With multiple theatres of war, areas where there is real war between real armies. For example, in the South China Sea, in the East China and Japan Seas, in the Middle East (rivalry between Iran and Saudi Arabia, between Israel and neighbouring states, and in Eastern Europe, the border area between Russia and the European NATO allies. Within this crisis violence, the European Union will disintegrate in search of a new system of states of a different order from the current one.

This raises at least two questions: when will this new order be in place and what will it look like? The answer to the second question is: it will be a federal European system of states. See the next paragraph. The answer to the first question is already in the title of this essay: 2035.

As far as the first question is concerned, Piepers himself does not give any specific date for the arrival of the new global system of states after the coming system war/crisis. For the European system of states, however, I dare say so. In the form of a calculated guess. My reasoning is as follows:

- If Piepers' model correctly indicates that there is now a critical phase from 2020 to 2037 during which a system war/crisis will take place,

- Twenty years after the Convention on the Future of the European Union, the need for another Conference on the Future of Europe is an indication that the

EU's current operating system and organisation no longer provide sufficient energy for maintenance and renewal and that the EU is therefore facing an identity crisis, waiting to implode,

- Recognize that all the ingredients for that system war/crisis are already present[59] . The only thing missing is a reason. I expect this before the end of 2021. Perhaps even in 2020. Possibilities:
  - Does Putin dare to test the strength of the new US President Biden by claiming or perhaps even occupying a part of the Baltic States in Eastern Europe[60]? The same applies to Iran and North Korea. Are they going to challenge Biden to see how far he dares to go?
  - Is Israel - overconfident by its newly acquired alliance with a number of Arab countries - going to force the Palestinian people into acts of desperation, so that they will fire just one rocket too many from Gaza?
  - Will Erdogan want to strengthen his grip on Cyprus by occupying the Greek part?
  - Will Hong Kong's resistance to China's supremacy lead to an armed struggle?
  - Is a civil war erupting in America? For example, if Vice-President Pence, supported by a majority of Republicans, can no longer postpone the application of Article 4 of Amendment 25, with which he considers Trump no longer competent to lead the country before Biden takes over the helm in January 2021?
  - Is China's newly launched vision for 2035 so threatening that America is panicking?
  - Is the relative calm in Afghanistan and Iraq turning into renewed violence with the partial withdrawal of US troops?
  - Or is there perhaps a reason beyond the reach of the traditional superpowers as a result of which those superpowers suddenly have to get involved? For example, an accelerated dismantling of the Amazon rainforest that is necessary for the rest of the world?

  Who knows? But one or more fuses in such a loaded powder keg are lit in the blink of an eye.

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[59] According to Huub Modderkolk, the war is already going on*: It is war but nobody sees it.* Podium Uitgeverij 2020. Modderkolk approaches this subject from the invisible digital world which, with increasingly sophisticated technologies, controls and directs more and more information from more and more people.

[60] I believe Putin can carry out the same manoeuvre that Hitler successfully carried out in 1938. From 1918 to 1938, many Germans lived in the Czechoslovak region of Sudetenland, a consequence of the rearrangement of borders under the Treaty of Versailles. Hitler demanded that area back without opposition from England and France. Many Russians live in the Baltic States. Putin's suspicion that he wants to rejoin Russia may now come true. And what will the EU do then?

- As soon as the next system war/crisis is triggered, the crisis builds up in a matter of weeks, with the interconnectedness of networks, such as the unstable zone outlined by Piepers, involving one party after the other.
- The Lisbon Treaty will not be able to keep the 27 Member States together. Member States will withdraw within their own borders. Great powers are dumping their crisis waste in Europe.

- The EU institutions European Parliament, European Commission and European Council fall silent. An administrative vacuum will arise around 2023.

- Attempts will then begin to fill the administrative vacuum. It is an uncertain period, because various models for a new European state system will compete. Before one will consistently embrace the model of federal state formation, it is 2030. Then, within five years, i.e., by 2035 at the latest, the federal Europe will be launched.

In 5.3, I outline what options will compete in the uncertain period of the administrative vacuum.

5.3. The options for the European state system after the crisis

How will that administrative vacuum be filled? I outline the following options.

5.3.1 The rise and fall of an autocrat

The first people to try to fill the vacuum are the potential autocrats. The path of strong men who promise to put their affairs in order is always paved with prior bad governance. Profiting from this is in the blood of every administrator. By nature, he or she always strives for more power. Administrators (not representatives of the people) are oligarchs by nature. Those who are not stopped in time pass the boundaries of the democratic order and declare themselves in charge. Knowing that he can always count on the support of a part of the people.

I am not under any illusions. That strong man will manifest himself anyway. We do not know who he will be. We do know how long he will remain autocratic: very briefly. The system war/crisis will be global. Not confined to the territory of Europe. All over the world people will be looking for a renewal of regional state systems. Also, in Europe. In that process, temporary autocrats will be dealt with.

5.3.2 Back to the Westphalian sovereign nation-state

Another model is back to the Westphalian nation-state sovereignty. However, that is an outdated and backward form of sovereignty:

- Each state on its own. Closed borders. Immigrants encounter a Fortress Europe.
- The anarchy between those nation states returns. Anarchy in the sense of the absence of transnational governance to ensure common interests and thus resolve conflicts and avoid wars.
- There will be series of inevitable wars such as in the 19th and 20th centuries.
- Diversity and innovation are shrinking, including contraction of national economies due to protectionism and isolationism.

5.3.3 The EU is once again being adapted by treaty

It is, of course, an option for the intergovernmentalists coming out of the crisis unscathed to restore European governance to the basis of one or more treaties. I do not think that this is likely either:

- Continuing intergovernmental governance destroys Member State sovereignty with the forced assimilation of Member States. There will be more exits.
- Even less respect for, or acceptance of, treaty obligations and further agreements.
- Vulnerable to external threats such as geopolitical shifts, trade wars, economic crises, terrorism, climate change.
- No common policy on cross-border common interests and concerns: economy, social security, immigration, security, energy/climate, defence, foreign policy.
- No player on the world stage such as the USA, China and Russia.

5.3.4 To The United States of Europe based on a federal constitution

The only option that fits into the analytical framework of Piepers is a new European system of states of a higher quality than what the European Union now has to offer: The United States of Europe, based on a federal constitution:

- Vertical separation of powers whereby the Member States share their sovereignty with a Federal Body.
- Each Member State retains its sovereignty, constitutional system, identity, culture, language.
- No forced assimilation.
- Transnational governance to safeguard common interests and concerns.
- Open borders.
- Diversity, innovation, security, prosperity.
- Stronger than the USA, Russia, and China.

5.4 Birds of a feather flock together

The last drawing in Chapter 4 presented the picture of ongoing attempts to regulate entropical disorder caused by tensions and conflicts, with constant adjustments to the European system of states. However, these were not

adjustments in the sense of negative feedback, but of positive feedback; ever further away from the straight line of federal state formation.

By 2001, we had become so entangled in intergovernmental governance that there was sufficient insight to make a negative feedback attempt with the Convention on the future of the European Union 2001-2003. This failed due to the incomprehensible amateurish set-up of that Convention, added to the apparent lack of any insight into the standards of federal state formation. Not only because the result of the Convention produced a constitutional phenomenon that did not exist under constitutional law, such as the 'Constitutional Treaty', not only because the citizens of France and the Netherlands rejected this objection in the 2005 referendum, but mainly because only intergovernmental persons subsequently deleted all references to federalisation and began to convert that Constitutional Treaty into yet another downright intergovernmental treaty. That of Lisbon.

I have just written 'incomprehensible amateurish intent'. That is not entirely correct. From a certain perspective, it is understandable. The inevitable process of 'kind seeks kind' (birds of a feather flock together) always brings people together who understand each other. In terms of character, interest, and knowledge, they are put together in the same way. They cannot operate any other way than in the way that brought them together. A federalist in intergovernmental circles is a Fremdkörper (an alien body). The EU body cannot tolerate such a person and expels him. That explains why, once in Hertenstein 1946, people strayed from the right path, with each arrival of the same people in that process (Montreux, Zurich, The Hague, Paris) that process of deviation accelerated and intensified. A process of incremental muddling through[61], with always an apparent restoration of balance but in reality, an accelerated and amplified deviation from the course that should have been followed in 1945 on the basis of the Ventotene Manifesto.

This muddling through between 1945 and 2020 was therefore a constant struggle between order and disorder. During this relatively stable period, tensions that were irrevocably building up were always regulated by adjustments to the European system of states. Motive: maintaining the status quo, the established order.

However, the ever new interventions in the European system of states constantly produced new tensions and threats that could not be regulated either by

[61] See Charles Lindblom, *The science of muddling through*, in: Public Administration Vol.19, p. 79-88, 1959. For those who swear by intergovernmental governance, I cite an article by Adriaan Schout (Clingendael Institute) in the newspaper Trouw of 29 October 2020, entitled: *Ode to European muddling through*. The thrust of that article is: simply continue with this muddling intergovernmental system of states and, above all, do not try to make any major changes.

individual Member States or by 'Brussels', other than by throwing even more oil on the fire. The energy of the institutions of the system of states was running out; they were less and less able to fulfil a balancing function. And so, the transformation process built up. The tensions, uncertainties, threats, and humiliations have had the effect of acting as a catalyst, towards systemic crisis. The order of today's European system of states is outdated and, after a systemic crisis, becomes an entirely new order.

It is unthinkable that those same people, after the foreseeable systemic crisis, can lead the federal state formation of Europe, if they are still there at all. They do not know anything about it. And the systemic war, seen as a systemic crisis, will turn everything on its head. Nothing will be the same again. There will be a huge administrative vacuum.

The Federal Alliance of European Federalists (FAEF) is preparing to assist the people who must fill that vacuum with the creation of a federal state. As an aside, I would point out that FAEF has a scenario ready to help nine Member States of the European Union to federate in accordance with Article 20[62] of the Treaty on European Union. I will leave this to rest.

The new order of the European system of states will be led by a new generation of political office-holders, prepared to reconstruct Europe's state system along the line of the 1941 Ventotene Manifest. They should be of the highest order in terms of knowledge and ability. Fifty years' work for politicians in various countries to solve their problems has taught me that 'the political office' is the most important office in the world. Where the political office is absent, societies fall apart. But 'politics', that is, the way that that office is exercised and filled daily, is certainly the main cause of many serious social problems. I wrote the article *'Foundations of political office'* about this required knowledge and suitability, in: Europe Today Magazine of 22 September 2020: https://www.europe-today.eu/2020/09/21/foundations-of-political-office/.

[62] Article 20 states that at least nine Member States have the right to conclude an enhanced form of cooperation. Since it is not specified what the content of such cooperation should be, this may be a federal form.

6. HOW CAN WE PREPARE FOR THE CREATION OF A FEDERAL EUROPEAN SYSTEM OF STATES AFTER THE SYSTEMIC CRISIS?

6.1 What is federalism and federal state formation?

I deliberately did not start this essay with descriptions of federalism and federal state formation. Rather, I focused on its counterpart - intergovernmentalism - which, because of its inherent systemic flaws and entropical disorder, is responsible for an inevitable European and global systemic crisis and will then produce an entirely new European - federal - system of states.

Now is the time, after the many scattered comments about the power of federalisation, to devote the rest of this chapter to the cornerstones of proper federal state formation. Those who take it to heart can then be ready to start building the European federal state after the systemic crisis. There is no point in trying to use negative feedback movements - and therefore temporary rebalancing - to postpone the inevitable systemic crisis. It is more sensible to collect all the available energy, increase it and then start using it after the systemic crisis. That should start with three sources of energy:

(a) Creating mass in the sense of increasing the degree of organisation of federal movements within the Federal Alliance of European Federalists: federating the federalists.
(b) Building knowledge within federal movements and in society: educating the federalists.
(c) Showing courage to make the hitherto impossible possible: breaking through the status quo.

6.2 The key points of federalism

Federalisation is not a legal matter but an organisational matter. It is laid down in a legal document. If it is a public federation, then it is a federal constitution. If it is a private federation, it is a notarial deed of associations, or cooperatives, or foundations, or social organisations, or companies. Whether or not public authorities may participate in a private federation depends on the rules that do or do not allow them to conclude agreements with non-public bodies. There are twenty-seven federal states in the world which together house 40% of the world's population. In addition, there are many thousands of private federations. Why do they exist? Because a federal organisation is a cast-iron form of organisation that leaves each participant in its autonomous value and only looks after common interests that individual members cannot (any longer) look after themselves properly.

Parties entering a federation entrust some of their powers to that Federal Body without losing anything. In fact, they get something extra, namely that the Federal Body not only takes over the representation of their interests, but also adds value to them. Entrusting powers means that the federal parties do not lose any powers. Their powers remain but become dormant. If the Federal Body deals with them incorrectly, the parties can make those powers work/living for them again, for example by amending the constitution or the underlying deed, or by dissolving the federation.

The largest public federation is India with more than 1 billion inhabitants, spread over 28 states, with 22 official languages. The largest private federation is the International Olympic Committee, to which all the world's sports organisations are linked (including football) and which represents around 5 billion people.

Whether a federation is strong or weak depends on two factors: (a) is the federation designed according to standards and (b) is the federation run by sensible people? The more you tamper with the standards and with the appointment of those who lead them, the weaker the federation will be. If the weakness is so serious that the federation disintegrates, it is called a 'failed federation'.

The most important standard is the so-called vertical separation of powers. This is expressed in a constitution or deed in the sentence: *'Powers that have not been entrusted to the Federal Body remain powers of the federal parties'*. In the case of a public federation, the countries that close the federation are the federating parties. In the case of a private federation, it is the private organisations. They therefore remain autonomous, sovereign, independent for all matters and subjects not entrusted to the Federal Body.

This means that, when concluding a federation, it is only necessary to determine the common interests for which the Federal Body may work with the competences of the Member States. All other powers remain with the individual parties that make up the federation. This implies that the list of powers for the Federal Body is (a) limited and (b) exhaustive. In other words: the Federal Body cannot and may not take top-down decisions on a subject that is not on that limitative list.

Of course, differences of opinion will arise in practice regarding the precise interpretation of the scope of a competence entrusted to the Federal Body. In a public federation, this is resolved by the trias politica (the separation of the legislative, executive, and judicial powers) governed by a system of checks and balances that ensures that the separation remains monitored. The concepts of trias politica plus checks and balances do not fit into a private federation. Differences of

opinion about what a private Federal Body may or may not do as a result of differences of interpretation about the scope of a competence must be resolved in a different way. For example, by including in the notarial deed that a commission of independent persons with a binding opinion resolves disputes.

These are the most important steps in creating a federation:

(a) The parties wishing to conclude such a federation consult on the extent to which a federal association is useful and necessary.

(b) They concentrate on the question: 'What limitative set of our own powers should we entrust to a Federal Body, assuming that this would better serve the interests of our own country than trying to look after those interests on our own?'

(c) They do not spend a minute on the question of what powers remain with the federal parties. These are, by definition, all the powers that have not been entrusted to the Federal Body. That is why there is no need to include a provision on subsidiarity in a federal constitution. Federation and subsidiarity coincide.

(d) An important aspect when discussing whether or not countries are prepared to join a federation is financial and economic in nature. The creation of the first federal state in 1787-1789, the American one, was possible because Article 7 of the federal constitution stipulated that from then on, the debts of the states that joined the federation were debts of the federation. These states were therefore able to start with a clean financial slate. Our own draft federal constitution of 10 articles for Europe incorporates this principle in Article 10.

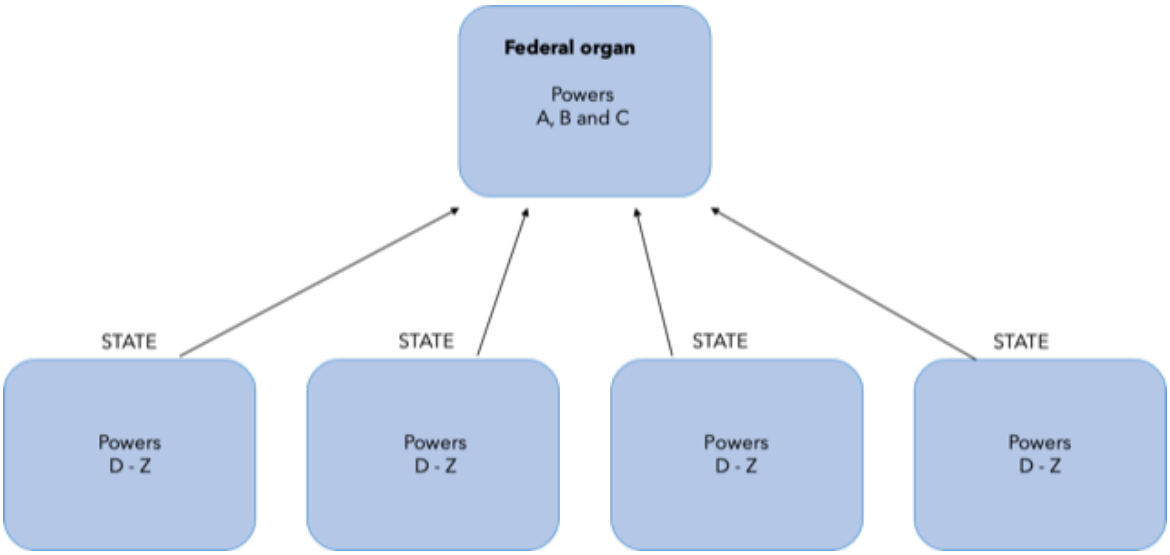
6.3 Federal state building in drawings

Suppose there are four independent states. Each has all the powers of the state, expressed in powers A - Z.

They decide to form a federation. To do so, they must create a Federal Body. Why do they do that? Because they know that they cannot look after certain interests on their own. They are interests that affect all the Member States, common interests in other words. For example: defence, foreign policy, financial and economic policy. But that range can be supplemented, though limitatively.

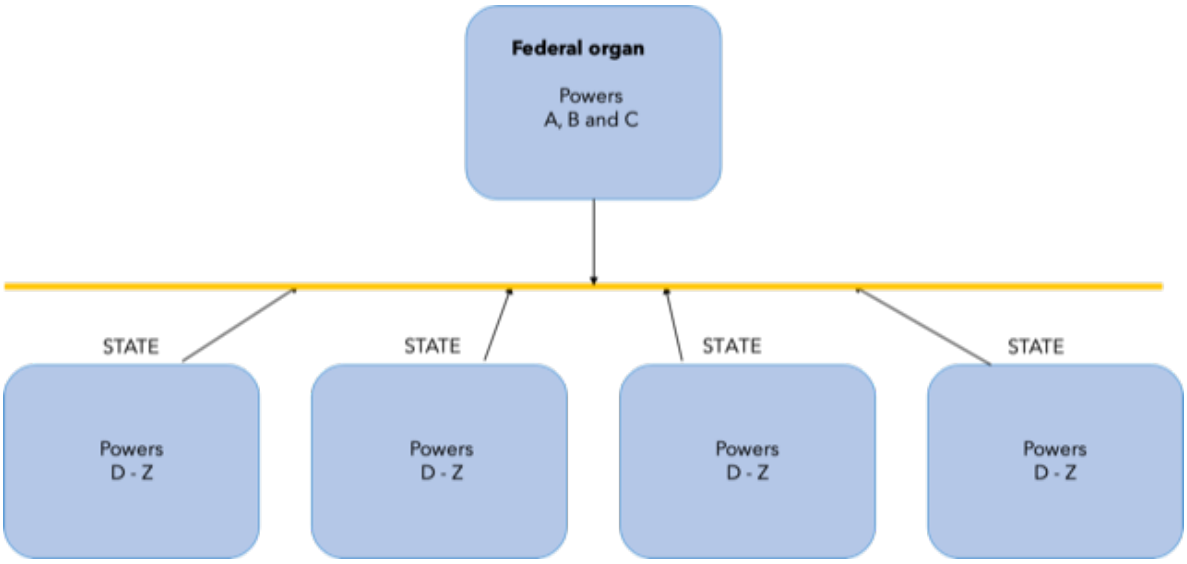
The Member States entrust some of their competences/powers to this Federal Body. I prefer not to use the word 'transfer' of powers because that word has the connotation of 'giving away' and 'losing'. The assumption that Member States of a federation are losing parts of their sovereignty is the most common misconception that has hindered federal state formation for decades.

Suppose in this example, that the Member States entrust the Federal Body with the powers A to C, but keep the rest, i.e. the powers D to Z, at their free disposal.

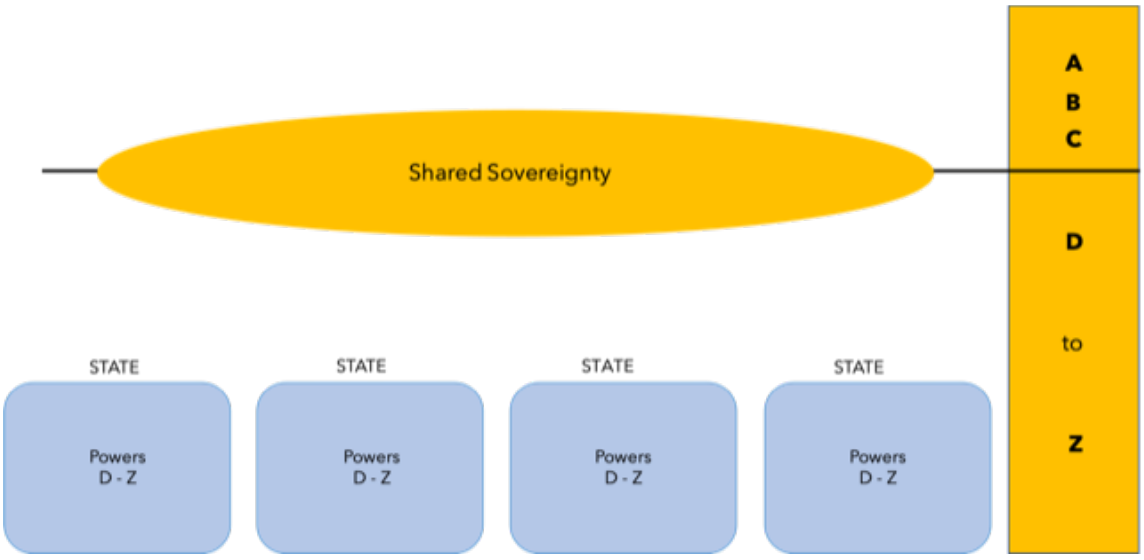


The Federal Body uses these powers A to C to take care of the common interests. Those Member States have not lost those powers. They are dormant. If the Federal Body abuses those powers, the constitution offers the opportunity to bring them back into the bosom of the Member States.

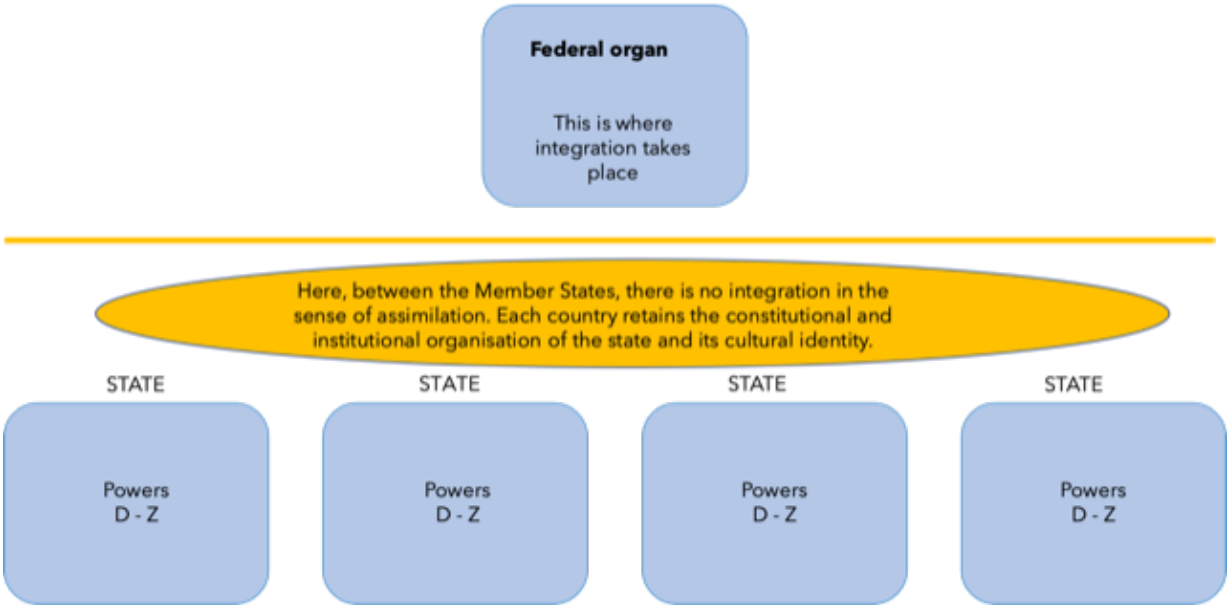
It is now essential that the Federal Body - unlike in the EU - does not have top-down powers. It does not have the power to tell Member States what they should or should not do unless it falls within a common interest. Decisions that are not based on common interests are frustrated by the bar between the Federal Body and the Member States. The opposite is also the case. Member States cannot, at will, ask the Federal Body to do or refrain from doing anything that falls outside the list of interests.



The following drawing shows that federal state formation creates a vertical separation of powers, creating shared sovereignty.



The last drawing makes it clear that the concept of 'European integration' in the sense of assimilation of states does not take place in a federation. At the level of the Federal Body, there is no French, German, Dutch, Spanish, etc. defence policy, but a single European defence policy. Only at the level of that federal body does integration take place. Not at Member State level.



6.4 How to create a federal state?

The Convention of Philadelphia 1787 gave the answer to that question:

- Put a small group of people together with an understanding of constitutional law. In Philadelphia they were fifty-five people.
- Keep amateurs and bunglers as far away as possible. This is the most important professional work for society.
- Make sure that citizens know in advance exactly what is happening, why and how, so that they can have a say in the composition of the constitution.
- Restrict the constitution to a clear allocation of powers to the trias politica, plus the checks and balances that the trias politica must guarantee.
- Make only general binding rules. So, avoid exceptions to these general rules and thus prevent the constitution from becoming full of safeguarding national, regional, and private interests.
- Submit a draft for ratification to the citizens concerned. And only then to the parliaments concerned.

As the Federal Alliance of European Federalists (FAEF), we have now settled the following matters:

- We have the European Federalist Papers of Klinkers and Tombeur. Twenty-six Papers explaining to the citizens why and how the intergovernmental European system of states should be exchanged for a federal system.

- We have a draft federal constitution for Europe of ten articles, three more than the American one. Any increase in that number of articles weakens the strength of this Constitution.

- We have a scenario for a Citizens' Convention of fifty-six people to improve this draft.

- We have a scenario for a Citizens' Convention of fifty-six people to improve the draft, provided that the number of ten articles is not exceeded.

- The whole process can be completed within a year, on the understanding that most of the year is dedicated to citizen contacts while the Citizens' Convention itself, i.e. the final composition of the constitution by 56 people, can take place in a week.

AFTERWORD

With this essay, I am pursuing the following objectives.

Firstly, to place the debate on federal state formation of Europe where it belongs: science. Without science there is no progress. For too long, for more than 200 years, that progress has been blocked by a fundamental lack of understanding of the iron strength of federal organisation.

Secondly, to use Ingo Piepers' methodological conceptual framework to fill in what I have been feeling for many years: the European Union is at the end of its life cycle and is on the verge of collapse. Instead, it can only be replaced by the federation of the United States of Europe.

Thirdly, to give an additional - and possibly decisive - boost to the adage of *federating the federalists*. A movement that seeks federal state formation but does not become a member of a federation of federal movements does not understand what federalism is. Federalist movements that unite in the federation Federal Alliance of European Federalists (FAEF) can lead the creation of the United States of Europe.

Profile Leo Klinkers

Dr. Leo Klinkers (1943), as an expert in public administration, is concerned with policy making from society according to the adage *All sovereignty rests with the people*.

Working for governments, the United Nations and the European Union, he has designed a methodology of societal policy-making and developed it further together with Peter Hovens.

With Herbert Tombeur he wrote in 2012-2013 the European Federalist Papers - including a Federal Constitution for Europe - as a foundation for the establishment of the United States of Europe. With articles in Europe Today Magazine and the book Sovereignty, Security and Solidarity, he pays attention to the basic ideas of federal state formation, including comments on the current European Union system of states.

Under the adage federating the federalists, he is President of the European Alliance of European Federalists (www.faef.eu). He is President of the Federalism for Peace Foundation (www.federalismforpeace.org) to promote federal statehood as a unique tool for peace-building.