



A More Perfect Union

*Federal Union in Political Thought
and Action, 1500-1951*

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Joshua Livestro

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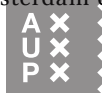
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For Sarah, Daniel, Hannah, and Ruben

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“There is (...) an association between sovereignty and historiography; a community writes its own history when it has the autonomous political structure needed if it is to command its own present, and typically the history it writes will be the history of that structure.”

J. G. A. Pocock, “Deconstructing Europe,” *London Review of Books*,
vol. 13, no. 24, 19 December 1991.



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Introduction

In his *Alarums and Excursions*, the Dutch political philosopher Luuk van Middelaar described the Brexit vote of June 2016 as a moment of existential crisis for the European Union: “The divorce disturbed its long-cherished self-image and for a moment it feared for its survival” (Van Middelaar 488). In the end, the EU’s will to survive helped it to steer a course out of the crisis, towards a renewed sense of purpose.

Van Middelaar proceeded to give metaphysical meaning to this crisis by calling it a “Machiavellian moment,” a reference to arguably one of the finest works of intellectual history from the past half-century, written by the New Zealand historian J. G. A. Pocock. Pocock’s study reconstructed the rise of an Atlantic tradition of republican political thought that linked the Renaissance Florence of Niccolò Machiavelli to the England of the Civil War period and the America of the Revolutionary era.

As Van Middelaar read it, the Machiavellian moment was an episode in which, “[o]ut of the experience of a democratic republic’s own transience and mortality there may arise a political will to manifest itself as a sovereign player in historical time” (Van Middelaar 486). This European Machiavellian moment, which according to him effectively started with the international banking crisis of 2008, would see the Union gradually become an independent actor on the world stage. Like the original early-sixteenth-century Machiavellian moment, Van Middelaar claimed, this European moment also had an aspect of “theological liberation” (487), the theology in this case being the European belief in the idea of the Union’s perpetuity, and in the universality of the ideals on which it was founded. Freed from these eschatological shackles, Europe could now, finally, as the former German Chancellor Angela Merkel put it, “take its destiny into its own hands” (512). Using Machiavelli’s image of fortune as a stream, Van Middelaar placed the EU squarely in the middle of this stream, ready to respond to the changing tides – “an existential experience” (487).

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It is difficult to disagree with Van Middelaar's assertion that the EU needs to fully grasp its "Machiavellian moment" and develop the capacity to become a credible actor on the world stage.¹ And his point is well made that the EU has only been able to survive by periodically ignoring its own ground rules, through acts of pure political creativity. But it would be dangerous to rely exclusively on the EU's powers of improvisation as a means of maintaining itself in the stream of events. To put it in Machiavellian terms: to do so would require an extraordinary amount of *virtù*, more than any organisation or individual is likely to possess. Sooner or later an event would take the Union by surprise, and *fortuna's* stream would wash over it.

If the Union is to survive in the long term, it needs to take measures not just to withstand the stream of fickle fortune but to protect itself against it structurally, as far as possible. As Machiavelli himself put it:

I am disposed to hold it that Fortune is the arbiter of one-half of our actions, but that it lets us control roughly the other half. I compare fortune to one of those dangerous rivers that, when they become enraged, flood the plains, destroy trees and buildings, move earth from one place and deposit it in another. Everyone flees before it, everyone gives way to its thrust, without being able to halt it in any way. But this does not mean that, when the river is not in flood, men are unable to take precautions, by means of dykes and dams, so that when it rises next time, it will either not overflow its banks or, if it does, its force will not be so uncontrolled or damaging.

(*The Prince* 85)

In political terms, "take precautions" and creating "dykes and dams" principally means *constitution building*.

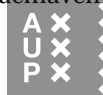
Machiavelli is known to us today mainly for his advice on how to respond with *virtù* to the caprices of fortune, but he was no less productive as a philosopher of constitutional theory. He devoted part of his main reflection on the troubles of republics, the famous *Discourses on the First Ten Books of Titus Livy*, to precisely this issue. The same subject also cropped up in his most notorious work, *The Prince*, specifically in chapter VI. Here he observed

1 For an interesting elaboration of this point, see Hans Kribbe's *The Strongmen: European Encounters With Sovereign Power*. It is noteworthy that Kribbe also talks about the EU experiencing a Machiavellian moment: "Bereft of the help of the United States and without safety lines, the continent is forced to confront the maelstrom of events on its own. It forms a test of strength, a 'Machiavellian moment'" (Kribbe 121–122).

that the greatest *virtù* belonged to the founders of new principalities: “I consider that the most outstanding were Moses, Cyrus, Romulus, Theseus and others of that stamp” (20). These framers didn’t just found cities, empires, and religions: they also defined them constitutionally, as authors of their founding legal and moral codes. As Machiavelli explained in a seminal essay published in 1520 as the *Discursus about the Reforming of Florence*, there was no better way of preventing internal chaos than to create a solid constitution. In fact, it may well be the *only* way: “There is no other way for escaping [arms, violence and plunder] than to give the city institutions that can by themselves stand firm” (*Collected Works* 1: 115).

It is this other kind of *virtù*, the constitution-making kind, that is the focus of this book. In terms of the Machiavellian moment, that means we must begin by reassessing Machiavelli’s own reflections on the theory of the cycle of political regimes: more specifically on the idea of the mixed regime as the optimal regime form, and on the practical translation of that idea into concrete constitutional arrangements, both their founding and their maintenance. We will look at the development of these ideas in confrontation with their most important historical counter-concepts – universal monarchy and sovereignty – tracing the gradual transformation of the ideal of the mixed regime from a division based on estates or social classes to a division by constitutional functions or powers. And we will trace how this new conception of the mixed regime was eventually integrated into federal theory in the form of the separation of powers and checks and balances – the latter idea developed most fully as an organisational principle for the American federal constitution of 1787.

In the spirit of Machiavelli, we will also consider the options for the republic to maintain itself in the world – or, indeed, to impose itself upon it through expansion. Because one important lesson we can draw from studying the theorists who lived and worked within this tradition of constitution-making Machiavellian moments is the stress they placed on the link between a republic’s constitution and its place in the world. In their view, the choice for a certain type of political regime was as much about its external dimension as about its internal order. This quest to secure the republic’s place in the world was what gave shape to the kind of political entity discussed in Machiavelli’s *Discourses* (bk 2, ch. 4). The federation, or “league,” as he called it, featured as one of three possible models of territorial expansion, the other two being violent expansion and what he called “the method of Rome,” where a great power placed itself at the head of an expansionist alliance, eventually bringing the other members under its rule. After some deliberation Machiavelli concluded that for the Florence of his



day the most practical option was “the method of the Etruscans”; that is, “forming a league consisting of several republics in which no one of them had preference, authority or rank above the others” (*Discourses on the First Ten Books of Titus Livy* 283; bk 2, ch. 4).

In his study of practical examples of leagues, Machiavelli not only praised the useful qualities of leagues like those of the Etruscans or the Swiss, he also identified several problematic aspects that characterised their functioning. The first was one of *organisation*: the weakness of the league’s political centre, and the inefficiency of its decision-making process. The second was one of *extent*: there seemed to be a limit to how far a federation could expand, at least if it wanted to maintain some form of cohesion. The third was one of *duration*. This was a challenge the league had in common with other regime forms, such as empires and city states: the challenge of sustaining itself over time.

Machiavelli’s writings furnished political thought on international affairs with two important conceptual tools for analysing international affairs. One was the key distinction of three different modes of expansion. Over the next four and a half centuries, between 1500 and 1950, politicians and political thinkers would come back to these three modes time and again to analyse their contemporary geostrategic predicaments. Over the course of the seventeenth century the league option would also come to serve as the foundation for the development of a new concept that was eventually called “federal union.” In the early modern period, the Machiavellian taxonomy of modes of expansion would give birth to a second taxonomy for different types of multi-state regimes. During the period of European state formation, the new concept of “federal union” would take the place of Machiavelli’s league. Federal union served as a counter-concept to the dominant concepts of the age: first, the idea of universal monarchy; and later, as Europe experienced a series of devastating wars, the martial idea of the balance of power.

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In his book *The Machiavellian Moment*, Pocock defined his central concept in two different ways. He saw it first of all as an individual event, “the moment in time when a republic was seen as confronting its own temporal finitude, as attempting to remain morally and politically stable in a stream of irrational events conceived as essentially destructive of all systems of secular stability” (viii). In essence, this is the Machiavellian image Van Middelaar was working with, that is, communities as historical actors standing in the river of events, being tested by the tide.

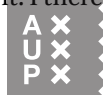


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A More Perfect Union contains many descriptions of that type of moment – both European and American moments, even transatlantic moments. Ultimately, however, it is focused as much, if not more, on the second meaning of the concept. Here, Pocock stressed not uniqueness but continuity: “[T]he Machiavellian moment’ had a continuing history, in the sense that secular political self-consciousness continued to pose problems in historical self-awareness, which form part of the journey of Western thought from the mediaeval Christian to the modern historical period” (viii). This certainly applies to the history of the “federal union.” Though there are obvious differences between the way Machiavelli, writing in the 1510s, used the word *league* and the way Monnet used the term *federation* in the 1950s, the key argument of this book is that the two were part of the same tradition of federal political thought and action.

Reconstructing this other, continuous constitutional tradition of Machiavellian moments is part of an effort to map the development of the concept of federal union over time. Here, this book owes an intellectual debt to the German historian Reinhart Koselleck (1923–2006). Koselleck was a historian who played an important role in the development of what has been termed the “linguistic turn” in the study of history. His name is associated with the German school of *Begriffsgeschichte*, the study of conceptual history. By a *concept* he meant any term that “bundles together the richness of historical experience and the sum of theoretical and practical lessons drawn from it” (Koselleck and Richter 20). This meant there was an essential difference between mere words and concepts: “[T]he meaning of words can be defined exactly, but concepts can only be interpreted” (20). According to Koselleck, the meaning of political concepts is always contested. The focus of his research was on lines of conceptual contestation, and the changes that resulted from these contests. Koselleck’s original insight was that, in order to understand concepts more fully, we have to study their development over time, in the contexts in which they were used, while also paying attention to the evolving relationship with their counter-concepts: “In and of itself, words’ persistence over time is an insufficient index of their unchanging content. Only through a diachronic investigation of the layers of meaning contained in a concept can we uncover long-term structural transformations” (Koselleck and Richter 18).

In doing the research for this book, it has been my contention that, when the post–Second World War European Founders reached for the concept of federal union in constructing a new order for (the Western part of) their continent, they inevitably loaded it with all the historical content and problematics contained within it. I therefore set out to apply Koselleck’s insight



in an attempt to uncover the concept's many layers of meaning. In doing so, my ultimate aim is to open the past as a source of self-understanding for today's European Union.

This effort will take us on a long journey lasting the better part of five centuries, following the concept from its early-sixteenth-century Florentine source all the way to the extraordinary period just after the Second World War, which saw the creation of a number of different organisations based on competing interpretations of the concept of federal union. The chapters are broadly structured chronologically, tracing the prehistory, birth, and development of the concept of federal union through the centuries. However, this is not just, or even primarily, a linguistic study. It is also a study of the contexts in which the concept was debated, the lived political experiences of the past five centuries on both sides of the Atlantic. The concept was developed in concrete political situations, in answer to problems the historical actors in these situations were struggling with: problems involving the establishment or maintenance of internal order, or external security, or indeed, expansion. It is therefore a study of constitutional and geopolitical history as much as a study of conceptual history.

The first chapter focuses on Machiavelli's discussion of the modes of expansion that are available to a republic facing a "Machiavellian moment" – an existential crisis that brings the risk of decline and fall. The next chapter then surveys the rich variety of regional leagues that already existed in Machiavelli's time, or which were formed in the early modern period: the Swiss Republic, the Polish-Lithuanian Commonwealth, the Dutch United Provinces, and the Holy Roman Empire (the post-1648 form that is). The chapter ends at the turn of the eighteenth century with the English and Scottish debate on the Union of the Crowns. It is in this debate that Machiavelli's analysis of the modes of expansion was used to create a taxonomy of different types of union, one of which was called *federal union*.

It is important to emphasise here that the reader must let go of any present-day conceptions attached to this term (or to its counterpart, *confederation*). Much of the historical debate covered by this book focused on the development of an interpretation of *league*, *confederation*, or *federal union*, that was not just plausible in political theory but also workable in the practice of political life. That debate had still not been fully settled by the time the European Founders sat down to negotiate the European Coal and Steel Community in the early 1950s. In this book, *federal union* is generally used in the sense that the people in question used it in their own respective languages, times, and places.

In Chapter Three, we track how the model of federal union was introduced into the debate about European order. The collapse of the old dual order



of empire and papacy, commonly referred to as the *Respublica Christiana*, triggered the search for a new conceptual framework for the maintenance of political order on the continent. During the process of state formation in Europe, federal union became one of the options for the organisation of relationships between states, and between the collective of states and the outside world.

The ideas of the seventeenth century and early-eighteenth-century authors who looked for a quasi-constitutional settlement of relationships between states on the European continent were eventually picked up by later generations of politicians. This happened first on the other side of the Atlantic Ocean. Chapter Four presents an analysis of the proceedings at the Philadelphia Convention of 1787, whose delegates drafted the Constitution of the United States. Recent American scholarship has interpreted the Convention as an attempt to negotiate the kind of peace plan that had been the subject of political and philosophical speculation in Europe in the two centuries prior to the American Revolution. The constitution that finally emerged from these negotiations was based on a number of compromises, predominantly on representation and on one of federal union's main counter-concepts, namely sovereignty. Yet, though the new constitution was in itself a remarkable achievement, it did not settle the debate about the relationship between the new political centre and the states. Chapter Five tracks the often fractious and unstable relationship between the two layers of the American government in the first seventy years after its founding. At critical moments, the Union was held together only by a Great Compromise that reaffirmed the commitment of all sides to the original Philadelphia compromise. When that compromise became impossible to sustain, a large group of Southern states seceded from the Union, with the American Civil War of the 1860s as the inevitable result.

Chapter Six discusses how the same ideas that, at least in part, inspired the American constitution also influenced proceedings at the great European peace conferences of 1815, after the hardship of the Napoleonic wars. The Congress System was in effect an attempt to implement the peace plan idea in an entirely different setting from the American one – not a collection of smaller and medium-sized newly established republics, but a small number of large, long-established monarchies, as well as a large number of medium-sized and smaller monarchies and republics.

Though the Congress method was a breakthrough in practical terms, it would only survive for a decade, and was eventually replaced by the much less formal Concert system. At the theoretical level, the Congress System would leave its mark chiefly in the form of the Holy Alliance, which was



treated by later generations of students of the concept of federal union as both a model worth studying and a practical example of the kind of union to avoid (owing mainly to its antidemocratic and generally repressive character).

The greater impact would be that of the American example. At the theoretical level, its influence would be greatest in the debate that would eventually lead to the formation of the German Reich. This German debate, which is covered in Chapter Seven, covers both the theoretical breakthrough – which owed a lot to the works of the French philosopher Alexis de Tocqueville – and the practical shortcomings of the kind of federal union that was eventually created: a monarchical union dominated by a single state, Prussia. In its practical workings it was closer to Machiavelli's theoretically preferred option, that of the expansionist Roman empire, than to his pragmatically chosen one, the Etruscan league.

Chapter Eight discusses the other track along which the American example influenced the European debate about federal union: that of the peace movement. Participants in this debate would embrace the idea of the formation of a United States on the continent of Europe as a kind of “sister federation” to its American counterpart. By tying these two unions together through a transatlantic bond, they also introduced a wholly new idea: something in between continental and global federation. As far as the European federal union was concerned, less intellectual energy was spent on its constitutional features than on the means for its establishment. Over the course of the nineteenth century, the peace movement also succeeded in defining its own version of federal union as the alternative to two types of monarchical regime: the Holy Alliance of monarchs, and the Caesarean empires of Napoleon III and Bismarck.

Chapter Nine looks at the practical successes of the peace movement: the Peace Conferences at The Hague of 1899 and 1907, and the Versailles Treaty of 1919, which led to the creation of the League of Nations. Through the latter, the peace movement's ideal of a transatlantic league was implemented on a global scale – though subsequent events in Washington, D.C. would effectively reduce it to a European rump-league (albeit with some South American and Asian involvement). In the second half of the 1920s, it looked for a while as though the League of Nations could provide a legal framework for the maintenance of political order on the continent, when the three main powers – France, England, and Germany – used it to structure their relations as part of the Locarno process. The legal-philosophical debate about the nature of the League, meanwhile, showed the extent of the conceptual confusion surrounding the idea of federal union even as late as the mid-1920s.



In Chapter Ten, the focus shifts to the geopolitical causes and consequences of the First World War. In the political debate about these issues, Machiavelli's other modes of expansion came to dominate. In the eyes of anti-federalists during this post-war period, violent conquest and the use of alliances to extend control over neighbouring territories were seen as superior to the federal union option.

In this Interbellum debate, supporters of the federal idea fought back on two different fronts. On the one front, they worked to outlaw the method of violent conquest. On the other, they strove to present the option of federal union in the form of "Pan-Europe" or "The United States of Europe" as a practical alternative to empire-building by the great powers, highlighting both its economic benefits and its ability to maintain peace and security on a continental scale.

The last part of the Interbellum formed the nadir in the story of federal union on the European side of the Atlantic. On the level of practical politics, federalism seemed to have been crushed by its old systemic rival, which now took on the guise of fascist or communist totalitarianism. The defeat seemed to have been extended to the theoretical level, with the "great dictators" Stalin and Hitler dismissing federalism as an outdated concept, made superfluous by technological developments. The sense of federalist defeatism was deepened by the miserable failure of the League of Nations to prevent the return of balance of power politics and the continent's subsequent slide into war. Defeat would not lead to resignation, however. The war years, between 1939 and 1945, were a period of incredible creativity among political thinkers engaging with the topic of federal union. The Allies, also referred to as the "United Nations," would come out of the war with a renewed sense of federal purpose, and a large number of blueprints for implementation.

Chapter Eleven discusses the post-war debate about the practical value of federal union. This debate would lead to a number of international, transatlantic, and European experiments. The book closes with a chapter on the founding moment of the European Union: the 1951 creation of the European Coal and Steel Community.

Students of this second European Machiavellian moment generally claimed it to be "without precedent,"² and have consequently treated the period prior

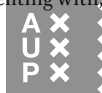
² See, for example, Haas (526) and Milward (494). The most notable exception here is Andrew Moravcsik, whose aim it was to subsume "European integration wherever possible under general

to the founding of the ECSC as largely irrelevant to any attempt at understanding of its nature. As this book will demonstrate, that is a fundamental mistake. The union that was created, represented the culmination of the rich variety of schemes developed in previous centuries for the construction of a European federal union. Its core elements – the idea of incremental progress towards full federation, the use of a small vanguard of suitable member states to kickstart the process, and the use of an economic project as a first step towards a more complete federal union – had by then been around for nearly 150 years. The other supposedly unique element of Europe's new federal union, shared sovereignty, had been present in European debate since it was discussed by Tocqueville in the 1830s, after its establishment in the United States in 1787.

This lack of historical awareness concerning the importance of previous Machiavellian moments in Europe's long struggle with the theory and practice of federal union wasn't just down to an error of interpretation on the part of these scholars. It was also, or perhaps mainly, the result of a parallel development in the field of historical studies. Just as Europe's federal union was taking shape constitutionally, the historical profession took a collective turn away from long-term studies, instead focusing on ever-shorter timescales. The idea of comparing a political event from 1951 with one in 1919 became anathema, let alone with one from 1787 or 1500. This shift in focus to the so-called "Short Past" led to the virtual disappearance of narrative history (Guldi and Armitage 53).

To the extent that historians did produce a longer-term view of the past, they offered an interpretation of it that made meaningful comparison with the present almost impossible, at least for students of European integration. After all, why study the past when no less an authority than the (co-)founder of the modern discipline of the history of political thought, Quentin Skinner, had concluded that the history of European political thought since 1600 was essentially the history of thinking about *the state*

theories rather than treating it as *sui generis*" (500). His interpretation has recently been followed by Kiran Klaus Patel, who claimed that "it is easy to overemphasise the legal and administrative differences between the EC and other efforts of regional cooperation and integration, such as the UNECE, the Brussels Pact, the OECD or the Council of Europe, at least for the first and formative years in their existence. The characterisation of the EC as *sui generis* (of its own kind; exceptional) which already existed in the 1950s and was pushed for by its own supporters is quite misleading" (204). This book argues that, though some form of comparison with other organisations founded in this period is justified, Patel misses the point that, in some fundamental aspects, the ECSC *was* different from the other organisations established in this period. This did not, however, make it *sui generis*. It was part of a long tradition (on both sides of the Atlantic) of thinking about, and experimenting with, federal unions.



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– the one thing the European Coal and Steel Community clearly wasn't, and didn't aspire to become (*Foundations of Modern Political Thought 2: 349–351*)?

The turn of the millennium saw two parallel developments that together have helped to unlock the pre-ECSC past as an object of study for EU purposes. One was the increased awareness among historians of political thought that “the state” was in fact only one among a number of competing terms and concepts used in early modern political discourse to describe the basic units of study, and that it remained so until well into the twentieth century. This insight was a product of the development of the history of international political thought as a separate field of study. The other development was the renewed interest in the *longue durée* approach in the wider field of historical studies.

Encouraged by these developments, this book sets out to do what the diplomats who negotiated the founding treaty of the ECSC did not have the time or inclination to do: to embed the union created in 1951 in the European and transatlantic federal tradition. By studying the European Union's prehistory, we will gain a clearer grasp of exactly what was negotiated in the early 1950s – and, by extension, of what the Union is today, and what it may well become tomorrow.

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