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*Opt-out clauses as peculiar cases of differentiated
integration in the European Union: political and public
impact in Italy (1991-1993)*

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A nonna Dorina
Che ha creduto in me, ogni giorno.

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INTRODUCTION

The very recent worldwide health crisis, known as the Corona-virus global pandemic, prompted an intervention from the European Union, in order to cope with the unimaginable consequences of the spread of the virus across the countries of the Old Continent¹. The debate on the possibility and the nature of the financial aids to be bestowed from the Union in order to bail out the countries most affected by the pandemic, characterised a very delicate moment in the history of the Union². During the debates on the modality these aids would have been conceived, the rejection from a part of the member countries (the so called “*frugal countries*”) in designing these aids as subsidies rather than borrowings, or the issuance of common EU bonds, led a part of the political establishment to propose an *opt-out clause* for those contrary countries, in order to find a solution as quick as possible, given the urgency of the situation, and the necessity to define an EU strategy³. In the EU jargon, an opt-out clause is “*a means of ensuring that when a given country does not wish to join the others in a particular field of EU policy, it can opt out, thus avoiding an overall stalemate*”⁴. Opt-out clauses were first introduced in the Maastricht Treaty of 1992 and have periodically been a topic for debate ever since, contributing to question the conceptualisation of nature of the Union itself⁵. More recently, the issue seems to have become a matter of frequent controversy. In particular, the theme of opt-out clauses as a *modus operandi* to carry on the integration process came back imperiously at the centre of the European public and political attention, once the exit of the United Kingdom from the European Union was announced after the referendum on June 2016. Since the United Kingdom enjoyed a differentiated status within the union under several respects through the different opt-out provisions it has been granted through time, the hypothesis that those differences could have been at the origins of the exiting process, gave voice to unspoken issues. Questions raised, and the debates inflamed on

¹ European Commission, “Recovery Plan for Europe”, available at https://ec.europa.eu/info/live-work-travel-eu/health/coronavirus-response/recovery-plan-europe_en, last accessed 19/09/2020 and “Consiglio Europeo: ecco l'accordo sul Recovery Fund”, *ISPI, Istituto per gli Studi di Politica Internazionale*, 21/07/2020. Accessible at <https://www.ispionline.it/it/pubblicazione/consiglio-europeo-ecco-laccordo-sul-recovery-fund-27028>, last accessed 19/09/2020.

² S. Fleming and J. Espinoza, “EU members clash over state aid as richer countries inject more cash”, *Financial Times*, 01/05/2020, available at <https://www.ft.com/content/a68bfd0d-47c7-46ec-ac87-20b8b67ddc32>, last accessed 19/09/2020 and C. Surubaru, “Europe to the rescue? EU funds and the COVID-19 crisis – who gets what, how and why”, Maastricht University, 01/05/2020, available at <https://www.maastrichtuniversity.nl/blog/2020/05/europe-rescue-eu-funds-and-covid-19-crisis—who-gets-what-how-and-why-0>, last accessed 19/09/2020 and European Council, “Report on the comprehensive economic policy response to the COVID-19 pandemic”, 09/04/2020, available at <https://www.consilium.europa.eu/en/press/press-releases/2020/04/09/report-on-the-comprehensive-economic-policy-response-to-the-covid-19-pandemic/>, last accessed 19/09/2020.

³ “Recovery Fund: volata finale”, *ISPI, Istituto per gli Studi di Politica Internazionale*, 22/05/2020. Accessible at <https://www.ispionline.it/it/pubblicazione/recovery-fund-volata-finale-26261>, last accessed 11/09/2020.

⁴ EUR-Lex, *Opting out*, Glossary of summaries, available at https://eur-lex.europa.eu/summary/glossary/opting_out.html, last accessed 19/09/2020.

⁵ For a discussion on the debated nature of the EU, see J. Zielonka, *Europe as Empire: The Nature of the Enlarged European Union*, Oxford University Press, New York, 2006.

the possible connections between Brexit and the differentiated status recognised to UK in different policy areas since 1992: were the opt-out clauses for Britain already a sign of the future exiting of Britain from the EU? Should opt-outs and differentiated integration be considered a threat for the future of the Union? Given the current situation, could opt-outs really be envisioned among the strategies to carry on European integration? At what cost? All these and more questions were coming once Brexit was already taking place, without leaving any room to ifs or buts.

As mentioned above, the crucial moment which brought to the institutionalisation of the phenomenon of differentiated integration, and specifically the opt-out clause, was with the Maastricht Treaty (or TUE). The Treaty of Maastricht was the first legal treaty which for the first time formally institutionalised the *opt-out provisions*, granting a differentiated status to the United Kingdom and to Denmark, from the rest of the contracting member countries. From this moment on, the phenomenon of differentiated integration became part of the European Union's institutional nature, requiring a reassessment of the boundaries the European project was sketching out for itself. The opt-out clauses are a particular form of *negative differentiated integration*, according to which the country obtaining such clause is exempted from taking part in the coordination of a certain policy areas managed at EU level, while maintaining sovereign control over the matter into question⁶. "*Optare*" means *to choose*, and, in this particular case, EU member countries choose not to be involved in a specific policy domain⁷. Although at public level the best-known example of opting-out country is associated to the case of the United Kingdom, with reference to the monetary union, this is not the only case in which an opt-out clause has been used. The EU member countries concerned are four, and the provisions address different policy fields, too bounded to the sovereign exercise of the national countries into question to be subordinated to a supranational management⁸.

As far as concern the most emblematic opting-out country, although no longer member of the European Union since January 2020, the UK had four different opt-outs from the Community

⁶ Generally shared consensus on identifying opt-out clauses as negative differentiated integration. See, M. Condinanzi, *L'Unione europea tra integrazione e differenziazione*, available at, https://www.federalismi.it/nv14/articolo_documento.cfm?Artid=29002, last accessed 15/08/2020 and M. Sion. The Politics of Opt-Out in the European Union: Voluntary or Involuntary Defection? In *Thinking Together. Proceedings of the IWM Junior Fellows' Conference*, 2004, pp. 1-17 and A. C-G. Stubb. "A Categorization of Differentiated Integration", *Journal of Common Market Studies*, Vol. 34, No. 2, 1996, pp. 283-295 and A. K. Cianciara, "Does Differentiation Lead to Disintegration - Insights from Theories of European Integration and Comparative Regionalism", *Yearbook of Polish European Studies*, Vol. 18, 2015, pp. 39-58.

⁷ R. Adler-Nissen. *Opting out of the European Union: Diplomacy, Sovereignty and European Integration*, Cambridge, Cambridge University Press, 2014, pp. 1-25.

⁸ In general, see M. Fletcher. "Schengen, the European Court of Justice and Flexibility Under the Lisbon Treaty: Balancing the United Kingdom's 'Ins' and 'Outs'", *European Constitutional Law Review*, Vol. 5, 2009, pp. 71-98 and "*Opting out*", Eur-Lex, available at https://eur-lex.europa.eu/summary/glossary/opting_out.html?locale=it, last accessed 11/09/2020.

legislation. The most known was the opt-out from the monetary union, institutionalised with the Maastricht Treaty. The clause granted the United Kingdom the possibility not to join the European unique currency, nor its participation to the Banking Union system. In this way United Kingdom was able to retain full sovereignty on its own currency and on the independent management of its monetary policy. All things considered, the opt-out granted the possibility for the UK to join the monetary Union based on its subjective decision and on the compliance with all parameters required by the Treaty itself. During Maastricht negotiations, another opt-out was granted to Great Britain, given its rejection to alter the domestic field of labour law, with regards to the Social Charter annexed to the text Treaty. Once the Charter effectively came to be comprehended in the Lisbon Treaty text (2007), the UK, together with Poland as well, were still able to secure the exclusion from the appliance of the binding law in the social policy area regulated by the charter, through a specific opt-out formula⁹. Furthermore, the UK obtained the recognition of another opt-out prior to the one enshrined into the Maastricht Treaty, in the context of the Schengen agreement (1985), as far as concern the freedom of movement for persons within the Community member states¹⁰. Mainly as a practical consequence of the British decision towards the Schengen agreements, Ireland as well joined the opt-out provision for the free movement of persons. These opt-outs were brought within the context of European legislation with the Amsterdam Treaty (1997), which comprehended the Schengen Agreements, through annexed protocols granting the non-binding effects of the Schengen *acquis* for UK and Ireland¹¹. The UK (and consequentially Ireland as well) counted another opt-out, from what the Lisbon treaty established as the “*Area of Freedom, Security, and Justice*”, which was previously represented by the third pillar of the Greek temple established by the Maastricht Treaty¹². The major matters in this policy areas concerned immigration, border control, asylum and civil justice affairs, to which the UK wanted to retain full control at national level, although it was granted the possibility to join individual measure either before or after the issue concerned, allowing a sort of case-by-case evaluation¹³.

The other major country member to have recurred more than once to the opt-out clauses as a way to take part into the integration of the European Union, is Denmark. In this particular case, the unchanged Danish Constitution of 1849, together with a reluctant attitude towards supranational

⁹ C. Barnard, “*The ‘Opt-Out’ for the UK and Poland from the Charter of Fundamental Rights: Triumph of Rhetoric over Reality?*”, University of Cambridge, 2008, pp. 1-20 and L. S. Schmidt, *Integrated or Out*, pp. 13-26.

¹⁰ M. Fletcher. “Schengen, the European Court of Justice and Flexibility Under the Lisbon Treaty”, *European Constitutional Law Review*, Vol. 5, 2009, pp. 71-98.

¹¹ M. Brunazzo. “The Evolution of EU Differentiated Integration between Crises and Dilemmas”, *EUIDEA Research Paper*, No. 1, Rome, Istituto Affari Internazionali, 2019, pp. 1-30.

¹² L. S. Schmidt, *Integrated or Out: A comparison of Denmark and the United Kingdom as the EU’s two major opt-out states*, University of North Carolina, 2018, pp. 13-26.

¹³ M. Fletcher. “Schengen, the European Court of Justice and Flexibility Under the Lisbon Treaty”, pp. 71-98.

integration from the Danish population, provided the ground for relevant clashing issues with reference to the implementation of legislation at Community level¹⁴. As a matter of fact, after the negotiations for the Maastricht Treaty, the popular referendum held to define popular consensus for its acceptance, rejected the Treaty, requiring the negotiations for an opt-out clause, on the same line of the British one, so as not to hijack the entry into force of the treaty itself¹⁵. Therefore, Denmark was granted an opt-out clause which allowed it to keep its national currency, and not to be subject to the coordination of monetary policy from the supranational institutions¹⁶. Successive popular referendum realised to evaluate the possibility for the country to join the Eurozone, gave always negative outcomes, rather strengthening Eurosceptic trends within the nation¹⁷. Together with the assurance not to intact national sovereignty within the monetary dimension, the popular rejection of the Treaty required also other spheres of national competency to be protected in order to allow the government's signature to the Treaty. In fact, Denmark, with the Edinburgh Agreement (realised after the results of the referendum in December 1992), was granted the opt-outs in other policy areas which were progressively being transferred to the EU coordination¹⁸. One of the opt-outs regarded the Common Foreign and Security Policy, so as not to be implied in common decision-making at military and defence level with the other EU member countries¹⁹. Another opt-out was granted on the Area of Freedom, Security and Justice (as named with the Lisbon Treaty), so as to maintain full control especially on the migration issue, given the specific strict rules characterising the Danish refugee and asylum policies²⁰.

All the cases described, are the evidence of the diffusion of a practice, used for the first time in the very moment the Community was shaping itself into a more defined political entity, creating the perfect ground for the emergence of different visions regarding the European dimension. In this sense the differentiation of the project came to be felt as an increasing necessity, in order to give birth to the project itself. As it is commonly recognised, the moment of Maastricht was crucial, under different points of view. Surely, for the creation of the European Union, together with the creation of a political community dimension and the monetary one, but also because it framed at institutional level the differentiated integration, in the particular form of the opt-out clauses, including this instrument

¹⁴ L. S. Schmidt, *Integrated or Out*, pp. 13-26.

¹⁵ For a reconstruction of the Danish events of the referendum see, B. Olivi. *L'Europa difficile: storia politica dell'integrazione europea, 1948-2000*, Bologna, Il Mulino, 1994, pp. 407-412.

¹⁶ V. G. Saccomando, "Maastricht Treaty's Opt-Out Provisions for Denmark Keep EC Intact", *Boston College International and Comparative Law Review*, Vol. 17, no. 1, 1994, pp. 223-232.

¹⁷ L. S. Schmidt, *Integrated or Out*, pp. 13-26.

¹⁸ For a detailed account on the Edinburgh agreement see, B. Olivi. *L'Europa difficile*, pp. 424-429.

¹⁹ L. S. Schmidt, *Integrated or Out*, pp. 13-26.

²⁰ R. Adler-Nissen, "Opting Out of an Ever Closer Union: The Integration Doxa and the Management of Sovereignty", *West European Politics*. Vol. 34, No. 5, 2011, pp. 1002-1113 and L. S. Schmidt, *Integrated or Out*, pp. 13-26.

within the sphere of primary law of the European Union. Analysing the path travelled by the European Community to realise the Maastricht Treaty, historians have noticed how the process of integration strengthened in the 1980s, being paralleled by a demand for growing institutional flexibility, which increasingly came to be perceived as a condition for the deepening of integration itself²¹. As a matter of fact, *flexibility*, rather than uniformity, became a recurrent pattern within the institutional structure of the European Union, thus allowing for the consolidation of an “unconventional” integration process²². If the phenomenon of integration together with its implications for sovereign entities has always been debated among scholars and politicians, the differentiation of integration came to represent a new peculiar challenging theme of discussion. The term *differentiation*, applied to integration, does in fact refer to the possibility for certain member countries to differ in rights and obligations from the rest of the member countries, with regard to a specific policy area, or a specific regulation or directive²³.

The main related theme from which the whole discussion emerged, is bound to the *sovereignty principle*, and the value attached to it by member countries of the European Community, given their precedent contemporary history, mainly based on the sovereign state-nation dimension, and together with their specific subjective differences²⁴. Traditionally speaking, the concept of integration should express itself into a linear path, basically assuming equal rights and obligations, creating an equal level of interference in the reality of for all the actors involved. However, it is immediately understandable, the difficulty to succeed in deepening integration of an increasing number of policy areas, when the actors involved into the process are sovereign countries with a plenty whole corollary of differences in their own state-nature, and different views regarding the future of the project in which are involved.

The fact is that, as long as the dominant logic towards European integration is based on a *Westphalian order*, diversity will always be considered as a problem to be solved for the integration process, rather

²¹ A. Kölliker. “Bringing together or driving apart the union? Towards a theory of differentiated integration”, *West European Politics*, Vol. 24, No. 4, 2001, pp. 125-151 and R. Bellamy, S. Kröger, “A democratic justification of differentiated integration in a heterogeneous EU”, *Journal of European Integration*, Vol. 39, No. 5, 2017, pp. 625-639.

²² J. P. ribán. “Legal Flexibility, Governance and Differentiated Integration: On Functional Differentiation of EU Law and Politics”, in K. Dyson and A. Sepos (eds.), *Which Europe? The politics of Differentiated Integration*, Palgrave Macmillan, London, 2010, pp. 24-38 and S.S. Andersen and N. Sitter, Differentiated Integration: What is it and How Much Can the EU Accommodate?, *Journal of European Integration*, Vol.28, No.4, 2006, pp. 313-330 and A. Warleigh, *Flexible Integration : Which Model for the European Union?*, Bloomsbury Publishing Plc, 2002, pp. 1-16.

²³ A. Kölliker. “Bringing together or driving apart the union?”, pp. 125-151 and R. Bellamy, S. Kröger, “A democratic justification”, pp. 625-639.

²⁴ N. Parisi, Considerazioni sulla natura giuridica dell’unione europea alla luce dei rapporti fra stati membri e fra questi e l’organizzazione, Centro di documentazione europea, Università di Catania - *Online Working Paper*, n. 1, 2008, available at, http://www.lex.unict.it/cde/quadernieuropei/giuridiche/01_2008.pdf, last accessed 22/08/2020 and T. Winzen, and F. Schimmelfennig, “Explaining differentiation in European Union treaties”, *European Union Politics*, Vol. 17, No. 4, 2016, pp. 616–637. See also J. Zielonka, *Europe as Empire*, pp. 92-116.

than a necessary constituency of the European dimension itself²⁵. Considering diversity under a renewed logic, would not imply a denigration or a worsening of the integration process, but rather an adaptation of the phenomenon to the peculiar context in which it is taking place, thus conceiving the differences among member countries as the “*normal state of affairs within the EU*”²⁶.

As a matter of fact, member countries do have differences in terms of political organisation, economic situation, welfare conception, social domestic composition, etc... These differences were representing relevant elements to be considered when dealing with the integration of the European community, which up to the moment of Maastricht had been realised following the *Community/orthodox/traditional* integration method, granting the respect of equal sovereignty among member countries²⁷. In fact, in order to respect this core-stone principle, the treaty of Rome, at the origins of the European project, established the *principle of equal rights and obligations* for all member countries, so as to guarantee full and equal respect to the sovereignty of each participant, avoiding the creation of any possible disequilibrium²⁸. Therefore, the introduction of different rights and obligations through the adoption of the TUE came to be considered as a challenge to the orthodoxy of the equality principle²⁹.

The Maastricht Treaty in this sense, not only institutionally comprehended the specific legal form of the opt-out clauses within EU legislation institutionalising differentiated integration, but also marked a shift from a “*permissive consensus*” to a “*constraining dissensus*” in the integration process³⁰. As a matter of fact, with Maastricht the sphere of national sovereignty came to be shaken in unprecedented way, requiring state-nations to allow the transfer of their control and management of monetary policy, being subjected to respect parameters and binding directives coming from a supranational institution³¹. Furthermore, member states allowing the opting-out status to certain countries, were

²⁵ With the expression *Westphalian order* J. Zielonka does refer to the integrative pattern /state paradigm established as a consequence of the Peace of Westphalia. The system is connoted by a clear hierarchical structure, well established borders, sovereignty of the nation to be fully respected, and so on forth. In opposition to this system, he proposes the conceptualization of an alternative way to conceive EU future, thus embracing also the constitutional diversity the Union is made of, which the author identifies in the *neo-medieval paradigm*. For a detailed account see J. Zielonka, *Europe as Empire*, pp. 1-22.

²⁶ J. Zielonka, *Europe as Empire*, pp. 66-90.

²⁷ H. Wallace, W. Wallace, *Flying together in a larger and more diverse European Union*, Scientific Council for Government Policy, WRR, The Hague, 1995, pp. 1-104.

²⁸ A. Kölliker. “Bringing together or driving apart the union?”, pp. 125-151 and K. Dyson and M. Marcussen, “Transverse Integration in European Economic Governance: Between Unitary and Differentiated Integration”, *Journal of European Integration*, Vol. 32, No. 1, 2010, pp. 17-39 and J. Zielonka, *Europe as Empire*, pp. 140-163.

²⁹ A. Kölliker. “Bringing together or driving apart the union?”, pp. 125-151 and M. Condinanzi, *L’Unione europea tra integrazione e differenziazione*, federalismi.it, Rivista di Diritto Pubblico Italiano, Comparato, Europeo, No. 5, 2015, pp. 2-34 available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

³⁰ R. Bellamy, S. Kröger, “A democratic justification of differentiated integration”, pp. 625-639.

³¹ Shared consensus among M. Gilbert. *Storia Politica dell’integrazione europea*, Roma, GLF editori Laterza, 2007, pp. 184-195 A. Varsori, “The Andreotti Governments and the Maastricht Treaty: Between European Hopes and Domestic Constraints”, *Journal of European Integration History*, Volume 19, n. 1, 2013, pp. 23-44 and M. Baun, “The Maastricht Treaty as High Politics: Germany, France, and European Integration”, *Political Science Quarterly*, Vol. 110, n. 4, 1995, 10

also accepting a differentiation among themselves, implying different situation in the exercise of national sovereignty. Differently, in the previous phases of integration, the sphere of competences of the single nations was never undermined in such an important way, thus being generally supported by the national population. However, once national governments started being bound to respecting common legislation, which affected policy fields included “*among core state powers*”, the permissive consensus ceased³². Once the integration process was enlarged to those “*core*” policy areas, national political elites came to face a “*constraining dissensus*”, namely an increasing concern towards the deepening of integration in certain areas, felt as a strict and necessary competence the sovereign single nation should handle in first place³³. The emergence of this growing dissensus is also related to the spread of integration in the different forms in which it took place, in the sense that, given the different attitudes by member countries towards deepening the integration process in certain policy areas (with regards particularly to the second and the third pillar of the Greek Temple created at Maastricht), peculiar solutions had to be found as long as member countries started showing different attitudes towards a growing supranational coordination³⁴. If every country had a common aim in securing (mainly) economic profits by being part of the European Community, the needs of every member countries differed one from the other as long as integration touched new competency areas, thus creating an incredibly complex unique entity, which necessarily had to consider the differences it was made of³⁵.

The differentiation allowed within the integration process came also as a new possibility in the new geopolitical context of the post-Cold War period. As a matter of fact, the European Community in the aftermath of the Cold War could create an alternative and independent environment, thus mastering its own shape and choices, no longer relegated to siding with one of the confronting blocs³⁶. In this sense, the possibility to conceive an alternative form to the classic integration pattern, enabling member countries to shape their commitment into the Union, could be also considered as the willingness to create a new geopolitical actor, out from the traditional patterns. In this sense, the

pp. 605–624 and A. Verdun, “The Role of the Delors Committee in the Creation of EMU: An Epistemic Community?”, *Journal of European Public Policy*, vol. 6, no. 2, 1999, pp. 308–28, and R. Bellamy, S. Kröger, “A democratic justification of differentiated integration”, pp. 625–639.

³² P. Genschel, and M. Jachtenfuchs. “More Integration, Less Federation: The European Integration of Core State Powers.” *Journal of European Public Policy*, Vol. 23, No. 1, 2016, pp. 42–59 and R. Bellamy, S. Kröger, “A democratic justification of differentiated integration”, pp. 625–639.

³³ R. Bellamy, S. Kröger, “A democratic justification of differentiated integration”, pp. 625–639.

³⁴ R. Bellamy, S. Kröger, “A democratic justification of differentiated integration”, pp. 625–639.

³⁵ H. Wallace, W. Wallace, *Flying together*, pp. 1–104.

³⁶ See S. C. Hofmann, Stephanie C. “The end of the Cold War and the Maastricht Treaty”, in *European Security in NATO's Shadow: Party Ideologies and Institution Building*, Cambridge, Cambridge University Press, 2013, pp. 77–126 and A. Varsori. *The Relaunching of Europe in the Mid-1980s* in K. Patel and K. Weisbrode (eds.), *European Integration and the Atlantic Community in the 1980s*, Cambridge University Press, Cambridge, 2013, pp. 226–242 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 171–184.

spectrum of the possibilities for the European project ranged from two extremes: on the one hand “*pure supranationalism*”, and on the other “*optional cooperation*”³⁷. The supranational integration path would imply the exact same level of integration on all policy fields for all the participants, while on the other extreme of the spectrum, optional cooperation would imply a complete free voluntary choice based on a case-by-case evaluation, from the single participant, thus not creating any kind of binding commitment, but rather an opportunism based on “incoming” benefits³⁸. Neither of the two extremes seemed to be the one the European Community would embrace given the fact that it was coping at the same time, with persistent differences among the actors involved in its process, and the attempt to accommodate this inner diversity objectively, thus looking for a “solution” between the two extremes of the spectrum itself³⁹.

Whenever taking into consideration the commonly most shared categorical division of the phenomenon of differentiated integration of the European Community, three variables are usually involved. These three variables describe the possible “areas” where differentiation among member countries could happen, and these are: space, time and matter⁴⁰. The three variables considered determine also the three main categories of differentiated integration, namely *variable geometry*, *multi-speed* and *à la carte*⁴¹.

In the first category integration is differentiated according to *space*, which means that there are such substantial differences among member countries that they create a permanent or irreversible gap between core countries (namely those countries favourable to deepen integration in a determined policy area) and the outsider countries (those that do not share integration in all the policy fields into question)⁴². In this sense different geometric circles came to be created, where the outsider countries

³⁷ H. Wallace, W. Wallace, *Flying together*, pp. 1-104.

³⁸ See H. Wallace, W. Wallace, *Flying together*, pp. 1-104.

³⁹ H. Wallace, W. Wallace, *Flying together*, pp. 1-104.

⁴⁰ The categorisation reported and most commonly adopted by scholars was realised by A. Stubb, “A Categorization of Differentiated Integration”, pp. 283-295. It found large consensus, see K. Dyson and A. Sepos, *Which Europe? The politics of Differentiated Integration*, Palgrave Macmillan, London, 2010 and M. Condinanzi, *L’Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020. This categorisation is also adopted as the valid categorisation by the European Parliament. See “*Relazione sull’integrazione differenziata*”, Parlamento Europeo, 27/22/2018, available at https://www.europarl.europa.eu/doceo/document/A-8-2018-0402_IT.html#top, last accessed 13/10/2020. However, his categorisation was contested by the work of K. Holzinger and K. Schimmelfennig. They do not consider the differentiation into space and matter valid, given the fact that according to them these dimensions are always part of the process of integration, thus not identifying specific categories *per sé*. See K. Holzinger, and F. Schimmelfennig, “Differentiated integration in the european union: many concepts, sparse theory, few data”, *Journal of European Public Policy*, Vol 19, No. 2, 2012, pp. 292-305.

⁴¹ A. Stubb, A Categorization of Differentiated Integration, pp. 283-295.

⁴² A. Stubb, A Categorization of Differentiated Integration, pp. 283-295.

decide voluntarily not to take part into the bigger circle, creating *variable geometry* within the Union⁴³.

The second category individualised is determined by the variable of *time*, creating *multi-speed Europe*. This is given by the fact that the same level of integration might happen in different temporal phases, where certain member countries proceed in the integration path according to a “common rhythm or speed”, while other member countries proceed slower towards the same aim, following later in time. This create an asymmetry in time among member countries in achieving a common goal, which determines integration happening not simultaneously, but rather progressively or discontinuously⁴⁴.

The last variable which, according to this theorisation, contribute to the creation of a specific differentiated integration model is *matter*, namely specific policy areas to be regulated. In this sense member countries are allowed to choose whether to participate, assuming the annexed rights and obligations, into the integration of a certain policy field, without the commitment to necessarily join in a future moment. This freedom granted under certain circumstances to states is called *à la carte*, as if the countries could choose from a menu at their disposal⁴⁵.

These three categories can be furtherly divided into sub-categories, which demonstrate the complexity and the multiple shapes assumed by a single phenomenon. Variable Geometry Europe finds expression into concentric circles, multi-level, multi-track etc...Multi-speed Europe articulates itself into two-speed, step-by-step, graduated differentiation etc...while *à la carte Europe*'s subcategories are the opt-outs, bits-and-pieces, *ad libitum* integration, and many others...⁴⁶.

The proliferation of the possibilities to bring about the integration process shows the difficulty inherent in the process itself, to establish a single fixed pattern into which differentiated integration can take place, so as to provide specific boundaries and confines to the phenomenon, also from a normative point of view. As a matter of fact, it is the nature of differentiating the process of integration that is suitable itself in the first place, to a multiple concretisation, brought about by the specific connotations that each case entails, which create several criticism and objections to the practice here into analysis⁴⁷.

⁴³ A. Stubb, “A Categorization of Differentiated Integration”, pp. 283-295 and M. Condinanzi, *L'Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

⁴⁴ A. Stubb, “A Categorization of Differentiated Integration”, pp. 283-295.

⁴⁵ M. Condinanzi, *L'Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

⁴⁶ For a complete account of the different subcategories of the phenomenon of differentiated integration see A. Stubb, “A Categorization of Differentiated Integration”, pp. 283-295.

⁴⁷ L. Vai, “Libertà è differenziazione Ragioni e condizioni di un'Ue a geometria variabile”, *Centro Studi sul Federalismo*, No. 24, 2017, pp. 3-19.

The proliferation of diversified forms through which the integration process has been carried on, also increased as a consequence both of the “deepening” and the “widening” policy of the European Union⁴⁸. As a matter of fact, the European project started as an economic community involving six state-nations and became in some forty years a political union which was increasingly growing in the number of its member countries. The enlargement has thereby comprehended new countries that both for unwillingness and necessity in certain cases did not comply with the deepening of the integration project, thus requiring institutional solutions to frame their condition⁴⁹. In this sense *differentiation* came as a tool allowing a settlement or a stabilisation of the heterogeneity brought as enlargement went by⁵⁰. From this perspective, differentiating is conceivable not as a failure of the integration nature itself, but rather as a tool to cope with necessary differences along the integration path⁵¹. Of course, differentiation came to be an increasingly necessary connotation, as new subjects started joining the Union, thus increasing the level of diversity among member countries. This is the result of the coexistence of different *demoi* within the European Union, which increase the complexity of the political, economic and social landscape, creating the basis for a rethinking of the common uniformity conceived within a structure centred around equal sovereign states⁵².

As a matter of fact, the importance of the phenomenon came to be perceived as the Community was enlarging, bringing new actors into the European project, and contemporary trying to widen the scope of its action⁵³. This issue came to be particularly discussed, for example, as the Eastern enlargement took place, bringing into the Union, new member countries with new considerable differences from the historical member countries, thus requiring a renewed debate on the necessity and the advantages that the embracement of an higher level of flexibility would imply⁵⁴. All things considered, it is widely recognised by historians that although the debate regarding *Differentiated Integration* became

⁴⁸ “Relazione sull’integrazione differenziata”, Parlamento Europeo, 27/22/2018, available at https://www.euoparl.europa.eu/doceo/document/A-8-2018-0402_IT.html#top, last accessed 13/10/2020.

⁴⁹ K. Dyson and A. Sepos, “Differentiated as Design Principle and as Tool in the Political Management of European Integration” in K. Dyson and A. Sepos (eds.), *Which Europe? The Politics of Differentiated Integration*, Palgrave Macmillan, New York, 2010, pp. 3-23 and R. Bellamy, S. Kröger, “A demoicratic justification of differentiated integration”, pp. 625-639 and J. Zielonka, *Europe as Empire*, pp. 66-90 and P. A. Zervakls, “L’«integrazione differenziata» Una via alternativa all’integrazione classica?”, *Il Federalista Rivista di Politica*, No. 3, 2006, pp. 207, available at, <http://www.thefederalist.eu/site/index.php/it/saggi/504-llintegrazione-differenziatar-una-via-alternativa-allintegrazione-classica>, last accessed 21/08/2020.

⁵⁰ R. Bellamy, S. Kröger, “A demoicratic justification of differentiated integration”, pp. 625-639 and J. Zielonka, *Europe as Empire*, pp. 66-90.

⁵¹ “Relazione sull’integrazione differenziata”, Parlamento Europeo, 27/22/2018, available at https://www.euoparl.europa.eu/doceo/document/A-8-2018-0402_IT.html#top, last accessed 13/10/2020.

⁵² R. Bellamy, S. Kröger, “A demoicratic justification of differentiated integration”, pp. 625-639.

⁵³ J. Zielonka, *Europe as Empire*, pp. 66-90.

⁵⁴ J. Zielonka, *Europe as Empire*, pp. 66-90.

a central issue in the life of the European Union during the 1990s, after its formal recognition within a legislative framework, its historical roots dated back to the previous decades⁵⁵.

It is possible to find forms of flexibility in the original founding Treaty, which are not properly recognisable as differentiated integration, but already created special status through safeguard clauses and derogations⁵⁶.

The debate effectively regarding differentiated integration arose during the decade of the 1970s, paralleling the enlargement negotiations that characterised that period, increasing the differences among political, economic and social interests, thus giving credit to the theory according which differentiated integration is either a consequence or a prerogative of the widening of the Community/Union⁵⁷.

The first figure to openly advocate for it was the German Chancellor Willy Brandt, when in 1974 he proposed the idea of a *multi-speed Europe*⁵⁸. The proposal was based on the idea that the most advanced economies of the Community should have had the possibility to proceed faster towards an increasing economic integration, leaving the other member countries the time to be ready or willing to achieve those same goals⁵⁹. This idea was enclosed in the Tindemans Report of the following year, officially presented at institutional level, to the European Council of December 1975⁶⁰. This is considered as the first institutional proposal of differentiated integration according to a time variable (if taking into consideration the theorisation based on the three different variables previously described), although it did not collect great consensus among member countries, nor among community institutions⁶¹. However, it was once the integration process regained force after the

⁵⁵ K. Dyson and A. Sepos, *Which Europe?*, pp. 24-38 and M. Avbelj, “Differentiated Integration—Farewell to the EU-27?”, *German Law Journal*, Vol. 14, No. 7, 2013, pp. 191-211 and L. Vai, “Libertà è differenziazione”, pp. 3-19 and M. Condinanzi, *L’Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020 and P. A. Zervakls, L’«integrazione differenziata» Una via alternativa all’integrazione classica?, *Il Federalista Rivista di Politica*, No. 3, 2006, pp. 207, available at, <http://www.thefederalist.eu/site/index.php/it/saggi/504-llintegrazione-differenziatar-una-via-alternativa-allintegrazione-classica>, last accessed 21/08/2020.

⁵⁶ A. Miglio, *L’Integrazione differenziata nell’unione europea tra flessibilità e frammentazione*, Tesi dottorale, Università degli studi di Milano Bicocca, XXVIII ciclo, 2014/22015. For a detailed account of the history of flexibility forms in the European Union history See D. Hanf, “Flexibility Clauses in the Founding Treaties, from Rome to Nice”, B. De Witte and D. Hanf and E. Vos (eds.), in *The many faces of differentiation in eu law*, 2001.

⁵⁷ M. Avbelj, *Differentiated Integration*, pp. 191-211.

⁵⁸ M. Brunazzo. “The Evolution of EU Differentiated Integration between Crises and Dilemmas”, pp. 1-30 and K. Dyson and A. Sepos, “Differentiated as Design Principle and as Tool in the Political Management of European Integration”, pp. 3-23.

⁵⁹ A. Miglio, *L’Integrazione differenziata nell’unione europea tra flessibilità e frammentazione*, pp. 32-57.

⁶⁰ Leo Tindemans was the Prime Minister of Belgium in 1975. M. Gilbert, *Storia Politica dell’Integrazione Europea*, pp. 109-114 and B. Olivi, *L’Europa Difficile*, pp. 177-178.

⁶¹ A. Miglio, *L’Integrazione differenziata nell’unione europea tra flessibilità e frammentazione*, pp. 32-57.

Eurosclerosis, that this hypothesis started being debated in a constructive way, in order to evaluate their compatibility with the single market project and the nature of the Community itself⁶².

The Single European Act, closely preceding a further enlargement of the Community, in order to compensate the extension of the QMV to new policy areas (strengthening the supranational dimension), introduced some exceptions to the principle of uniform application of Community law, allowing to some member countries a certain autonomy in policy fields subjected to the harmonization implemented by the Act⁶³.

Precedent to the formal institutionalisation recognised in the Maastricht Treaty, there is also the Schengen agreement (June 1985), whose aim was the gradual abolition of border controls among participant countries⁶⁴. All things considered, this agreement was created outside from the Community institutions given the open opposition of certain countries to this project (namely the United Kingdom), although the founding countries were part of the Community and the dispositions established openly recalled EC principles⁶⁵. Schengen was an example of both of the acceleration of the integration on the one hand, and of the differentiation of integration itself on the other, although formally outside the Community framework⁶⁶.

The Maastricht Treaty with the protocols enshrining the opt-out clauses was the first legally binding initiative for differentiated integration, establishing a precedent, specifically for negative differentiated integration. All things considered, the discipline of differentiated integration did not constitute an already established normative framework, but rather came to be disciplined as the factual necessity of each case required to successfully bring about integration. As a matter of fact, the opt-out clauses are not the only form of differentiated integration through which the phenomenon had expressed itself within the European Union. Other legal instruments have been used, complexifying the differentiated status a member country could play in the Community.

Institutionalised with the Amsterdam Treaty, a new integrative path was established, in a *positive* configuration, which was the institution of *Enhanced Cooperation*. Enhanced cooperation, differently

⁶² V. B. Langeheine, *Abgestufte Integration*, in *EuR*, in A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 32-57.

⁶³ M. Avbelj, *Differentiated Integration*, pp. 191-211 and A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 32-57.

⁶⁴ See, *The Schengen acquis - Agreement between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*, EUR-Lex, available at <https://eur-lex.europa.eu/legal-content/EN/ALL/?uri=CELEX%3A42000A0922%2801%29>, last accessed 28/09/2020.

⁶⁵ M. Avbelj, *Differentiated Integration*, pp. 191-211 and A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 32-57.

⁶⁶ A. Cannone, *Le cooperazioni rafforzate*, in A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 32-57.

from the opt-out clauses, is an instrument of positive differentiated integration, in the sense that, member countries that are willing to deepen their cooperation in certain policy areas, do have the possibility to further coordinate these policy areas, which do not require the participation of all member countries of the EU, but which still operates within the institutional framework of the European Union system⁶⁷. In order to establish an enhanced cooperation within the Community context, certain features have to be involved: at least nine member countries of the EU have to be interested in the implementation of the cooperation in the policy area object of the institution; the ultimate aim should consist in the promotion of the interests and the goals of the European Union itself; the basic intention should be the interest in strengthening the supranational coordination in an increasing number of policy fields, in a shorter period of time compared to the Community procedures; the respect for the existing Treaties and of the EU law in general; the absence of exclusiveness, meaning that each member country willing to join an already-established enhanced cooperation, must have the possibility to be included⁶⁸.

The creation of such a cooperation must begin from the initiative of the interested member countries, demonstrating the subjective desire of each participant for further cooperation in a determined policy area, potentially fully coordinated at EU level, in case all member countries through time would agree⁶⁹. Once all the criteria for its establishment are in place, the creation of a deeper form of cooperation among member countries, inevitably affects the concept of *orthodox integration* in its linear and syncretical movement for the parties of a given community/group⁷⁰. The first use of this Community instrument followed the entry into force of the Treaty of Lisbon (given the more detailed regulation on this specific legal tool), with the Regulation on the law applicable in the field of personal separation and divorce in 2010⁷¹.

⁶⁷ A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 81-175 and P. Ponzano, *L'integrazione differenziata nell'ambito dell'Unione europea e la "costituzionalizzazione" dell'eurozona*, versione italiana adattata di un testo pubblicato in A. Mattera, "Revue du Droit de l'Union européenne", Edizioni Clément Juglar, Parigi, Vol. 2, 2015.

⁶⁸ A. Cannone, *Enciclopedia del diritto. Estratto- Integrazione differenziata (diritto dell'Unione europea)*, Giuffrè, 2012, pp. 335-353. The discipline concerning *Enhanced Cooperation* is enshrined in art. 20 TUE and in articles 326-334 of TFUE (Lisbon Treaty, 2007).

⁶⁹ A. Cannone, *Enciclopedia del diritto. Estratto*, pp. 335-353.

⁷⁰ A. Cannone, *Enciclopedia del diritto*, pp. 335-353 and Y. Bertoncini, *Differentiated Integration and the EU: A variable Geometry Legitimacy*, Istituto Affari Internazionali, Roma, 2017, pp. 1-17, available at <https://www.iai.it/en/pubblicazioni/differentiated-integration-and-eu-variable-geometry-legitimacy>, last accessed 14/09/2020. For a detailed discussion regarding the institution of enhanced cooperation see, A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 81-175.

⁷¹ P. Ponzano, *L'integrazione differenziata nell'ambito dell'Unione europea e la "costituzionalizzazione" dell'eurozona*, versione italiana adattata di un testo pubblicato in A. Mattera, "Revue du Droit de l'Union européenne", Edizioni Clément Juglar, Parigi, Vol. 2, 2015, pp. 1-8.

Linked to this kind of differentiated integration, it has been established for the first time with the Lisbon Treaty a permanent tool of enhanced cooperation in the policy field of defence, enclosed in the expression *Permanent Structured Cooperation* (PESCO)⁷². The major goal of this kind of integration is to strengthen the military capacity of member countries, and at the same time, to increase cooperation in an important policy area, long debated, which is not fully part of the supranational management from the European Union. The participation of an EU country into this structure is subordinated to two criteria, namely: a certain level of military capacity together with the willingness to deepen the coordination in the given policy area⁷³. These are the major manifestations of differentiated integration within the EU framework, although there are forms of integration, happening outside the EU framework, that do affect the integration in its linear or orthodox conception⁷⁴.

In this sense, also international agreements, to which some or all member countries take part into, that happen outside from the EU institutional context, could implicitly create different levels of integration within the Union itself. This does not mean that all the international agreements constitute examples of differentiated integration⁷⁵. As a matter of fact, international agreements in order to be considered as differentiating the path of integration of the EU, should be realised only among member countries of the Community (not implying the presence of third member countries), as well as covering a relevant domain in the interest of the Union (thus having a connection with the Union law as well)⁷⁶.

On the whole, as briefly described, the process of differentiated integration expresses itself under multiple manifestations, and this multiplicity has progressively grown ever since the Maastricht Treaty, which for the first time institutionalised the phenomenon itself⁷⁷. In fact, the praxis has demonstrated through time, the necessity to conceive and to institutionalise new and alternative ways to cope with the heterogeneity of the member countries in order to deepen the level of integration in the Community structure⁷⁸. And it is precisely the relevance and the complexity of the phenomenon,

⁷² The discipline of the Permanent Structured Cooperation is enclosed into art 46. par. 6 and 46 of TUE. See “Cooperazione Strutturata Permanente”, Eur-Lex, available at https://eur-lex.europa.eu/summary/glossary/permanent_structured_cooperation.html?locale=it, last accessed 14/09/2020.

⁷³ For a detailed account see A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 81-175.

⁷⁴ Y. Bertoincini, *Differentiated Integration and the EU: A variable Geometry Legitimacy*, Istituto Affari Internazionali, Roma, 2017, pp. 1-17, available at <https://www.iai.it/en/pubblicazioni/differentiated-integration-and-eu-variable-geometry-legitimacy>, last accessed 14/09/2020.

⁷⁵ A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 278-284.

⁷⁶ A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 278-284.

⁷⁷ A. Miglio, *L'Integrazione differenziata nell'unione europea tra flessibilità e frammentazione*, pp. 365-379.

⁷⁸ J. Zielonka, *Europe as Empire*, pp. 66-90.

that led the issue to be strongly debated not only at European institutional level, but among its member countries and among European citizens. The debate widened through time, but it is interesting and relevant to consider the very early reactions to this new possible integrative pattern, when it was first introduced in its early manifestation with the first European opt-out in a Community Treaty.

The purpose of this analysis, in fact, is to indagate the roots of a debate that has grown in its importance both at Community and national level. The case-study presented is focused on how much, and in what terms, such issues were debated in Italy in the run up to, and in the wake of, the signing of the TUE. Italy can be an interesting study case as it was a founding member of the European Community living a peculiar domestic situation in the time period considered, but the same analysis lends itself to be conduct in all countries of the community, so as to indagate the origins of the reaction towards the opt-out clauses, but more generally towards the idea of differentiated integration, in the very early stages of its institutional recognition. The thesis is structured in three chapters, to which the final conclusion will follow.

The first chapter is an analysis of the path travelled by the European Community to the moment of Maastricht. As a matter of fact, given the meaningfulness of the moment, in order to understand the circumstances that brought the European Council reunited in Maastricht to recur to the opt-out clauses during the final negotiations, it is important to recall the attention on the precedent phases of the integration process. In particular way, the analysis will be centred on the meaningful events that led the European Community out from the impasse of the Eurosclerosis, to a strengthening of the integration path from the second half of the 1980s. Particularly relevant in setting the context for the Maastricht treaty were the events that determined the end of the Cold War, creating a new geopolitical context in which the European Community could have reinvented itself, looking for a renewed role, out from the bipolar logic that characterised the international scenario for almost half century.

The second chapter will be dedicated to the Italian context during the Maastricht phase. In order to understand the debate created around the issue of the opt-out clauses in the country, it is fundamental to linger over the political-economic and social situation of the country. As a matter of fact, from the study of the context, it is possible to obtain the analytical instruments useful for the interpretation of the debate regarding European differentiated integration, and specifically over the opt-outs. In this sense, the Italian case study set itself as a peculiar case study, given its domestic situation in those historical moments.

Italy in those years was particularly being characterise by a public and institutional malaise towards the national political establishment, which seemed no longer able to guarantee a stable leadership of

the country. In particular way, the economic status of the country was placing Italy into a relegated position among EC member countries, with a public debt which was threatening the stability of the Italian currency and of the economy as a whole. All things considered, the major dynamic which impacted the life of the country was a whole rearrangement of the political class, with a transition framed into the expression from the First to the Second Republic, so as to underline the drastic changes Italy underwent to. The triggering event was the scandal under the name *Tangentopoli*, which brought under the light the discovery of a national net of corruption comprehensive of the major Italian political parties. The event brought to a brand-new reconfiguration of the political class, with new political forces emerging and affecting the life of the country, but also the life of the European Community.

The third chapter's handling will be centred on the analysis of the public and the political impact the topic of the opt-out clauses raised in the specific time period between 1991 and 1993 in Italy. To analyse the political debate created around the specific issue of the opt-outs present in the Maastricht Treaty, the discussions from Parliamentary sessions will be considered. The debate is presented from different points of view, although the most relevant interventions realised towards the specific matter under analysis were realised by the *Movimento Sociale Italiano* (Italian Social Movement), a far-right political group, which was critical not only towards the clauses in themselves, but more generally towards the deepening of the European integration, being plenty supporter of the protection of national sovereignty. All things considered, it has been registered a little consistent debate regarding this matter, mainly given the fact that the Italian political elite was not only involved in domestic scandals, but above all because the debate mainly regarded the economic situation and the possibility for Italy to meet the convergence criteria, rather than discussing the impact of opt-out clauses on Italy and the Community dimension.

The last part of the chapter will be presenting the impact of the thematic under discussion on the public opinion, by considering the most relevant newspapers at the time. Stated the role of the newspapers in shaping and influencing the public opinion, and the usual general tendency to a more or less marked partisanship in reporting the news, the majority of the newspaper considered did present the opt-out clauses as a potential threat for the integrity of the Community, although with different tone and styles. The theme was not really developed by considering and presenting the positive aspect brought by the differentiation of the integration, sticking to the orthodox conception of integration for the European dimension. In this sense, the opt-outs are generally described as compromising for the unity of the process.

On the whole, the absence of a substantial debate regarding this matter should be considered at the light of the situation which was characterising the country, thus bringing both the political and the public sphere to focus their attention majorly on other specific concerns.

All things considered, the Maastricht Treaty, together with the opt-out clauses that were first introduced into the legal system of the European Community, was perceived from the Italian political and public sphere within the traditional conceptual and attitudinal framework, that had characterised the Italian relationship with Europe during the period of the *First Republic*. In this sense, the founding tenets that characterised the debate both within the political establishment and within the public opinion were the traditional ideas of integration, sovereignty in their orthodox conception, not really being able to deviate from the historical path followed by the Community up to that moment. Although the specific moment of Maastricht, set itself in an important moment of change for the Italian domestic situation, bringing brand new actors to operate within the society, the opt-out debate between 1991 and 1993, was not characterised by the more critical gaze that would have connoted the Italian internal sphere from *the Second Republic* onwards, departing from the acritical tradition of consensus towards the European dimension and its projects. This resulted into a debate not completely able to grasp the importance of the change that the Maastricht Treaty was implying, not only within the political and the monetary sphere, but also for the integration path of the newly born Union, with all the consequences and the future scenarios that would have been implied with it.

CHAPTER I

HISTORICAL CONTEXT

Framing the moment in the international scene

The Treaty of Maastricht was signed on February 7, 1992, by the twelve member countries of what at that time was the European Economic Community (EEC or EC)⁷⁹. This date has a great symbolic value, since it corresponds to the birth of the European Union (EU), which led to a political union what was previously born as an economic community with the Rome Treaty of 1957. The signature of the Maastricht Treaty does represent a fundamental moment in the national history of each EC member country, since it is largely considered as the greatest voluntary sovereignty transfer ever happened in European contemporary history⁸⁰. This date represents the formal moment at which we can trace back the signature by member states for the creation of the common currency, the Euro, a fundamental step in the accomplishment of the single market project. However, the moment of the signature does only represent the facade of a much longer process, that dates back already to the 1980s (if not even earlier). The negotiations for achieving such a result were carried out throughout the 1991, ending successfully at the Maastricht summit in December of that same year⁸¹. As it is widely known, those years were characterised by events that impacted the balances at world level, as well as the balances in the European dimension. In the very moment we call the attention on any event happened between the end of the 80s and the beginning of the 90s, we cannot avoid placing the event itself in a bigger framework, which is the end of the *Cold War*. This event, although being a recent one from an historical point of view, has already been largely described and debated by historians. The purpose here, in the following sections, is not to give a detailed account of those important moments, but rather to describe those main events placing them in the perspective of the influence they inevitably exert on the European integration process and the Maastricht Treaty. This

⁷⁹ D. Dinan. *Ever Closer Union: An Introduction to European integration*, Boulder, CO, Lynn Rienner Publishers, 2010, pp. 73-100.

⁸⁰ P. Anderson. *The New Old World*, Verso, London, 2011, pp. 3-46 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 184-195 and shared consensus among A. Varsori, "The Andreotti Governments and the Maastricht Treaty: Between European Hopes and Domestic Constraints", *JEIH Journal of European Integration History*, Vol.19, No.1, 2013, pp. 23-44 and M. Baun, *The Maastricht Treaty as High Politics: Germany, France, and European Integration*. *Political Science Quarterly*, vol. 110, no. 4, 1995, pp. 605-624 and A. Verdun, *The Role of the Delors Committee in the Creation of EMU: An Epistemic Community?*, *Journal of European Public Policy*, vol. 6, no. 2, Informa UK Limited, 1999, pp. 308-28.

⁸¹ D. Dinan. *Ever Closer Union: An Introduction to European integration*, p. 91.

could make us understand the decision of opting for certain choices rather than others, as well as to consider the influence played by world events on the construction of Europe.

The term *Cold War* describes the historical phase that followed the end of the Second World War. It refers to a peculiar kind of conflict that never really came to be “physically” fought between the United States and the Soviet Union (or at least it never came to be fought openly). It is instead considered largely as an ideological War which saw on the one hand the capitalistic values embodied by the United States (US), while on the other hand, the communist values embodied by the Union of Soviet Socialist Republics (USSR). This division was crystallised also into a military bipolarism, based on two opposing systems: the North Atlantic Treaty Organisation (NATO, 1949) for the Western bloc, and the Warsaw Treaty Organisation (1955) for the Soviet bloc⁸². These two blocs determined a substantial bipolar division of the world after the IIWW ended, creating a new world order that shaped the geopolitical life for forty years⁸³. The system in place created two superpowers, competing for the monopoly on the “*one and only true model for humankind*” in an historical dispute, that should have ended into the ruling of just one real world power⁸⁴.

This bipolar division of the world started crumbling down as the decade of the 1980s was ending. In this context a redefinition of the world balances started taking place, affecting the European one as well. During the period of the Cold War, Europe has always been the geopolitical area where the confrontation was most visible and tangible⁸⁵. The old continent was physically separated by the so-called *Iron Curtain* and during the forty years of this conflict, Europe was the gravity centre of the antagonism between the two world powers, the only area that was essential as much as for the United States so as for the Soviet Union⁸⁶. Once the Cold War’s end was approaching, the European Economic Community needed to redefine its priorities and strategies, in order to be able to set itself as a credible powerful actor of the post-Cold War scene, that was starting to take shape, but above all, in order to deepen the integration process of the economic community towards a real union⁸⁷. The challenge for the EC was multi-faced, since the major events that led to the collapse of the system in place happened among European countries. In 1989, the French president François Mitterrand declared that: “*There is no longer an imposed order. Europe is now master of its choices, or it can*

⁸² F. Romero. *Storia della Guerra fredda. L'ultimo conflitto per l'Europa*, Einaudi, 2009, pp. 73-123.

⁸³ For a complete reconstruction of the events of the period of the Cold War see F. Romero. *Storia*, pp. 17-334 and A. Kalinovsky, and C. Daigle. *The Routledge handbook of the Cold War*, London, Routledge, 2014.

⁸⁴F. Romero. *Storia*, pp. 3-15.

⁸⁵ For a detailed account on the impact of Cold War on the Old Continent see M. Gilbert. *Cold War Europe: The Politics of a Contested Continent*, Rowman & Littlefield Publishers, 2014.

⁸⁶ F. Romero. *Storia*, p. 8 and T. Detti, G. Gozzini. *Storia contemporanea: Il Novecento*, Mondadori, pp. 218-235.

⁸⁷ S. C. Hofmann, Stephanie C. “The end of the Cold War and the Maastricht Treaty”, in *European Security in NATO's Shadow: Party Ideologies and Institution Building*, Cambridge, Cambridge University Press, 2013, pp. 77-126.

be⁸⁸”. This demonstrates, how the end of the Cold War was really perceived as an opportunity to alter the established patterns among the member states of the EC, and in Mitterrand’s view also an opportunity to make the integration process proceed further⁸⁹.

The last years of the Cold War were characterised by a growing dialogue between the leaders of the two superpowers, showing that there was already an ever-increasing understanding that, a strict bipolar confrontation was not possible, even if nobody was really able to predict how this conflict would come to an end⁹⁰. Gorbachev’s policies demonstrated his awareness of the impossibility to keep supporting a foreign policy based on increasing Soviet armament to try to equal US power, which was at that point unrivalled. Particularly the new degree of openness allowed, and the freedoms now granted, with the abandonment of the use of force towards the satellite countries, were the final elements that brought to a never-imagined quick collapse of the Soviet Union and the end of the Cold War. In Eastern European countries, the civil society took advantage from the new spaces allowed from the regime, searching for a process of democratisation which inevitably put into question the whole communist system⁹¹. The first signs of this trend showed up in Poland starting a domino effect among the other soviet republics. Hungary, Bulgaria, Czechoslovakia and Romania followed the democratic wave that was spreading all across Eastern European countries. This process was an understandable consequence of the new direction taken by Gorbachev: the first concessions made by the establishment, gave strength to latent dissatisfaction and criticism that were clearly present all across the federal union.

In a few months the whole system of the *popular democracies* entered into crisis and started collapsing, foreshadowing the final stages of an era⁹². In the very moment that police controls were banished at the Hungarian border with Austria (from May 1989 on), thousands of people left East Germany to reach the West part of the country on the other side of that wall, that was still dividing the city of Berlin, Germany and world itself. The *German issue* has been a pivotal one during the whole 20th century, and still proved to be central in determining the outcome of the end of the conflict and for the future arrangement of whole Europe⁹³. At the time the President of the German

⁸⁸ S. C. Hofmann, Stephanie C. *The end of the Cold War*, pp. 77-126.

⁸⁹ A. Varsori. *The Relaunching of Europe in the Mid-1980s* in K. Patel and K. Weisbrode (eds.), *European Integration and the Atlantic Community in the 1980s*, Cambridge University Press, Cambridge, 2013, pp. 226–242.

⁹⁰ T. Detti, G. Gozzini. *Storia contemporanea: Il Novecento*, Pearson, Paravia Bruno Mondadori S.p.a., 2002, pp. 382-394.

⁹¹ T. Detti, G. Gozzini. *Storia contemporanea*, pp. 382-394.

⁹² T. Detti, G. Gozzini. *Storia contemporanea*, pp. 382-394.

⁹³ F. Romero. *Storia*, pp. 3-15 and N. Piers, Ludlow. “*European Integration in the 1980s*”, pp. 11-22 and W. Van Meurs, et al. “From Community to Union”. In *The Unfinished History of European Integration*, Amsterdam University Press, 24

Democratic Republic was Erich Honecker, Secretary General of the one-party state, the Socialist Unity Party of Germany (SED), who firmly rejected the policy of reforms that Gorbachev was pursuing⁹⁴. His conservative and firm attitude, the economic constraints the citizens were facing, in an outside context of progressive change towards democratization, led east-Germans to flee massively in the very moment the Iron Curtain started being destroyed, or to openly manifest in the streets of the main cities⁹⁵. The Western bloc was assisting to what was happening, trying to be supportive for a peaceful outcome, preventing eventual violent scenarios⁹⁶. The escalation of the events happened between the months of October and November and after huge public manifestations, during the night of November 9, East German citizens started crossing the passages across the Wall that since 1961 was dividing the city of Berlin, at the heart of Europe⁹⁷. The Wall had fallen, symbolising the end of an era. The destruction of the Berlin Wall was the final element, needed to reassess the situation of the German nation, which had been left in stalemate ever since the end of the Second World War, and also to boost a new integration of the European Community⁹⁸.

The most important personality during this phase was the chancellor of West Germany, Helmut Kohl, who committed himself to reunify the German nation. Short after the fall of the Wall, Kohl presented a three-stage-plan to the German Bundestag, clearly showing the determination not to lose the chance to unify the country, abolishing the borders established at the end of the IIWW, strong of the overall popular consensus towards the reunification of the country⁹⁹.

After free election took place, negotiations started, and it came to be agreed that the new Federal Republic of Germany could not be endowed with weapons of mass destruction, it would have recognised the border with Poland dated 1945, and above all it would have taken part into the NATO organization¹⁰⁰. This solution clearly showed the weakness of Gorbachev and of the Soviet influence, allowing the establishment of a new asset under the Western imprint, without no longer being able to influence the final outcomes¹⁰¹. A new geopolitical map was taking shape in Europe, giving it the

2018, pp. 163-20 and D. Dinan, *Ever Closer Union*, pp. 89-91 and M. Baun, "The Maastricht Treaty as High Politics", pp. 605-624 and K. Dyson, & K. Featherstone. *The road to Maastricht*, pp. 1-11.

⁹⁴ A. Kalinovsky, and C. Daigle. *The Routledge handbook*, pp. 67-70.

⁹⁵ M.E. Sarotte. *What changes in summer and autumn 1989? The struggle to Create Post-Cold War Europe*, Princeton University Press, 2009, pp. 11-47.

⁹⁶ There are records of private meetings where leaders such as Thatcher, Mitterrand and Andreotti expressed a certain uneasiness towards the process of reunification, concerned about the implication for the European Community. See J. Haslam. *Down Comes the Wall in Russia's Cold War. From the October Revolution to the Fall of the Wall*, Yale University Press, 2011, pp. 384-385.

⁹⁷ F. Romero. *Storia*, pp. 318-346.

⁹⁸ N. Piers, Ludlow. "European Integration in the 1980s: on the Way to Maastricht?", *JEIH Journal of European Integration History*, JEIH, Vol. 19, No 1, 2013, pp. 11-22.

⁹⁹ B. Olivi, *L'Europa difficile*, pp. 333-345.

¹⁰⁰ F. Romero. *Storia*, pp. 318-346.

¹⁰¹ F. Romero. *Storia*, pp. 318-346.

possibility to boost the project of European integration, under a territorial continuity, but above all under the continuity of Western democracy within the security system established by NATO¹⁰². It was October 3, 1990 that the GDR was no longer existing and the two Germanies were finally celebrating their official national reunification¹⁰³.

The Cold War was already perceived as ended, although the final chapter came with the dissolution of the USSR, which took place in 1991¹⁰⁴. The end of the Soviet Union meant not only new freedoms and democratic establishments, but it also gave voice to many nationalistic movements that seriously increased the instability of this region¹⁰⁵. It is worthy to quote the subsequent case of the separation of Czechoslovakia in two different republics of different political orientation, or the process of disgregation of Yugoslavia that took place in those years¹⁰⁶. The formation of new states within the European geographical framework impacted also in the process of European integration that was in place, requiring an increasing effort for the creation and the consolidation of a Union made of different states with different stories and values.

The road to Maastricht: a critical analysis of the events

Although the major historical context in which the signature of the Maastricht Treaty took place inevitably relates to the events of the end of the bipolar conflict, it is fundamental to recall the inner dynamics of the European Community that describe the path followed by member countries and the Community's institutions to get to that point. The Maastricht Treaty is considered among historians as the greatest stage and achievement of European integration since the institutionalising moment embodied by the Rome Treaty (1957), which gave new force to the whole European dimension¹⁰⁷. The Treaty could not but be influenced by the specific events and dynamics that happened in the two-year-period of 1989-1991, since as I previously described, the main events that closed the bipolar confrontation took place exactly on the European soil. Nevertheless, it was the longer-term trajectory established at European Community's level, which determined the final configuration of the Treaty in its timing, its shape and its contents¹⁰⁸. Particularly important in this sense, was the decade that

¹⁰² F. Romero. *Storia*, pp. 318-346.

¹⁰³ For a detailed account of the reunification of Germany see J. A. Frowein. "The Reunification of Germany", *The American Journal of International Law*, Vol. 86, No. 1, 1992, pp. 152-163.

¹⁰⁴ For a complete reconstruction of the last events of the bipolar confrontation, see F. Romero. *Storia*, pp. 283-334 and A. Kalinovsky, and C. Daigle. *The Routledge handbook*, pp. 369-415.

¹⁰⁵ T. Detti, G. Gozzini. *Storia contemporanea*, pp. 397-419.

¹⁰⁶ T. Detti, G. Gozzini. *Storia contemporanea*, pp. 397-419.

¹⁰⁷ W. Van Meurs, et al. "From Community to Union", pp. 163-208 and B. Olivi, *L'Europa difficile: storia politica dell'integrazione europea*, Bologna, Il Mulino, 1994, pp 361-398 and D. Dinan, *Ever Closer Union*, pp. 73-10.

¹⁰⁸ N. Piers, Ludlow. "European Integration in the 1980s: on the Way to Maastricht?", pp. 11-22, and shared consensus among K. Dyson, & K. Featherstone. *The road to Maastricht: Negotiating economic and monetary union*. Oxford 26

stood ahead of February 7, 1992, during which the major developments leading to Maastricht happened¹⁰⁹.

It is possible to trace back the starting point of this *long* and *tortuous* road at the end of the 1960s, as increasing tensions rose from the Bretton Woods system, the system based on fixed exchange rates among the most advanced national economies of the world¹¹⁰. Given the instability the system was representing, particularly for the newly created Common and Agricultural policy of the European Community, and more in general, for the whole Community's monetary stability, together with a mounting shared malaise towards American interference in Europe, new possible solutions started being explored at the Hague Summit in 1969, leading to the Werner report of 1970¹¹¹. This report set the basis for developing and coordinating both the economic policy sector and the monetary sector in a parallel way, based on a smooth increasing stage approach, to deepen integration also in other policy fields¹¹². In this sense the subsequent outcome was the *currency snake* (1972) created among EC's member countries national currencies, so as to try to promote stability at monetary level in the European (EC) area¹¹³.

Although these facts can be considered the very early manifestation for the project of the creation of a monetary union, the elements most relatable to the Maastricht Treaty are to be found during the 1980s, starting from the creation of the European Monetary System (EMS), launched in 1979, based on the European Exchange Rate Mechanism (ERM), with the aim of mastering an intra-management of member countries' currencies and the policies enacted by national banks¹¹⁴. Within this system the exchange rates of the national currencies could fluctuate within a range of +/- 2.25% the value of Common Unit of account (ECU), established by making reference at the average value of the exchange rates of the national currencies which were joining the system¹¹⁵. A wider band of fluctuation (+/- 6%) was allowed for the Italian lira to join the EMS, given the situation of the Italian economy¹¹⁶. The national central banks had a supervisory role, being charged to intervene with

University Press, Incorporated, 2000, and M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-196 and A. Verdun, "The Role of the Delors Committee in the Creation of EMU: An Epistemic Community?", pp. 308-28.

¹⁰⁹ N. Piers, Ludlow. "European Integration in the 1980s", pp. 11-22.

¹¹⁰ K. Dyson, & K. Featherstone. *The road to Maastricht*, pp. 1-11.

¹¹¹ K. Dyson, & K. Featherstone. *The road to Maastricht*, pp. 1-11. For a complete reconstruction of the events See B. Olivi, *L'Europa difficile*, pp. 177-198.

¹¹² W. Van Meurs, et al. "From Community to Union", pp. 163-208

¹¹³ This was also the consequence of the higher instability at monetary international level after the decision taken by Nixon to end gold's convertibility into dollars (1971), de facto suspending the Bretton Woods system. See, K. Dyson, & K. Featherstone. *The road to Maastricht*, pp 1-11.

¹¹⁴ M. Baun, "The Maastricht Treaty as High Politics", pp. 605-624.

¹¹⁵ M. Baun, "The Maastricht Treaty as High Politics", pp. 605-624.

¹¹⁶ See G. Mammarella, *L'Italia Contemporanea 1943-1998*, il Mulino, Bologna, 2000, pp. 461-484.

adequate measures whenever the national currency was not respecting the parameters required, fluctuating outside from the range allowed, thus spurring instability in the European monetary area¹¹⁷. Historians recognise that the system created at the end of the decade of the 1970s, contributed to increase the stability of the monetary area in the European Community by reducing inflation and exchange-rate instability during the 1980s, although its success should be combined with other international and national trends in place¹¹⁸. The success of this initiative had also political implications, by promoting the habit of policy coordination in the monetary field in the European Community, setting the basis for a debate that would be developed and addressed during the decade of the 1980s, which ranged from the desire for a monetary union to the denial of transferring such an important sovereignty exercise from the nation to a supranational entity, and all the positions in between¹¹⁹.

All things considered, the system was also affected by negative criticism with regards to the reduction in the economic growth of member countries, particularly linked to the *asymmetrical system* created by the same nature of the EMS¹²⁰. As a matter of fact, the system was strongly influenced by the performance of the German economy (the strongest of the EC), by its stability, and by the conservative measures implemented by the *Bundesbank* (German Central Bank)¹²¹. The policy enacted by the *Bundesbank* aimed basically at preventing inflation to rise, to keep the D-mark stable, thus influencing the average exchange rate (ERM) and consequentially all the national currencies (and the national economies) part of the system¹²². In this way EC countries started perceiving the system in place as a manifestation of German hegemony. The asymmetry created by the ESM led many countries to wish a rearrangement of the system, as demonstrated by the case of France that came to strongly support the coordination of monetary policy by a supranational entity all the following decade long¹²³.

The decade of the 1980s is considered to be characterised by a renewed energy in the process of European integration, recalling the mood that had characterised the early stages of this process, back

¹¹⁷ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

¹¹⁸ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and N. Piers, Ludlow. "European Integration in the 1980s", pp. 11-22. On the success of the European Monetary System see Elke Thiel, "Changing Patterns of Monetary Interdependence" in William Wallace (ed.), *The Dynamics of European Integration*, Pinter, London, 1990, and John T. Woolley, "Policy Credibility and European Monetary Institutions" in Alberta Sbragia (ed.), *Euro-Politics*, Brookings Institution, Washington DC, 1992, pp. 187-188.

¹¹⁹ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

¹²⁰ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and N. Jabko, "In the name of the Market: how the European Commission paved the way for monetary union", *Journal of European Public Policy*, Volume 6, n.3, 1999, pp. 475-495.

¹²¹ N. Jabko, "In the name of the Market", pp 475-495.

¹²² B. Olivi, *L'Europa difficile*, pp 177-198 and M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

¹²³ D. Dinan, *Ever Closer Union*, pp 73-102 and M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

in the 1950s¹²⁴. In particular, it was the project of economic integration which came to be the main protagonist among the several areas to be developed, so as to strengthen the European Community, especially pursuing the completion of the single-market program as a long-standing goal in the history of the community¹²⁵. According to historians this renewed interest toward greater integration was the result of a series of different elements¹²⁶.

At the beginning of the 1980s member countries still did not follow a common approach to macroeconomic policies, thus creating different economic situations among themselves. But with the new decade, a renewed desire for a greater liberalisation of the market emerged, in an international context characterised by the neoliberal principles, upon which the so-called *Raeganomics* was based. The term *Raeganomics* was the name given to the economic program, put into practice by the US President, Ronald Raegan (1981-1989), based on deregulation, deficit spending and strict monetary policies¹²⁷. In the neoliberal belief it was allowing the market to function freely that the economic system could improve, removing any external intervention coming from the state¹²⁸.

The responses coming from the European countries, to the economic agenda pursued by the American president, were different, exemplifying the lack of alignment towards a common economic strategy by Western European countries¹²⁹. In the United Kingdom, Margaret Thatcher, once she was elected Prime Minister in 1979, put into practice a political agenda based on conservative and liberal principles, with the principle aim to stop the recession and unemployment that were affecting the country¹³⁰. In order to pursue these goals, she created a program of privatisation and deregulation, stimulating individual activity and enterprises, improving the economic performance of the country, becoming the “neoliberal champion of Europe”, following the same agenda also when the country’s economy recovered and started growing¹³¹. According to the neoliberal perspective embraced by Thatcher, the completion of the European single market, would lead to greater economic possibilities

¹²⁴ N. Piers, Ludlow. “European Integration in the 1980s”, pp. 11-22 and M. Gilbert, *Storia Politica dell’integrazione europea*, pp. 129-159 and D. Dinan, *Ever Closer Union*, pp. 59-73 and A. Varsori. “The Relaunching of Europe in the Mid-1980s”. In K. Patel & K. Weisbrode (Eds.), *European Integration and the Atlantic Community in the 1980s*. Cambridge: Cambridge University Press, 2013, pp. 226-242.

¹²⁵ D. Dinan, *Ever Closer Union: An Introduction to European integration*, pp 59-73.

¹²⁶ Shared consensus that can be found in M. Gilbert, *Storia Politica dell’integrazione europea* and D. Dinan, *Ever Closer Union* and K. Dyson, & K. Featherstone. *The road to Maastricht* and A. Varsori. “The Relaunching of Europe in the Mid-1980s”, pp. 226-242.

¹²⁷ D. Basosi. “The European Community and International Reaganomics, 1981–85”, in K.K. Patel and K. Weisbrode (eds.) *European integration and the Atlantic community in the 1980s*, Cambridge, Cambridge University press, 2013, pp. 139-153.

¹²⁸ For a deeper understanding of neoliberalism see Harvey, David. *A Brief History of neoliberalism*, Oxford University Press, 2005.

¹²⁹ D. Basosi. “The European Community and International Reaganomics, 1981–85”, pp. 139-153.

¹³⁰ T. Detti, G. Gozzini. *Storia contemporanea*, pp. 360-363.

¹³¹ T. Detti, G. Gozzini. *Storia contemporanea*, pp. 358-367.

in a context of complete freedom and absence of physical and economic barriers. Although the neoliberal revolution came to characterise the British ruling class and its policies, the spreading of this economic philosophy in the rest of the (Western) European countries was not without doubts¹³². Among Social Democrats and Christian Democrats political leaders, neoliberal principles were greeted with concern, for the consequences the implementation of neoliberal policies would cause at social level¹³³. The shift towards neoliberal policies came to be the needed answer in order to try to cope with the French economic situation, although this was not the original agenda the socialist government of Françoise Mitterrand originally wanted to pursue¹³⁴. The outcomes from the experience of the French government influenced the socialist leadership of Felipe Gonzáles in Spain and of Mário Soares in Portugal, two countries that were negotiating their membership in the European Community¹³⁵.

For this reason, according to the perspective of some historians, European countries embraced the neoliberal tenets, so as to align with the new international economic situation, particularly embodied in the American model enacted by President Raegan, thus considering the completion achieved of the single market as the symbol of the European neoliberal response¹³⁶. On the other hand, however, historians demonstrated how that the attitude towards the neoliberal agenda of the American President was not linear, neither among western European countries, nor across time¹³⁷. As a matter of fact, the economic situation of the EC and of its members, although afflicted from similar problems, was characterised by different tools, creating a completely different context for neoliberal policies to be

¹³² A. Varsori. “The Relaunching of Europe in the Mid-1980s”, pp. 226-242 and M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159 and D. Basosi. “The European Community and International Reaganomics, 1981–85”, pp. 139-153.

¹³³ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159.

¹³⁴ D. Dinan, *Ever Closer Union*, pp 59-73.

¹³⁵ D. Dinan, *Ever Closer Union*, pp 59-73.

¹³⁶ See the debate reported in D. Basosi. “The European Community and International Reaganomics, 1981–85”, pp. 139-153. The liberalisation of the European market which would happen through the Single European Act, and later with the Maastricht Treaty, is considered also by the historian J. Gillingham, as the European neoliberal response to globalisation forces, reacting to the international economic trends in place, and thus demonstrating the *negative integration* pattern, which according to him lies at the basis of the European integration project since the very beginning. From his point of view in fact, *negative integration* was the removal of all the barriers to the full accomplishment of market freedom, enabling the institution of the market to function freely (as a *spontaneous order*, according to the neoliberal thought of Hayek). This is the real path the European Community has always been travelling upon, rejecting instead the *positive pattern of integration*, realised through the state positive/ constructive action with the ultimate aim to create a set of Community institutions. This pattern was from his viewpoint altering that spontaneous order, which should be at the basis of the European integrative path, basing on free interactions among the whole actors of the social and economic spheres. See J. Gillingham, *European Integration 1950-2003: Superstate or New Market Economy?*, Cambridge, Cambridge University Press, 2003. See also the comments in P. Anderson. *The New Old World*, pp. 91-92 and M. L. Tupy, Book review to J. Gillingham, “European Integration 1950-2003: Superstate or New Market Economy?”, *Cato Journal*, Vol. 24, No. 1–2, 2004.

¹³⁷ D. Basosi. “The European Community and International Reaganomics, 1981–85”, pp. 139-153 and A. Varsori. “The Relaunching of Europe in the Mid-1980s”, pp. 226-242 and A. Bitumi, “‘An uplifting tale of Europe’. Jacques Delors and the contradictory quest for a European social model in the Age of Reagan”, *Journal of Transatlantic Studies*, Vol. 16, No. 3, 2018, pp. 203–221.

adopted. From this perspective therefore, the measures embraced from EC countries, and in the same measure the process of European integration, were not carried out as a common European neoliberal agenda, but rather as the crafted response from the different member countries, tailored upon their specific situations, which in the end contributed to the liberalisation of the “*European economy from ‘Eurosclerosis’*”¹³⁸.

As a matter of fact, the term *Eurosclerosis* or *Europessimism* was used to describe the long period of economic stagnation and political impasse in the European Community’s life. This situation that characterised the context of European integration from the mid-1960s to the mid-1980s, is considered to have decelerated the developments in the process of monetary integration (and integration in general), which were already set in motion¹³⁹. This phase was associated with the consequences brought at international level by the oil shocks of the early 1970s, that led at a global recession, which seriously threatened the willingness of the EC member countries towards the establishment of a single market, determining a new turn to protectionist policies and a greater attention to their domestic dimension¹⁴⁰. It was at the end of the 1970s and at the beginning of the 1980s, when the emergence of new economic powers became manifest, that economists and political leaders, recognised the importance for the European Community to find again a common converging path. With the “rise of the Asian tigers” on economic and financial markets, it became clear that the “*national champions*”, namely national main industries and companies, in order to be competitive at global level, had to be part of a new European context¹⁴¹.

On the whole, the end of the *Eurosclerosis* and the new push towards Community’s integration are associated to the closure of the main issues that still were crystallising the European debate at the beginning of the 80s: the Mediterranean enlargement of the EC to Greece, Spain and Portugal and the British budgetary issue¹⁴². Both these issues came to be solutioned at the Fontainebleau Summit (on June 25-26, 1984), although, the very heart of the meeting was represented by the *British issue*, with reference to the annual budget with which the United Kingdom used to contribute to the Community¹⁴³. What’s interesting in this particular dispute, is that during the discussions at

¹³⁸ M. Gilbert, *Storia Politica dell’integrazione europea*, pp. 129-159 and D. Basosi. “The European Community and International Reaganomics, 1981–85”, pp. 139-153.

¹³⁹ A. Awesti, Anil. “The Myth of Eurosclerosis: European Integration in the 1970s” in *L’Europe en Formation*, Vol. 353-354, No. 3, 2009, pp. 39-53.

¹⁴⁰ J. Bradbury. *The European Union and the Contested Politics of ‘Ever Closer Union’: Approaches to Integration, State Interests and Treaty Reform since Maastricht*, Perspectives on European Politics and Society, Vol. 10, No. 1, April 2009, pp. 17-33.

¹⁴¹ M. Gilbert, *Storia Politica dell’integrazione europea*, pp. 122-128.

¹⁴² M. Gilbert, *Storia Politica dell’integrazione europea*, pp. 129-159.

¹⁴³ For a complete reconstruction, see D. Dinan, *Ever Closer Union*, pp 59-73 and M. Gilbert, *Storia Politica dell’integrazione europea*, pp. 135-139.

Fontainebleau, in order to try to find a compromise while negotiating the budget paid by the UK, early discussions on a *two speed Europe* emerged, referring to the possibility of creating two groups of countries based on the scope of the contribution these were willing to give for the common EC budget¹⁴⁴. According to Thatcher's proposal, those countries willing to contribute with a lower sum of money, should be allowed to do so, but would not be part of the "top group", as she referred to designate the countries paying a higher quota¹⁴⁵. This is interesting, designating the comfort of the Iron Lady with the possibility of Britain not being part of the top group within the European Community, showing clear continuity with her ideas that Britain could be an inner outsider of the European family. On the whole, it was only with the following Maastricht Treaty that the concept of *two speed Europe* came to be institutionally framed for the first time, although certain hypothesis postulating the creation of an *Europe of variable geometry* found an earlier expression in the history of the Community, as this episode demonstrated¹⁴⁶. After all, once Thatcher obtained the reduction on the British contribution, she proved to be in the forefront for the achievement of a complete Common market among EC member countries¹⁴⁷. This sit well with her neoliberal belief. From her standpoint, the ability of the European countries to deal on the one hand with its economic stagnation, and on the other hand with its standards and performance of the US and Japan, could happen by creating a "genuine common market in goods and services"¹⁴⁸.

Another element which is worthy of consideration in the revival of the integration process, leading to the achievement of Maastricht and contributing to drag out the European Community from the standstill period that was experiencing, was the action of the European Parliament (EP), through its commitment in constitutional reforms to work towards an ambitious project of political union¹⁴⁹. The revived idealism in the Parliament was expressed into a bold draft treaty on the European Union, promoted by the federalist Altiero Spinelli, created with other parliamentary members from different political orientations¹⁵⁰. The draft showed the consensus above the urgency to replace the existing legal framework set by the Rome Treaty and the growing pressures towards a supranational deepening of the community structure in a new entity with major competences and new institutional procedures. It was later approved by the Parliamentary Assembly in 1984, and although it did not had legally

¹⁴⁴ D. Dinan, *Ever Closer Union*, pp 59-73.

¹⁴⁵ Daily Express (London), June 4, 1984, p.4 quoted in D. Dinan, *Ever Closer Union: An Introduction to European integration*, pp 59-73.

¹⁴⁶ F.L. Cavazza, "Maastricht: Before, during, After", *Daedalus*, Spring, 1994, Vol. 123, No. 2, pp. 53-80.

¹⁴⁷ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159 and A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242.

¹⁴⁸ "Europe: The Future", *Journal of Common Market Studies* 23, no.1 (September 1984) quoted in D. Dinan, *Ever Closer Union*, pp 59-73 and N. Piers, Ludlow. "European Integration in the 1980s", pp. 11-22.

¹⁴⁹ J. Bradbury. *The European Union*, pp 17-33.

¹⁵⁰ D. Dinan, *Ever Closer Union*, pp 59-73 and J. Bradbury. *The European Union*, pp 17-33.

binding effects, it was an important precursor of the change that was going to happen, demonstrating the renewed energy of the early 1980s towards that same integration spirit that characterised the Community in its very early stage¹⁵¹. These were the basis upon which the Single European Act emerged, paving the way for Maastricht¹⁵².

When considering the decade of the 1980s and the element that brought the process of integration further, achieving the “final” result of Maastricht, the role of the Delors Committee has to be taken into consideration¹⁵³. As a matter of fact, the figure of Jacques Delors is usually associated with the metamorphosis experienced by the European Community, from a standstill status to a newfound active stance¹⁵⁴. Although Delors proved to be a charismatic and capable personality, often linked to performing an “*historic role*” in the Community’s dynamics, his work has to be considered in the framework of a favourable conjuncture of different elements¹⁵⁵. Jacques Delors was a French socialist politician, and he became president of the Commission on January 6, 1985, once the British budgetary issue was solved, in a Community environment characterised by a more inclined attitude towards integration¹⁵⁶. From the first official presentation of the new Commission agenda in front of the Parliament (January 14, 1985), Delors set as a precise priority the completion of the single market, setting for the first time a precise temporary reference: 1992¹⁵⁷. From his viewpoint, and according to his pragmatic/sectorial approach to the Community, the integration of one policy area would lead to the subsequent integration of other policy area, through a positive and necessary *spill-over effect*¹⁵⁸. Commentators generally acknowledge that Delors set the following ones, as the fundamental objectives to be pursued during his mandate: a change in the decision-making process, a new feasible program for a common monetary policy and the widening of the competence of the Community to new strategic policy areas (such as foreign and defence policy)¹⁵⁹. Delors’ contribution to the integration process was realised (always according to his pragmatic approach) through two other main

¹⁵¹ D. Dinan, *Ever Closer Union*, pp 59-73.

¹⁵² N. Piers, Ludlow. “European Integration in the 1980s”, pp. 11-22 and D. Dinan, *Ever Closer Union*, pp 59-73 and A. Varsori, “The relaunching of Europe in the Mid-1980s”, pp. 226-242.

¹⁵³ See P. Anderson. *The New Old World*, pp. 3- 46 and A. Verdun, *The Role of the Delors Committee*, pp. 308–28 and J. Bradbury. *The European Union*, pp 17-33 and K. Dyson, & K. Featherstone. *The road to Maastricht*, pp. 691-745, and N. Piers, Ludlow. “European Integration in the 1980s”, pp. 11-22 and A. Varsori. “The Relaunching of Europe in the Mid-1980s”, pp. 226-242. For a complete and autobiographical account see, J. Delors, *Mémoires*, Plon, Paris, 2004.

¹⁵⁴ A. Verdun, *The Role of the Delors Committee*, pp. 308–28.

¹⁵⁵ B. Olivi, *L'Europa difficile*, pp. 253-283.

¹⁵⁶ A. Varsori. “The Relaunching of Europe in the Mid-1980s”, pp. 226-242 and H. Drake. *Jacques Delors- perspectives on a European Leader*. London, Routledge, 2000, pp. 1-25 and D. Dinan, *Ever Closer Union*, pp 59-73.

¹⁵⁷ W. Van Meurs, et al. “From Community to Union”, pp. 163-208 and B. Olivi, *L' Europa difficile*, pp 253-283.

¹⁵⁸ H. Drake. *Jacques Delors*, pp. 78-112. To understand Delors’ thinking see, J. Delors, *Mémoires*, Plon, Paris, 2004, and J. Delors, *Combats pour l'Europe*, Economica, Paris, 1996 and J. Delors, *Investir dans le social*, Odille Jacob, Paris, 2009.

¹⁵⁹ H. Drake. *Jacques Delors*, pp. 78-112 and D. Dinan, *Ever Closer Union*, pp. 59-73 and K. Dyson, & K. Featherstone. *The road to Maastricht*, pp. 691-745.

channels: social policy and cohesion policy, so as to promote a common social framework among member countries, and the reduction of disparities among the different areas of the Community¹⁶⁰.

The commitment of Delors in making progress towards his main aim, came immediately after his designation, with the preparation of the *White Paper on the completion of the internal market*¹⁶¹. This document was composed by a three hundred detailed proposals for the European Community to be enforced in order to aim at the completion of the internal market¹⁶². The program set by this paper was ambitious but was outlined into precise technical moves. In this way, Delors was able to restore the role of the European Commission, which expressed the supranational aspect of the Community, partially shadowing the predominant role played in the last decades from the Council of Ministers, expression instead of intergovernmentalism (still predominant in the countries approach to the Community's affairs)¹⁶³.

The importance of this document in the road to Maastricht was given by the accuracy in outlining temporary references for the achievement of the common market's goals, plus the globality of the program, with the precise aim not to omit any aspect, in order to grant as much as possible a positive final outcome¹⁶⁴. The main point of the White book was the complete suppression of geographical borders, in accordance with a full compliance of the principle of free movement and goods, services, capital and people¹⁶⁵. The Paper was then presented and recognised at the European Council in Milan (June 28-29, 1985), and together with the work realised by the *Dooge Committee* as well as by the *Adonnino Committee*, they represented the imminent solicitation towards a formal and institutional action towards deepening of integration¹⁶⁶.

The Conference in Milan, although demonstrating the desire to establish a concrete new path for the integration process, showed the differences in the willingness to proceed in the integration process, as well as the availability to reconsider sovereignty among member countries¹⁶⁷.

¹⁶⁰ W. Van Meurs, et al. "From Community to Union", pp. 163-208 and H. Bribosia, *Interview de Jacques*, Paris, CVCE, University of Luxembourg, 16/12/2009, available at https://www.cvce.eu/content/publication/2011/6/15/1bd9164d-a2bd-49a2-95ec-fe21d220f961/publishable_en.pdf, last accessed 24/09/2020.

¹⁶¹ *Completing the internal market: white paper from the commission to the European council*, Milan, 28-29 June 1985.

¹⁶² D. Dinan, *Ever Closer Union*, pp. 59-73 and A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242 and H. Drake. *Jacques Delors*, pp. 78-112.

¹⁶³ W. Van Meurs, et al. "From Community to Union", pp. 163-208.

¹⁶⁴ B. Olivi, *L'Europa difficile*, pp. 253-283.

¹⁶⁵ For a complete analysis of the content of the White Paper and its reliability with the Maastricht Treaty see B. Olivi, *L'Europa difficile*, pp. 253-283.

¹⁶⁶ The two Committees were established at the Fontainebleau European Council with different purposes. The *Dooge Committee* was charged with the improvement of the cooperation among member countries in the Community field, the political field and new possible cooperation fields. The *Adonnino Committee* instead was centred around the European citizenship dimension (also a fundamental step in the road to Maastricht). See B. Olivi, *L'Europa difficile*, pp. 253-283.

¹⁶⁷ A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242.

In this sense, it is interesting the analysis outlined by the president of the Commission, once the conference was over. Delors on July 2, 1985, outlined in front of the European Parliament, the different ideologies and positions that he had encountered among member countries in the last European summit, but which were representative of the general positions held at that time towards the idea of deepening the integration and the possible creation of a political union. Delors identified: national leaders supporting a free trade area and cooperation in foreign affairs; other country leaders supporting the idea of an economic deeper integration but which could not be enclosed within a bigger political union; other chiefs of state declaring their commitment towards the European project but which are not willing to engage with political economies other than their own ones, thus calling for a minimal community engagement; and those leaders enchanted from- and convinced by the “*seductive*” intergovernmental principle¹⁶⁸. The categorisation realised by Delors at the early stages of his European mandate, determined an important awareness of the political arena that was surrounding the President of the Commission, allowing him to distance himself from the conceptualisation of projects for the integration based on idealistic beliefs, and strengthening in him instead a *pragmatic* approach¹⁶⁹. Furthermore, the positions he identified in that moment, would characterise the negotiations of the Single European Act, as well as those of the Maastricht Treaty, requiring the achievement of compromises and peculiar solutions in order to realise the long-established goals.

If at European level it was possible to encounter a shared but differentiated enthusiasm towards the completion of the single market and the deepening of integration, at international level, the same period was characterised by the nomination as Secretary General of the Soviet Union of Mickhail Gorbachev, and all the fore-mentioned implications for the Cold War scenario. The designation of Gorbachev was seen at international level as the element that could bring a development in the bipolar order, with an opening from the Soviet community towards the rest of the world¹⁷⁰. The new international atmosphere came to be characterised by a distention in the confrontation between the East and the West. Within this new international framework, the European Economic Community’s members negotiated and adopted the Single European Act (SEA), the first real revision of the original Rome Treaty and of its original agreements¹⁷¹.

¹⁶⁸ Delors quoted in B. Olivi, *L'Europa difficile*, pp. 253-283.

¹⁶⁹ B. Olivi, *L'Europa difficile*, pp. 253-283 and H. Drake, *Jacques Delors*, pp. 78-112.

¹⁷⁰ T. Detti, e G. Gozzini *Storia contemporanea*, pp. 384-391.

¹⁷¹ D. Dinan, *Ever Closer Union*, pp. 73-102 and N. Piers, Ludlow, “European Integration in the 1980s”, pp. 11-22.

Negotiations for the Single European Act started in September 1985, and the document was then signed at the beginning of 1986¹⁷². The central point of the SEA was the completion of the Single European Market (SEM) within the date of 1992, originally established by Delors, and kept in place by the Act¹⁷³. The achievement of this aim, was realised enacting deregulatory measures, such as the withdrawal of the augmented number of non-tariff-barriers (as a consequence of *neoprotectionism* of the 1970s), and by removing obstacles to the effective free circulation of labour and capital among member countries, which were measures inevitably requested to adapt the European economic system to the new globalised economy (in that moment, particularly influenced from the neoliberal economic turn of the American giant)¹⁷⁴. But, at the same time, the completion of Single Market was achieved by promoting *solidarity*, as fundamental aspect for Delors' agenda, which consisted in an attention to the parallel development of the social sphere, by finding a set of solutions against long-term unemployment, promoting youth's training and fighting discriminatory measures on the labour market¹⁷⁵.

Within this descriptive framework it would not be possible to consider SEA as the mere European neoliberal manifestation in the international economic arena, although certain principles of the neoliberal belief were the pillars upon which the completion of the common market took place (particularly *deregulation*)¹⁷⁶. In this sense, it was obvious that the European Community had to take into consideration the changes brought in the international economy by the *Reaganomics* and more closely by *Thatcherism*, but it is important to recall the fact that at European level there was not a unique consensus regarding the international political economy, neither regarding the future of the community itself, and that Delors was pursuing the enactment of *social justice* and *equity*, as founding tenets for the Community's model and future¹⁷⁷. The innovation brought by the Act also affected the institutional legal framework, with particular reference to the voting system. From the Single European Act, the Council had the chance to proceed through the use of the qualified majority voting (QMV) system when establishing laws in a large series of cases (single market issues, economic and social coordination, research & development, as well as for the environmental field)¹⁷⁸. SEA also

¹⁷² D. Dinan, *Ever Closer Union*, pp. 73-102.

¹⁷³ J. Bradbury. *The European Union*, pp. 17-33.

¹⁷⁴ D. Basosi. "The European Community and International Reaganomics, 1981-85", pp. 139-153 and J. Bradbury. *The European Union*, pp. 17-33 and A. Bitumi, "An uplifting tale of Europe", pp. 203-221.

¹⁷⁵ J. Bradbury. *The European Union*, pp. 17-33 and D. Basosi. "The European Community and International Reaganomics, 1981-85" and A. Bitumi, "An uplifting tale of Europe", pp. 203-221.

¹⁷⁶ For a detailed account see C. Hermann, Neoliberalism in the European Union, *Studies in Political Economy*, Vol. 79, No.1, 2007, pp. 61-90.

¹⁷⁷ D. Basosi. "The European Community and International Reaganomics, 1981-85", pp. 139-153 and A. Bitumi, "An uplifting tale of Europe", pp. 203-221 and A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242.

¹⁷⁸ M. Dewatripont, et al. *Research, Flexible Integration: Towards a More Effective and Democratic Europe. Monitoring Europe Integration 6*, Centre for Economic Policy Research, CEPR, London, 1995, pp 39-44.

determined a partial enhancement of the power of the Parliament in the legislative procedure¹⁷⁹. Anyway, the fundamental part of the act to be considered in reference to the Maastricht Treaty, was the strong willingness showed during the negotiation by Delors to include within the Act “*a certain monetary capacity*”¹⁸⁰. This highlighted the desire from the President of the Commission to bring the monetary union at the centre of the European debate, anticipating his fundamental work realised with the successive *Delors Report*, although no common position among member countries was in place towards the matter¹⁸¹. Although no agreed measures for deepening the monetary dimension of the EC were enforced through the SEA, the document touched upon the possibility that a future development in the field of the economic and monetary policy would highly require a revision of the institutional and legal framework which at that time regulated the issue (and particularly article 236 of Rome Treaty, regarding the procedure to modify the Treaty itself)¹⁸².

The Single European Act, through the creation of new competencies and together with the first changes at the institutional level, is largely recognised as the predecessor of the Maastricht Treaty, preparing the community’s environment for subsequent the creation of an economic and monetary union joint with an important deepening of the political integration¹⁸³. After the ratification of SEA, very few predicted the impact this act would have on the strengthening of the integration process, in particular on the political side¹⁸⁴. As a matter of fact, if national leaders during the intergovernmental conferences (IGCs) held to negotiate the SEA were aware of the open commitment towards the full realisation of the single European market within the pre-established date, there was not a shared attitude regarding the possibility to concretely take political and monetary integration further¹⁸⁵. The shared commitment towards the completion of the market, which found expression with the SEA, was given by a series of specific factors (other than the influence of neoliberal policies and the rise of new economic giants and new technologies), namely: a greater disposition towards EC affairs by the British Prime minister after the resolution of the budgetary issue, the desire for France to recover its economic status after the failure of the socialist agenda pursued at the beginning of Mitterrand’s

¹⁷⁹ D. Dinan, *Ever Closer Union*, pp 73-102.

¹⁸⁰ Delors quoted in D. Dinan, *Ever Closer Union*, pp 73-102.

¹⁸¹ A. Verdun, *The Role of the Delors Committee*, pp. 308–28.

¹⁸² B. Olivi, *L'Europa difficile*, pp 285-301.

¹⁸³ The Single European Act, EUR-Lex. Access to European Union law. Available at, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0027>, last accessed 09/08/2020. Consensus shared among historians. See, P. Anderson, *The New Old World*, pp. 3- 46 and B. Olivi, *L'Europa difficile*, pp 285-301 and D. Dinan, *Ever Closer Union*, pp 73-102 and M. Dewatripont, et al. *Research, Flexible Integration*, pp 39-44 and M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159 and D. Dinan “The single European Act: revitalising European integration” in ed. F. Larsen *Designing the European Union: From Paris to Lisbon*, Palgrave Macmillan UK, 2012, pp 124-146 and M.H. Abbey, and N. Bromfield, “A Practitioner's Guide to the Maastricht Treaty”, *Michigan Journal of International Law*, vol. 15, no. 4, 1994, pp. 1329-1358 and M. Dedman, *The Origins and Development of the European Union 1945-2008 : A History of European Integration*, Oxon Routledge, 2009, pp. 109.135.

¹⁸⁴ D. Dinan, *Ever Closer Union*, pp 73-102

¹⁸⁵ See B. Olivi, *L'Europa difficile*, pp 285-301.

presidency, the willingness from Italy and Germany to strengthen the role of community's institutions in a supranational perspective¹⁸⁶. In this sense SEA can be seen as a “*carefully crafted set of compromises*” among member countries, rather than the mere consequential neoliberal response from the European Community at international level¹⁸⁷.

All things considered, the consensus among member countries about the political side of the Union was nothing but different during the negotiations. The British Prime Minister during the negotiations for the SEA, never even realised the possibility to move towards a political union at that moment¹⁸⁸. However, by allowing the full completion of the single market and the use of the QMV for deciding around an important number of issues, Margaret Thatcher partly transferred competencies of the national domain, allowing indirectly also the possibility to create the environment for taking political integration further as well¹⁸⁹. As the open outcome of SEA was the completion of the single market within a precise temporal reference, the new Act was an enjoyable success for the Iron Lady, while on the other hand, Delors was not completely satisfied with it. This depended on the fact that, although both leaders did share a real faith in the institution of the common market, this was subordinated to different reasons, given to the different positions these leaders had towards the idea of common market¹⁹⁰. Commentators recognise that in Delors' view, the common market was not an end itself, but it had to be rounded off by a fundamental social dimension, while differently, Thatcher considered the single market per se, without further necessary cession of national sovereignty to happen in other policy fields¹⁹¹. Although the final outcome was not considered satisfactory from all the actors involved in the European Community, the Single European Act opened a revival in the Community's action towards integration after a long period of impasse and substantial immobilism¹⁹². Through the provisions of the SEA the Community provide itself with the instruments necessary to proceed further with the integration, not limiting itself to the economic sphere, but opening a new panorama of different possibilities. Although the Act immediately showed the intrinsic limitations it had, it opened the season for the fast changes the Community underwent in the following period, in an international

¹⁸⁶ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159.

¹⁸⁷ D. Basosi. “The European Community”, pp. 139-153 and J. Bradbury. *The European Union*, pp 17-33.

¹⁸⁸ B. Olivi, *L'Europa difficile*, pp. 274-299.

¹⁸⁹ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159.

¹⁹⁰ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159.

¹⁹¹ As far as concern Delors' thinking see, H. Drake. *Jacques Delors*, pp. 78-112 and H. Bribosia, *Interview de Jacques*, Paris, CVCE, University of Luxembourg, 16/12/2009, available at https://www.cvce.eu/content/publication/2011/6/15/1bd9164d-a2bd-49a2-95ec-fe21d220f961/publishable_en.pdf, last accessed 24/09/2020 and A. Bitumi, “An uplifting tale of Europe”, pp. 203–221 and as far as concern Thatcher's thinking see M. Thatcher, *The Downing Street Years*, London, Harper Collins, 1993.

¹⁹² M. Dewatripont, et al. *Research, Flexible Integration*, pp 23-24 and A. Verdun, “The Role of the Delors Committee”, pp. 308–28.

context that was equally fast mutating, requiring for a necessary rethinking and rearrangement of the existing structures¹⁹³.

As the main focus of the SEA was the full integration of the market, Delors worried to promote parallel integration in other fields, and particularly towards the goal of a European Monetary Union (EMU), considering it as the “natural complement of a single market”, without which the full potential of the market would not be met¹⁹⁴. As the European Commission stated “*Going further, there is a need for economic and monetary union in part to consolidate the potential gains from completing the internal market, without which there would be risks of weakening the present momentum of the 1992 process*”¹⁹⁵. The importance of the linkage between the full accomplishment in the market sphere and the necessity for the integration of the monetary dimension, was strengthened by the opinions and research studies realised by influent economists and promoted by the Commission¹⁹⁶. The evident success of the Single Market program spurred enthusiasm for the project of a monetary union and a single currency also among European business circles, but it was necessary a political impulse from the European Council in order to bring the hypothesis into discussion¹⁹⁷.

The European Council during the Hannover Summit (June 27-28, 1988) established a Commission composed by the Governors of the national banks of member countries, and led by the President of the Commission himself, with the aim to realise a technical plan for the achievement of the monetary union¹⁹⁸. The discussion within the Delors Committee were not easy, given the different interests at stake. In fact, the Commission had to give Germany the reassurance that the monetary coordination would not imply a mere shift for the adjustments of the weaker economies of the EC on the shoulder of the stronger currencies¹⁹⁹. This is why in parallel to the promotion of the monetary union, the Commission tried to grant an increasing level of financial liberalisation, which was an interesting aspect for Bonn’s government, increasing German commitment towards the unification of the

¹⁹³ See M. Dewatripont, et al. *Research, Flexible Integration*, pp. 23-24 and B. Olivi, *L'Europa difficile*, pp 285-301.

¹⁹⁴ European Commission, *Economic and monetary Union*, Office for Official Publications of the European Communities, Luxembourg, 1990, p. 11 in D. Dinan, *Ever Closer Union*, pp. 73-102.

¹⁹⁵ European Commission, *Economic and monetary Union*, p. 11.

¹⁹⁶ As relatable examples: the study realised by Paolo Cecchini on the “costs of non-Europe”, or the Commission analysis “One Market, One Money”. See D. Dinan, *Ever Closer Union*, pp 73-102.

¹⁹⁷ D. Dinan, *Ever Closer Union*, pp 73-102.

¹⁹⁸ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

¹⁹⁹ Particularly relevant during this phase was the position of the German *Bundesbank*, and of its President, Karl-Otto Pöhl. The *Bundesbank* had always enjoyed a particular autonomy and decisive position within the domestic context of the country, thus not willing to jeopardise its influence and its monetary conduct without precise conditions. See M. Baun, “The Maastricht Treaty as High Politics”, pp. 605–624 and N. Jabko, “In the name of the Market”, pp 475-495.

monetary dimension²⁰⁰. However, German interest towards integration at monetary level grew as the need for political integration became even more important for West Germany itself, as the end of the Cold War approached, and the *German issue* came back at the centre of the European debate and destiny²⁰¹. The position of France, instead, towards the monetary union was linked to its relationship with Germany. With particular reference to the fact that the French government led by Mitterrand, in 1983 had to abandon the socialist agenda and the expansionary policies pursued, in order to remain within the EMS system²⁰². Ever since that moment France was determined to alter the condition of hegemony of the D-mark held in the system set in place by ESM and ERM, leaning instead towards the support for the creation of a supranational institution managing European monetary affairs together with the creation of a single currency. In this way France would rebalance the monetary predominance created around the D-mark, gaining more force also at economic level within the Community context, thus fully supporting the work the Delors Committee was carrying out²⁰³. On the other hand, the position of the British Prime Minister did not change, nor even soften as far as monetary union was concerned, although the Commission was already working on a feasible, but still technical, blueprint for the creation of the monetary Union, although aware that the impulse for its concretisation would happen only under a political decision²⁰⁴.

The outcome of the work of the Committee was the *Delors Report*, one of the most influential documents in the integration history of the European Community, fully presenting a plausible plan for the realisation of a monetary union, based on a *three-stage approach*²⁰⁵. The first stage was based on strengthening policy coordination in the economic and monetary field through the already existing institutional structures. The second stage would require a progressive closure in the discrepancies in the range of fluctuation among currencies' exchange rates part of ERM, together with the creation of the European System of Central Banks (ESCB), an independent institution from national governments, which would have planned its own following shift into a final central bank²⁰⁶. In the last stage, "*irrevocably fixed*" exchange rate parities would be established, together with the complete transfer of the management of monetary policy from the national domain to the newly created

²⁰⁰ N. Jabko, "In the name of the Market", pp 475-495.

²⁰¹ See M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and N. Jabko, "In the name of the Market", pp 475-495.

²⁰² A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242.

²⁰³ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and N. Jabko, "In the name of the Market", pp 475-495.

²⁰⁴ D. Dinan, *Ever Closer Union*, pp 73-102.

²⁰⁵ B. Olivi, *L'Europa difficile*, pp. 285-301 and D. Dinan, *Ever Closer Union*, pp 73-102. For a detailed account on the Delors Report see P. Hildebrandt. The Path to European Monetary Union, *Economic Review*, Federal Reserve Bank of Kansas City, Vol 77. No.2, 1991, pp35-48

²⁰⁶ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

community institution²⁰⁷. Following the third phase the Report recognised, it was possible to proceed with the introduction of a single common currency. The timetable fixed by the report required the compliance with Stage I by July 1990, while no prefixed date was established for the achievement of stage III²⁰⁸. The path outlined by the Report did follow with a certain evidence the model of the *Bundesbank*, whose consensus came to be a condition *sine qua non* EMU could be implemented²⁰⁹.

Although the report was positively welcomed at the Madrid Summit, in a period characterised by a general optimism (given by an improvement at economic level and a progressive distention of the bipolar confrontation), a series of critical issues emerged. The most sensitive issue EC member countries had to face with regards to the Report, but more in general with regards to EMU, was the issue of *national sovereignty*.

There is no doubt that the issue regarding national sovereignty has been a *leit motiv* during the whole history of European integration, since the original structure in West Europe was centred around powerful sovereign state nations, the main characters of contemporary European history. In this sense, the field of monetary policy was an important aspect in the exercise of national sovereignty, being money both a mean for transactions and a powerful identity symbol²¹⁰. In fact, the debate about national sovereignty from this moment on intensified, as negotiations for the establishment of the monetary union and the common currency went by²¹¹. It was from the unavailability of some countries to get along the established common path, giving up to a part of their sovereignty exercise, that the hypothesis to create different levels of integration became reality, as the Maastricht opt-out clauses would demonstrate after a few years from the Delors Report²¹². The debate regarding national sovereignty was particularly felt in the United Kingdom, and by the British Prime Minister herself²¹³. According to Thatcher, taking part into the system would have meant “*tearing the heart out of parliamentary sovereignty*”²¹⁴. Notwithstanding her critical position, the Iron Lady gave her consensus to the Delors Report, taking the commitment of entering the British pound in the European Monetary System, although she clearly stated that the participation of Britain to the first phase

²⁰⁷ D. Dinan, *Ever Closer Union*, pp 73-102 and B. Olivi, *L'Europa difficile*, pp 285-301.

²⁰⁸ D. Dinan, *Ever Closer Union*, pp 73-102.

²⁰⁹ N. Jabko, “In the name of the Market”, pp 475-495. The acceptance of a supranational institution taking over the role of the *Bundesbank*, would have been accepted by the German Central Bank, only if it was subordinated to the assurance of adequate anti-inflation measures interiorised in the community monetary policy, so as to grant a monetary stability in accordance with the policies the *Bundesbank* was used to pursue at the time. See M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198 and P.D. Poast, “The Wall and Maastricht: exogenous shocks and the initiation of the EMU and EPU IGCs”, *Journal of European Integration*, Vol.26, No.3, 2004, pp 281-307.

²¹⁰ D. Dinan, *Ever Closer Union*, pp 73-102.

²¹¹ P. Hildebrandt. *The Path to European Monetary Union*, pp 35-48 and F.L. Cavazza, et al. “Maastricht”, pp. 53–80.

²¹² M. Dewatripont, et al. *Research, Flexible Integration*, pp 7-9.

²¹³ D. Dinan, *Ever Closer Union*, pp 73-102.

²¹⁴ Thatcher quoted in *The Guardian*, July 7, 1991, p.6 in Dinan, *Ever Closer Union*, p. 88.

envisaged by the Delors Report, had not to be considered as a full commitment of the British nation to the whole monetary integration process²¹⁵.

In this sense, the British position towards the full participation and completion to the monetary union had already been clearly framed, without leaving any room for speculation or hopes. However, the general (misguided) perception was that once the country would have taken part to the first stage of the plan, it would have kept walking on that path, thus embracing the process in its integrity²¹⁶. This was also the consequence of a traditional way to conceive integration in its orthodoxy, envisioning only a possible linear path, walked together by all members, at the same time and in the same way, without possible differentiation²¹⁷.

The partial grant the British Prime Minister had done at the summit in Madrid, was immediately reframed by the successive speech Thatcher kept at the College of Europe in Bruges (September 1988), where she made clear that she rejected any idea of a supranational government in Europe, fighting the idea of the creation a hegemonic supranational power, highlighting instead a cooperative dimension among “*independent sovereign states*”²¹⁸. She claimed the exclusive right by British national institution to control their borders in order to grant full protection to its citizens, declaring her rejection to any form of social regulation (particularly within the market dimension)²¹⁹. These were the keystones that defined British position, which would influence the final outcome of the creation of the European Union and of the European currency during the Maastricht negotiations. However, although the British Prime Minister had clearly stated the refusal for any form of regulation within the social sphere, the other EC member states started perceiving the high level of deregulation that characterised the political economy of Great Britain, as a form of *social dumping*, thus creating an unfair competitive advantage within the framework of the common market²²⁰.

Also, for this reason the Commission throughout 1989 pushed towards the incrementation of discussions regarding the social dimension of the integration process²²¹. The result of the work of the Commission, with the support of all member countries (with the exception of United Kingdom indeed), was enclosed in the *Community Charter of the Fundamental Social Rights of Workers*.

²¹⁵ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

²¹⁶ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

²¹⁷ See *Introduction* and G. Majone, “Is the Community Method Still Viable?”, In R. Dehousse (ed.), *The 'Community Method' Obstinate or Obsolete?*, Houndsmill, Palgrave Macmillan, 2011, pp. 16-42.

²¹⁸ M. Thatcher, *Speech to the College of Bruges*, Margaret Thatcher Foundation, Thatcher Archive, Bruges Belfrey, September 20, 1988, available at, <https://www.margaretthatcher.org/document/107332>, last accessed 10/08/2020.

²¹⁹ M. Thatcher, *Speech to the College of Bruges*, Margaret Thatcher Foundation, Thatcher Archive, Bruges Belfrey, September 20, 1988, available at, <https://www.margaretthatcher.org/document/107332>, last accessed 10/08/2020 and M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

²²⁰ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198 and B. Olivi, *L'Europa difficile*, pp. 335-338.

²²¹ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198.

The Charter outlined the most important rights workers of the European Community had to enjoy, such as the right to freedom of movement, the right to a fair remuneration and to an adequate social protection etc...²²². Although the Charter was adopted as a declaration by all member countries (apart from United Kingdom) at the Strasbourg Council on December 9, 1989, the position kept by the British government was preventing the Charter from becoming binding community legislation for all member countries. This was due to the fact that the field of social regulation, even after the change brought by SEA, was still requiring the unanimity vote, thus requiring all member countries to be in favour of the measures taken²²³.

The non-participation of the UK to the Social Charter is considered to be the major precedent in integration history, for the subsequent acceptance of opt-out clauses in the Maastricht Treaty, agreed in order to prevent a complete invalidation of the negotiations²²⁴. As a matter of fact, it was exactly after the decision taken at the Strasbourg Council establishing the date for an intergovernmental conference to negotiate the necessary treaty changes and to negotiate the monetary union (scheduled on December 1990), that among some politicians of the British politics started developing the idea of a *fire-break* towards EMU²²⁵. Such an idea was first formulated by Sir David Hannay (UK's Permanent Representative in Brussels 1990-1992)²²⁶. The idea of a *fire-break* was becoming a necessary strategy for the British government, that aware of the fact that UK would have not been able to completely prevent EC member countries from agreeing on EMU, had to secure a formula through which to distance itself from the decisions implemented²²⁷.

The Strasbourg Council held in December 1989, was the first European summit after the Fall of the Berlin Wall, happened one month earlier²²⁸. The episode was a turning point for the bipolar international scenario. As a matter of fact, the concrete symbol of the ideological confrontation that had characterised the world during almost forty years had collapsed, bringing the German issue back at the centre of the European debate.

²²² European Commission, Community Charter of the Fundamental Social Rights of Workers, Publications Office of the European Union, Luxembourg, 1990, available at, <https://op.europa.eu/en/publication-detail/-/publication/51be16f6-e91d-439d-b4d9-6be041c28122> last accessed 10/08/2020

²²³ M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 160-198 and B. Olivi, *L'Europa difficile*, pp. 335-338.

²²⁴ K. Dyson, and K Featherstone. *The Road to Maastricht: Negotiating Economic and Monetary Union*, Oxford University Press, Incorporated, 2000, pp. 649-676.

²²⁵ D. Dinan, *Ever Closer Union*, pp 73-102 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

²²⁶ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp 649-676.

²²⁷ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp 649-676 and W. Van Meurs, et al. *From Community to Union*, pp. 163-208.

²²⁸ B. Olivi, *L'Europa difficile*, pp. 335-341.

The episode caused the insurgence of a series of challenges for Germany in first place, but also for the other European countries, as well as for the whole European Community²²⁹. Germany had to reassure EC member countries that its position still was supportive of the European dimension. Member countries (and particularly France and UK) had to overcome the fear for the consequences the reunification of the German nation could cause (specifically the resurgence of a German hegemony on the continent)²³⁰. The challenge for the Community was on two-levels: on the procedural side the problem of possibly integrating the eastern (economically underdeveloped) part of Germany, while on the political side to assure the interest towards the community of Germany without the insurgence of new hub of German predominance²³¹. This set of challenges surged in a very delicate moment for the Community, which was working towards the concrete realisation of a political and monetary union. It was during this phase, the creation of a renewed *French-German axis* and their joint collaboration, proved to be particularly central in the achievement of the final shape the European integration project was given²³². Particularly relevant in this sense, has been the joint collaboration between the French President François Mitterrand, and the German (GDR) President Helmut Kohl in the moment the Berlin Wall fell down. According to some historians the approach towards European integration of the 90s showed by Germany and France, can be associated to the approach these countries held during the initial period, by exploring new possible ways to interact and to live together in a peaceful and fruitful relationship²³³. Both countries supported the reunification of Germany for strategic and national reasons. For the French government the monetary union was the primary goal to achieve, while for Germany the primary goal was the political union²³⁴.

According to commentators, the Fall of the Wall boosted the urgency for the French government to discuss about the monetary union²³⁵. As a matter of fact, France overcame the shared fear of the resurgence of the German power, in so much that the foreseen reunification of the country did happen within the European framework²³⁶. President Mitterrand was fully aware that the success of the

²²⁹ N. Piers, Ludlow. "European Integration in the", pp 11-22 and W. Van Meurs, et al. "From Community to Union", pp. 163-208.

²³⁰ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

²³¹ D. Dinan, *Ever Closer Union*, pp. 73-102.

²³² M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and C. Mazzucelli. *France and Germany at Maastricht: Politics and Negotiations to Create the European Union*, Routledge, 1997, pp. 35-100 and P.N. Ludlow. "European Integration in the 1980s", pp. 11–22.

²³³ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and P.D. Poast, "The Wall and Maastricht", pp. 281-307.

²³⁴ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624 and in general, see C. Mazzucelli. *France and Germany at Maastricht*, pp. 35-100.

²³⁵ B. Olivi, *L'Europa difficile*, pp. 323-350 and P.D. Poast, "The Wall and Maastricht", pp. 281-307 and M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

²³⁶ P.D. Poast, "The Wall and Maastricht", pp. 281-307.

monetary union, and the financial aids required in order to help certain countries such as Portugal and Greece in entering the system, were only possible with German backup²³⁷. As Mitterrand wrote in a letter to the American President Bush, in the immediate aftermath of the fall of the wall, “*Each of our governments is very aware of the role that the EC can and must play in the definition of a new European equilibrium, as soon as the EC has reinforced its own cohesion*”, thus clearly stating the commitment to ensure that the episode occurred, became an enhancement of the Community dimension²³⁸. On the other hand, for Germany the possibility to play a new fundamental role in the political and economic international scenario was strictly bound to the European environment, since other European countries would never allow the restoration of a German independent power²³⁹. Therefore, as Kohl declared in a conference in Paris on January 17, 1990 “*the German house must be built under a European roof*”, so as to reassure member countries, and particularly France, that were fearing the impact of reunification on the European balances²⁴⁰.

As a consequence, the deepening process in the field of integration, was pursued by both the French and German leaders but with different priorities. Although the reasons behind the impulse towards the deepening of integration were different, the ultimate aim created a joint action between Germany and France, which was clearly stated in a letter sent to the European Council of April 19, 1990, suggesting a parallel development of discussions regarding the European Monetary Union (EMU), as well as new initiatives for the political union²⁴¹.

Bringing Union into reality

Given the world events, the fast-changing scenario in Eastern Europe and the issue of German reunification, the importance given to the political dimension of the European Community was becoming increasingly central in the debate in between 1990 and 1991. As a matter of fact, the Gulf crisis (after the invasion of Kuwait by Saddam Hussein in August 1990) demonstrated the lack of an effective political dimension, showing the insufficiency of the existing institutional apparatus as far as concern the field of defence and foreign policy, and more in general its overall limits²⁴².

²³⁷ P.D. Poast, “The Wall and Maastricht”, pp. 281-307.

²³⁸ *Message from President Mitterrand to President Bush*, 27 November 1989, in Zelikow & Rice, 1995, footnote 44, p. 116, in P.D. Poast, “The Wall and Maastricht”, pp. 281-307, footnote 54.

²³⁹ M. Baun, “The Maastricht Treaty as High Politics”, pp. 605–624 and P.D. Poast, “The Wall and Maastricht”, pp. 281-307 and D. Dinan, *Ever Closer Union*, pp. 73-102.

²⁴⁰ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁴¹ M. Baun, “The Maastricht Treaty as High Politics”, pp. 605–624 and Gilbert, Mark. *Storia Politica dell'integrazione europea*, pp. 160-196 and C. Mazzucelli. *France and Germany at Maastricht*, pp. 35-100.

²⁴² For a complete reconstruction of the Gulf War see T. Detti, Tommaso and G. Gozzini. *Storia contemporanea*, pp. 397-400. For a more detailed account on the European role in the Gulf War see M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196 and B. Olivi, *L'Europa difficile*, pp. 345-347.

Given the position of France and Germany towards the integration process, the other member countries did not share a univocal attitude. The most positive towards both the monetary and the political dimension were the Benelux countries (Belgium, Netherlands and Luxembourg), historically with good boundaries with Germany²⁴³. Italy in its federalist tradition, supported the creation of the two Unions, hoping to stabilise its difficult economic situation²⁴⁴. Spain and Portugal, which were the new member countries, were willing to show support to the European integration project, although their economies were not strong enough yet, as well as those of Ireland and Greece²⁴⁵. A critical stance towards the integration dynamics was showed by Denmark and Great Britain, sharing hostility towards possible forms of cession of their own sovereignty, outside from the market field²⁴⁶. However, in that moment, given to internal fractures within the British conservative Party, Margaret Thatcher was brought to resign in November 1990. She was replaced by John Major, former Chancellor her own government, who although with a different style, carried on the political agenda of Thatcher²⁴⁷. This episode of national politics was the reflection of the impact that the community affairs and the European dimension started exercising on the inner life of member countries, demonstrating how the Community sphere was intermingling with national government's domestic handling²⁴⁸.

It was during the crisis of the last months of Thatcher's government that Sir David Hannay did cast the idea of a specific opt-out for Britain from the EMU²⁴⁹. Although at the very beginning Delors rejected the idea, considering it as a weakening element for the creation of the monetary Union, as negotiations went by and British showed to be increasingly critical on the implementation of stage II and stage III of the Delors Report, Delors himself started envisioning the reality of the necessity of the existence of this clause²⁵⁰. The British position was shared also by the Danes²⁵¹. However, the discussions regarding the possibility of an opt-out were always held in private meetings among restricted circles, and the formal proposal was realised only once the opting-out governments were able to see the alleged new text treaty at Maastricht, adapting the content of the opt-out clause itself to the content envisioned for EMU²⁵².

²⁴³ B. Olivi, *L'Europa difficile*, pp. 303-350.

²⁴⁴ See A. Varsori, "The Andreotti Governments and the Maastricht Treaty: Between European Hopes and Domestic Constraints", *JEIH Journal of European Integration History*, Vol.19, No.1, 2013, pp. 23-44.

²⁴⁵ B. Olivi, *L'Europa difficile*, pp. 303-350.

²⁴⁶ B. Olivi, *L'Europa difficile*, pp. 303-350 and A. Varsori. "The Relaunching of Europe in the Mid-1980s", pp. 226-242.

²⁴⁷ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁴⁸ D. Dinan, *Ever Closer Union*, pp 73-102 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁴⁹ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

²⁵⁰ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

²⁵¹ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

²⁵² K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

Two “parallel” intergovernmental conferences were held in 1991, one to discuss the political union and the other to finalise the steps for the creation of the monetary union²⁵³.

The discussion regarding the monetary union was essentially based on the work already realised by the Delors Report, that essentially working as the fundamental blueprint, left national leaders “only” to solve the issues bound to the implementation of the third phase (the timetable and the final creation of the European central Bank) and to set the so-called *convergence criteria* to be respected by member countries in order to take part to the monetary union²⁵⁴. With respect to the convergence criteria, the discussion was characterised by the opposition between *economists* and *monetarists*²⁵⁵. According to the perspective of the *economists*, the creation of monetary union was the final outcome of a process of economic convergence realised throughout a long period of time, so as to really prepare a common ground among the economic systems. On the other hand, the *monetarists* supported in first place the integration at monetary level, which according to their perspective would lead member countries’ economy to converge through time²⁵⁶. The prevailing approach during the conference was the one already set by Delors in the report, namely “parallelism”, with the development of the economic policy dimension paralleled by the development of the monetary dimension, mainly siding with the monetarist approach²⁵⁷. All things considered, one of the most critical aspects in the discussions for the monetary union concerned the opt-out clauses requested from the British government, in order not to join to the final stage of EMU (with the adoption of the single currency and the full control of monetary policy by the European Central Bank, ECB)²⁵⁸. The major concern regarding the possibility to allow the opt-out provision was the fear to create set a precedent, which would bring to a fragmentation in the future of the European integration process²⁵⁹.

The intergovernmental conference on the political union was more debated, with particular reference to the structure the political union should have taken. On the one hand of the debate, the federalists (namely Germany, Italy, Belgium and the Netherlands) advocating for strong reforms to really give a fresh federalist imprint to the community, enhancing in this way the political role the Union could

²⁵³ For a detailed account see B. Olivi, *L'Europa difficile*, pp. 361-398.

²⁵⁴ A. Verdun, “The Role of the Delors Committee”, pp. 308–28.

²⁵⁵ B. Olivi, *L'Europa difficile*, pp. 361-398.

²⁵⁶ B. Olivi, *L'Europa difficile*, pp 361-398.

²⁵⁷ However, the more cautious approach required by the *economist* influenced the final phases foreseen by the report and the Maastricht Treaty, with reference to the creation and the structure of the European Central Bank postponed to this final phase. Therefore, a sort of balance among these positions can be envisioned in the final outlook of the Treaty. See B. Olivi, *L'Europa difficile*, pp 361-398 and P. Hildebrandt. *The Path to European Monetary Union*, pp. 35-48 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp 160-196 and K. Dyson, and K. Featherstone. *The Road to Maastricht*, p. 758.

²⁵⁸ K. Dyson, and K. Featherstone. *The Road to Maastricht*, pp 649-676 and B. Olivi, *L'Europa difficile*, pp 361-398. For a detailed account on the different stages of EMU see P. Hildebrandt. *The Path to European Monetary Union*, pp. 35-48.

²⁵⁹ B. Olivi, *L'Europa difficile*, pp 361-398 and K. Dyson, and K. Featherstone. *The Road to Maastricht*, pp. 649-676.

play²⁶⁰. According to this logic, the institutional structure for future changes to the union should be envisioned as a “*tree structure*”, meaning that every new provision would be added to the existing treaty as a new integrative chapter, in a full *gradualist* logic²⁶¹. On the other hand, instead, the position of countries (namely Great Britain and France) supporting the intergovernmental aspect of the political cooperation, siding with a political structure based on the three-pillar-system (also known as the *Greek temple*)²⁶².

The conclusive negotiations happened at the European Council of Maastricht on December 9-10, 1991, bringing to the creation of the Maastricht Treaty or formally the Treaty on European Union (TEU). At political level, the main innovation was represented by the *pillarisation* of the Union, namely the creation of three pillars comprehending different political domains, for which different decision-making procedure were established²⁶³.

The first pillar, characterised by a supranational/federal imprint comprehended the three existing European Communities (the European Coal and Steel Community, the European Atomic Energy Community, and the European Economic Community), whose respective competences were enforced and deepened by the European Community (which had no longer only economic competences)²⁶⁴. The second pillar consisted of Common Foreign and Security Policy (CFSP), while the third pillar consisted of cooperation in the field of justice and home affairs (JHA). The second and the third pillar instead belonged to the intergovernmental sphere, enhancing the role of sovereign national states in the community dimension²⁶⁵. However, certain provisions of the two pillars that could be voted through the QMV procedure, demonstrating a possible intention to lead certain issues within the supranational area of competence over time.

The structure based on the *Greek temple*, comprehended in a unique structure a whole set of ideologies that permeated the evolution of the integration process throughout the history of the Community²⁶⁶. A fundamental aspect of the new political Union, which came to characterise the political entity created with the TUE, was the *principle of subsidiarity*, defined in article 3B of the Treaty²⁶⁷. Having established the spheres of competence at supranational level, enforced by the EC,

²⁶⁰ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁶¹ The expression *tree structure* is translated from the term “albero” used by the author in his account. See M. Gilbert. *Storia Politica dell'integrazione europea*, p. 176. See also M.H. Abbey, and N. Bromfield. "A Practitioner's Guide to the Maastricht Treaty", *Michigan Journal of International Law*, Vol. 15, No. 4, Summer 1994, p. 1329-1358.

²⁶² M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁶³ T. Christiansen, S. Duke and E. Kirchner. Understanding and Assessing the Maastricht Treaty, *Journal of European Integration*, Vol.34, No.7, 2012, pp. 685-698.

²⁶⁴ B. Olivi, *L'Europa difficile*, pp. 361-398 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁶⁵ M.H. Abbey, and N. Bromfield, “A Practitioner's Guide”, pp. 1329-1358.

²⁶⁶ B. Olivi, *L'Europa difficile*, pp. 361-398.

²⁶⁷ W. Van Meurs, et al. “From Community to Union”, pp. 163-208.

all the decision in the other policy domain had to be enforced at national level (such as in the case of healthcare, education, culture etc...) ²⁶⁸. Although apparently the principle of subsidiarity aimed at granting sovereignty to national states in certain policy areas, the result was the creation of boundaries not always really clear, creating new spaces for the debate ²⁶⁹.

The Maastricht Treaty did represent also a partial enhancement of the Parliamentary power, by extending its legislative function, thus trying to reduce the democratic deficit that was being perceived at public level ²⁷⁰. Among the most important provisions of the TUE, there was also the recognition of member countries' citizens as European citizens, thus creating the new dimension of European citizenship ²⁷¹. As far as concern the social dimension, the negotiations in Maastricht did not bring to a different outcome from the Strasbourg Conference and the adoption of the Social Charter. As a matter of fact, given the British refusal to accept any intromission in the social domain, in order to make the Social Charter being part of the TUE, the document was attached as protocol to the main treaties. The protocol was adopted by all member countries, with the exception of UK ²⁷².

The major novelty introduced by TEU was, after a long process, the enactment of EMU, with the creation of a single currency and a central bank (thus a centralisation in monetary policies) ²⁷³. As the Delors Report had already envisioned, the realisation of such Union would happen in three different phases, with the first phase already in place since August 1, 1990 and the abolition of border controls together with financial liberalisation ²⁷⁴. The second phase instead, with the creation of the European Monetary Institute (EMI), was planned for January 1, 1994. EMI was the institution that would have preceded the ECB, and its role was to assess the implementation of the measures required in national countries' economic performance, namely the established convergence criteria ²⁷⁵. The enactment of stage III was bound to the ability of a majority of countries to meet the required economic criteria. Anyway, if the enforcement of Stage III had not happened within 1997, those countries able to meet

²⁶⁸ W. Van Meurs, et al. "From Community to Union", pp. 163-208.

²⁶⁹ For a complete discussion on the principle of subsidiarity see B. Olivi, *L'Europa difficile*, pp 361-398.

²⁷⁰ M. Gilbert. *Storia Politica dell'integrazione europea*, pp 160-196.

²⁷¹ M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358.

²⁷² M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358.

²⁷³ M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358.

²⁷⁴ The removal of border controls came to be finalise in June 1990 with the Schengen Convention, pursuant of the Schengen Agreement of 1985. The Convention was signed at first by France, West Germany and the Benelux country. Later joiner were Italy, Spain, Greece, Austria, Denmark, Finland and Sweden. See Official Journal of the European Communities, *The Schengen acquis - Convention implementing the Schengen Agreement of 14 June 1985 between the Governments of the States of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the gradual abolition of checks at their common borders*, Official Journal L 239, 2000, available at, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A42000A0922%2802%29>, last accessed 11/08/2020.

²⁷⁵ The *convergence criteria* countries had to respect regarded price stability, the national public debt, exchange rate stability and long-term interest rates. For a complete account See M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196 and M. Dewatripont, et al. *Research, Flexible Integration*, pp 135-141.

the criteria would proceed in any case to the adoption of the single currency²⁷⁶. The Maastricht Treaty reflected the rigorous approach of the monetary policy pursued by the *Bundesbank*, impacting thus in the macroeconomic requirements member countries had to be compliant with, partially converging towards the positions outlined during the negotiations by the German national bank²⁷⁷.

Already hovering among small circles, the opt-out provisions from EMU were granted to UK and, after the public referendum, to Denmark as well²⁷⁸. In this way, the two countries committed themselves as contracting parties of the TUE in its generality but taking exceptional distance from the monetary union (and in the case of UK also for the social policy area). The opt-out clauses were granted to both the UK and Denmark through annexed protocols, which specified that the foregoing countries were not requested to implement the third phase (outlined in the main treaty for the finalisation of EMU), nor had to adopt the single currency²⁷⁹. Both countries, however, were granted the possibility to step in to the third phase, whenever national parliaments or national population would approve such decision, and the country could meet the convergence criteria required²⁸⁰.

The introduction of these provisions was a sort of *life jacket* for both the contracting parties²⁸¹. On the one hand it granted the enactment (after the ratification) of the Treaty for all the other member countries that were committed in realising the monetary union, since the participation of all countries was a necessary condition for such document to become binding community legislation. On the other hand, it granted Denmark and the United Kingdom first, to maintain sovereignty on the monetary policies and second, to maintain the national currencies, but still allowing their participation in the life of the community²⁸². The opting-out countries were aware of the fact that whether the Treaty was

²⁷⁶ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁷⁷ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196 and Olivi, *L'Europa difficile*, pp. 361-398 and M. Dewatripont, et al. *Research, Flexible Integration*, pp. 135-141.

²⁷⁸ Since the previous Danish referendums (on EC membership and on the SEA) had a positive outcome, the rejection of the Maastricht Treaty (June 1992) came as shock for the European Community. In order to address directly the sovereignty concerns of the Danish electorate, the EC allowed opt-out provisions for Denmark (from EMU, from Common Foreign and Security Policy and from Justice and Home affairs). This allowed the following referendum (May 1993) to have a positive outcome, and to allow the Danish government to ratify the Treaty. See D. Dinan, *Ever Closer Union*, pp. 73-102.

²⁷⁹ M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358.

²⁸⁰ Protocol No.15 on the United Kingdom and Protocol No.16 on Denmark. See Treaty on European Union, Official Journal, 1992, available at, <http://data.europa.eu/eli/treaty/teu/sign> last accessed 11/08/2020.

²⁸¹ See M. Condinanzi. *L'Unione europea tra integrazione e differenziazione*, federalismi.it, Rivista di Diritto Pubblico Italiano, Comparato, Europeo, No. 5, 11/03/2015, pp. 22-23 available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020 and K. Dyson and A. Sepos, "Differentiated as Design Principle and as Tool in the Political Management of European Integration" in K. Dyson and A. Sepos (eds.), *Which Europe? The Politics of Differentiated Integration*, Palgrave Macmillan, New York, 2010, pp. 3-23.

²⁸² Interesting is the theorisation realised by Rebecca Adler Nissen. She claimed that the opt-outs create a stigma of euro-outsideness for the officials of the opting-out countries, working in Bruxelles, creating a sense of inadequacy and a sort of necessity to have compensatory attitudes for having opted-out. In this sense, according to the author, the opt-outs work as a strengthening principle for the integration process, rather than disrupting it. See R. Adler-Nissen. *Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*, Cambridge, Cambridge University Press, 2014.

not entering into force for their denial, the other member countries would have followed a different path to enact the monetary union, which would relegate them to full outsider within the Union, essentially equalling their status to close trade partners. The inclusion of such provisions within a Treaty was a crucial moment for the European Union, institutionalising the possibility of creating different situations and different constraints among member countries, giving formal birth to a differentiated integration process, named also as the creation of a variable-geometry Europe²⁸³. Differentiation came to be a *design principle* in the Union legislation ever since that moment on²⁸⁴. This moment will thus create a formal precedent in the history of the European Union, giving institutional credibility to the creation of different speeds among member countries. The concept of differentiated integration was already being discussed, but once it came to be institutionally framed, the debate grew all across member countries, putting into question the nature of the Union itself as well as the its own future²⁸⁵.

A long path for Maastricht

The Maastricht Treaty does represent a turning point in the history of the European Union, first of all because it did create the Union as a political entity, but its importance is definitely multisided. It created the dimension of European citizenship, it increased the fields of cooperation among member states, created a monetary union and a single currency together with the macroeconomic criteria required to be part of the system. But it also brings at institutional level an issue that has always been latent in the debate regarding the European community, namely differentiated integration, through the opt-outs provisions part of the Maastricht Treaty.

The debate surrounding the journey realised by the EC is a complex one, which see the interaction of different elements and different conceptual frameworks. Given the focus on the institutionalisation of the differentiated integration concept brought by Maastricht, it is important to consider the following issue.

The Maastricht Treaty is considered mainly under two different perspectives, which take different approaches envisioning the Treaty either as a long-standing process resulting from a series of events,

²⁸³ B. Olivi, *L'Europa difficile*, pp. 361-398 and M. Condinanzi. *L'Unione europea tra integrazione e differenziazione*, pp. 2-34, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

²⁸⁴ K. Dyson and A. Sepos, "Differentiated as Design Principle and as Tool in the Political Management of European Integration", pp. 3-23.

²⁸⁵ For the debate on differentiated integration see *Introduction*.

or as the responsive consequence to the events that upset the balances established by the bipolar confrontation. Both perspectives have credits in their analysis.

It cannot be denied the fact that the Fall of the Berlin Wall was an exogenous shock that suddenly requested the rethinking of the balances established at world level, but above all within the European context. According to this perspective, scholars believe that the end of the Cold War determined the creation of the European Union as it came to be enclosed in the Maastricht Treaty, by directing both *supranationalists* and *intergovernmentalists* to necessarily support the enhancement of the EC dimension in a world fast-changing context²⁸⁶. The apparent response was given by the two intergovernmental conferences held in 1991, as the urgent response in order to arrange the destiny of the European Community, with West Germany mainly concern to ensure the reunification of the country was accepted and granted by other EC member countries, and France instead urgently needed the ensure of the German commitment in Union, trying to avoid any future German hegemonic tendency²⁸⁷.

This perspective however shows quite immediately the limits within which it is circumscribed. As a matter of fact, although the negotiations leading to Maastricht happened simultaneously to the last event of the Cold War, a long path had been travelled during the 1980s by member countries before reaching that point, showing that the last events of the Cold War could have worked as accelerators of a process already in place²⁸⁸. As I have previously outlined the road to Maastricht dates back to the early commitments of the 1969, but more importantly to the 1980s. Throughout the decade it is possible to find a common thread, given by the revitalisation of the debate about the integration process, which intensified as the decade came closer to its end, paralleling the quick unexpected end of the bipolar confrontation. Throughout the 1980s, the revitalisation of the integration spirit dragged out the community from the impasse of the *Euroclerosis*, gaining particular force with the signature of the Single European Act and once the Delors Commission came into force. The Single European Act through the changes brought is largely seen as the predecessor of the Maastricht Treaty, aiming at full accomplish the single market, by starting a change in decision-making procedures, granting more space to the Parliament etc., matters that would later be reinforced in the Maastricht

²⁸⁶ See M. Baun et al., “The Maastricht Treaty as High Politics”, pp. 605–624 and P.D. Poast, “The Wall and Maastricht”, pp 281-307.

²⁸⁷ P.D. Poast, “The Wall and Maastricht”, pp 281-307.

²⁸⁸ M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196 and N. Piers, Ludlow. “European Integration in the 1980s: on the Way to Maastricht?”, pp 11-22, and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp 746-747, and A. Verdun, “The Role of the Delors Committee”, pp. 308–28, and D. Dinan, *Ever Closer Union*, pp 73-102, and for a detailed account on the existing literature towards the process See A. Verdun, “Why EMU happened- A survey of Theoretical Explanations”, in P. M. Crowley (ed.), *Before and Beyond EMU*, pp. 71-98 and W. Van Meurs, et al. “From Community to Union”, pp. 163-208.

provisions²⁸⁹. Although all the decision at Community level were taken by political leaders, the role of Delors in enhancing the integrative dimension, both from the monetary and the political point of view, has been fundamental as well²⁹⁰. The impulse given by Delors to deepening the integration, can be immediately appreciated by considering the influence exercised by his action from the drafting of the White book up to the Delors Report. This shows a continuity of action by the president of the Commission, who worked constantly towards the realisation of a goal revitalised during the 1980s, recentring European agenda on the integrative dimension²⁹¹. Delors was able to grant a *spill over effect* of his action, by setting a precise temporal reference within which the phases for the implementation of the project had to be carried out by national leaders²⁹².

Furthermore, through the Delors Report, the President of the Commission realised the effective blueprint upon which the IGCs of 1991 and the text of the Treaty were based on, in accordance with the gradualist approach used to support in the integration process²⁹³. In this sense the action of the Executive within the road to Maastricht had played a decisive role, setting the line for national governments²⁹⁴. This does not clash with the concurrent role played by the German - French axis throughout the decade, and particularly by the respective national leaders, namely Kohl and Mitterrand²⁹⁵. The political leadership of these two countries, had boosted the convergence towards the creation of a Union, although driven by different but complementary domestic interests. The political impulse towards the process was a fundamental element in order to achieve concretely what the Commission was pursuing theoretically, and above it was fundamental the creation of a common focus pole between the main characters of the Community.

Still the political element proofs the fact that Maastricht is not the mere response of the Europeans to the end of the Cold War, but rather that it is explicable as the result of a multifaced and long-existing set of conditions. As a matter of fact, the final shape took by the Treaty with two specific opt-outs at

²⁸⁹ Consensus shared among historians. See B. Olivi, *L'Europa difficile*, pp 285-301 and D. Dinan, *Ever Closer Union*, pp 73-102 and M. Dewatripont, et al. *Research, Flexible Integration*, pp 39-44 and M. Gilbert, *Storia Politica dell'integrazione europea*, pp. 129-159 and M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358 and M. Dedman, *The Origins and Development of the European Union 1945-2008 : A History of European Integration*, pp. 109-135.

²⁹⁰ C. Versini. The "Delors Commissions": What can be learned for today's EU?, Jacques Delors Institute, 2016, available at, <https://institutdelors.eu/en/publications/the-delors-commissions-what-can-be-learned-for-todays-eu/>, last accessed 12/08/2020 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp 691-746, and A. Verdun, "The Role of the Delors Committee", pp. 308-28 and M. Gilbert. *Storia Politica dell'integrazione europea*, pp. 160-196.

²⁹¹ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp 691-746, and A. Verdun, "The Role of the Delors Committee", pp. 308-28.

²⁹² H. Drake. *Jacques Delors*, pp. 78-112.

²⁹³ A. Verdun, "The Role of the Delors Committee", pp. 308-28 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 691-746.

²⁹⁴ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 746-801.

²⁹⁵ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 746-801 and N. Piers, Ludlow. "European Integration in the 1980s: on the Way to Maastricht?", pp. 11-22 and M.H. Abbey, and N. Bromfield, "A Practitioner's Guide", pp. 1329-1358.

its text (together with the British opt-out from the annexed Social Charter), demonstrated how those countries, which during the 1980s, had showed hostility towards the integration process, did not shift their political agenda once the end of the bipolar confrontation took place, in the attempt to give a response to the contemporary events²⁹⁶. In fact, the *criticisms* towards the Treaty came to be enclosed in the Treaty itself through the opt-out protocols for United Kingdom and Denmark, giving birth to institutional differentiated integration, which raised a debate regarding the critical assessment of the nature of the EU, on whether it was possible to effectively talk about a Union or if the final shape given by the Treaty made of EU in reality an alliance among partial cooperative states, from which it was either possible to participate or not²⁹⁷.

Given this analytical framework what emerged from the analysis here realised is that the moment of Maastricht should be considered as a combination of long-standing elements developed in a considerable time span and of processes that can be enlisted into “*national interest, supranational idealism and geopolitical realism*”²⁹⁸.

National interest drove the support for the monetary union given the recognised benefits the creation of a single currency would imply, as well as the final outlook given to the Maastricht Treaty itself²⁹⁹. *Supranational idealism* does refer to the pro-European ideology shared by the main leaders and characters of the negotiation process, allowing for greater concession in order to accomplish the “*ever closer Union*”³⁰⁰. Of course, concessions were always balanced and careful, in order to protect national interests, but the ideological component really had an impact on the strategy pursued by these leaders³⁰¹. Furthermore, these concessions were also made with the awareness of the transformations the world was undergoing with the collapse of the bipolar order and the redefinition of the European space, which links a last element, which is *geopolitical realism*³⁰². Taking awareness of the change in place in the international system, given not only by the end of the Cold War, but also by the growing phenomenon of globalisation, the new economic power from Asia and the new emerging countries

²⁹⁶ J. Bradbury. *The European Union*, pp. 17-33 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 746-801.

²⁹⁷ F.L. Cavazza, et al. “Maastricht”, pp. 53–80 and M. Condinanzi. *L’Unione europea tra integrazione e differenziazione*, pp. 2-34 available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

²⁹⁸ M. Gilbert. *Storia Politica dell’integrazione europea*, p 193. Shared consensus also in K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 746-801 and J. Bradbury. *The European Union*, pp. 17-33.

²⁹⁹ This position, of course, was not shared by all twelve members, as demonstrated by the opt-out clauses to the Maastricht Treaty granted to the United Kingdom and Denmark. See M. Gilbert. *Storia Politica dell’integrazione europea*, p 193.

³⁰⁰ In particular here M. Gilbert refers to Andreotti, Kohl, Mitterrand and Delors. See M. Gilbert, *Storia Politica dell’integrazione europea*, p. 193 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 746-801.

³⁰¹ M. Gilbert. *Storia Politica dell’integrazione europea*, p 193.

³⁰² M. Gilbert. *Storia Politica dell’integrazione europea*, p 193.

from the South of the World, necessarily lead to a rethinking of the European dimension, enhancing the path member countries had realised up until that moment in all its complexity.

CHAPTER II

THE ITALIAN FRAMEWORK

The Italian context during the Maastricht years

The last part of this work will be centred on the perception of the Italian political class, as well as of the Italian public opinion, regarding the process of European differentiated integration in one of its peculiar forms that shaped the moment of the Maastricht Treaty in 1992. Therefore, it is important to set the context in which the debates that will be analysed, took place. This is why I reported the elements and the debate that led to the Maastricht Treaty, thus providing the general historical background, and this is also why, in the following sections, I will provide the specific historical framework of the Italian context during those same years. The context analysed in its complex multisided nature is an essential part for a complete understanding of the different opinions that a specific phenomenon could originate. The circumscription of the Italian political and public debate regarding Maastricht's opt-out clauses, which is indeed my focus, has to be realised within the Cold War's ending, the intensification of the European integration process, as well as with the internal political upheaval that will lead Italy to the so-called *Second Republic*.

During the decade of the 1980s, that at European level set the basis for the final creation of the monetary and political union enclosed in the Maastricht Treaty, the general Italian political attitude towards the integration process was strongly supportive, in line with the traditional political history of the country³⁰³. However, the rhetoric showed by the country during the decade, clashed with its "European performace". As a matter of fact, and particularly after the entry into force of the Single European Act, Italy was responsible for multiple cases of non-respect of the Community rules, without being able to profitably use the financial budgetary support received from Brussel, mismanaging the funds into bad investments³⁰⁴. This negatively impacted the other EC member countries' opinion about the Italian system and its performance, determining a real gap between the Italian rhetoric commitment towards the European Community, and the effective conduct the country

³⁰³ M. Piermattei. *Crisi della Repubblica e sfida europea: i partiti italiani e la moneta unica (1988-1998)*, CLUEB, 2012, pp 7-20 and N. Conti. *L'Europa vista dai partiti. Paesi dell'UE e Italia a confronto*. Pisa, Plus-Pisa University press, Scienza Politica 2, 2009, pp. 129-141.

³⁰⁴ A. Varsori, *La Cenerentola d'Europa?: l'Italia e l'integrazione europea dal 1947 a oggi*, Rubettino, 2010, pp. 331-374.

used to pursue³⁰⁵. This evident contradiction was the consequence of the inner situation of the country itself, given by the inefficiency of the public institutions, joint to the political instability that was characterising the domestic life of the country. At the end of the decade Italy was the country with the highest number of case sentences by the European Court of Justice for failure in the implementation of the Community legislation³⁰⁶.

However, the 1980s in Italy are characterised by a “desire for capitalism”, calling for less State interventions and more entrepreneurial freedom, in continuity with the policy professed by the American President Ronald Reagan during his Presidency³⁰⁷. As a matter of fact, it was during this new “neoliberal decade” that in Italy a new business class emerged, called the Italian *condottieri*³⁰⁸. New important personalities came to play a decisive role in the economic environment of the country, gaining European and international recognition³⁰⁹. This contributed to create a new image of the Italian economy at world level, more dynamic and modern, looking for a new international role³¹⁰. Although the neoliberal principles were based on the reduction of the presence of the state on the market and in the economic sphere, it is also true that in Italy the demand for public services has a long tradition within the country, which clashed with the idea of an absent neoliberal state³¹¹.

All things considered, the public service was still the highest demonstration of the inefficiency and lack of competence of the national administration and of the ruling class. This problem seriously increased the rise of *alternative institutions* to the statal one, with particular reference to the phenomenon of *mafia* all across the country, collecting consensus and trust among people³¹². Therefore, even if economically Italy was emerging with a new outlook, at national level both the citizens as well as the political class was starting to mature a certain awareness towards the necessity of a radical change, to be a credible actor in the European and international scenario³¹³. Even though this consciousness was present, there was not a designed plan to accomplish a possible reconstruction yet. It was only with the fall of the Berlin Wall in 1989, that the established balances were shaken, causing a real readjustment for the country³¹⁴.

³⁰⁵ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³⁰⁶ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³⁰⁷ G. Mammarella, *L'Italia Contemporanea*, p. 533.

³⁰⁸ A. Varsori, “The Andreotti Governments and the Maastricht Treaty: Between European Hopes and Domestic Constraints”, *JEIH Journal of European Integration History*, Vol.19, No.1, 2013, pp. 23-44.

³⁰⁹ Businessmen of different economic sectors such as Carlo De Benedetti, Giorgio Armani, Valentino, Silvio Berlusconi, Giovanni Agnelli etc... See Mammarella, Giuseppe. *L'Italia contemporanea: 1943-2011*, Il Mulino, Bologna, 2000, pp. 537-585 and A. Varsori, “The Andreotti Governments”, pp. 23 – 44.

³¹⁰ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585 and P. Anderson. *The New Old World*, Verso, London, 2011, pp. 279-351.

³¹¹ G. Mammarella. *L'Italia Contemporanea*, p. 537-585 and A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³¹² For an account of remarkable episode of Italian mafia during the 1980s-1990s, see G. Mammarella. *L'Italia Contemporanea*, pp. 389-536.

³¹³ P. Anderson. *The New Old World*, pp. 279-351.

³¹⁴ G. Mammarella. *L'Italia Contemporanea*, pp. 517-534.

Italy is considered, besides Germany, the country that most directly suffered the consequences of the Fall of the Berlin Wall, and of the end of the bipolar conflict³¹⁵. This was mainly a consequence of the intensity that had characterised the ideological conflict within the Italian society and the Italian institutions during the Cold War period. The democratic system in Italy had showed all the limitations and the constraints it had to face, although being part of the Western bloc which professed liberal democracy and human freedoms as fundamental values³¹⁶. Of course, Italy did enjoy preferential relations with the other Western countries as well as with the US, but at a cost. The democratic system was jeopardized by higher international interests (that is to say the maintenance of a crystallised order within the Western bloc), than merely the expression of the Italian electorate. This is the reason why the Italian Communist Party and the proposal of the *Eurocommunism* did really represent a problem in the context of the bipolar confrontation³¹⁷.

All things considered, with the end of the Cold War, the basis for an upheaval of the Italian political scenario were laid, determining an historical change in the Italian Republic³¹⁸. As a matter of fact, facing the dissolution of the bipolar order, on the one hand, the traditional pro-American ruling parties started losing their primordial form of legitimization, which was given by the radical opposition and confrontation against the communist world, but, on the other hand, following the disruption of the Soviet communism and the fall of the Soviet Union itself, the Italian Communist party (already facing problems of identity and political collocation) entered into a deep state of crisis³¹⁹.

The new phenomenon that came to characterise the Italian political scene in parallel with the last event of the Cold War, was called by the name of *trasversalism*³²⁰. This phenomenon well represents the complexification of the political landscape among the democratic systems, beyond the bipolar political scheme. Since the political scenario had no longer to be divided into two main factions, new political groups and new political coalitions emerged. Alliances and mutual aims became the common ground upon which political actors started working on³²¹. In Italy *trasversalism*, meant also that the political parties mitigated the strong ideological connotation, to converge towards positions more sharable in the political arena³²². Furthermore, the political landscape came to be highly connoted by

³¹⁵ M. Telò. *Italy's interaction with the European project, from the First to the Second Republic: Continuity and change*, Macmillan Publishers, Comparative European Politics Vol. 11, 3, 2013, pp. 296–316 and G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³¹⁶ Democracy and individual freedoms were among the fundamental values claimed from the West world.

³¹⁷ For a detailed account on Eurocommunism see Pons, Silvio. *The Rise and Fall of the Eurocommunism*, in M.P. Leffler and O.A. Westad (eds). *The Cambridge History of the Cold War*, Cambridge University Press, 2010, pp.45-65.

³¹⁸ E. Berselli. The Crisis and Transformation of Italian Politics, *Daedalus*, vol. 130, no. 3, 2001, pp. 1–24 and P. Anderson. *The New Old World*, pp. 279-351.

³¹⁹G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³²⁰G. Mammarella. *L'Italia Contemporanea*, p. 543.

³²¹G. Mammarella. *L'Italia Contemporanea*, p. 543.

³²² See N. Conti. *L'Europa vista dai partiti*, pp. 129-141.

the “*personalisation of the political life*”, which saw the overlapping of the life of the political party with the political life of certain leaders, given their personality or the success of their political mandate³²³. Already experienced with certain leaders of the 1980s, the personalisation of the political life became an increasingly common feature in the leadership of Italy and among its political actors, also given by the increasing role played by the mass media and the impact on the public opinion, contributing to the creation of a new way of “*doing politics*”³²⁴.

The Fall of the Berlin Wall was a pivotal event, challenging Italian balances as well. At first the Fall of the Berlin Wall was feared by Andreotti (Italian Prime Minister at the time) and the political class, given the possible resurgence of a new hegemonic power at the centre of the continent³²⁵. But once the German political leadership gave the assurance that the reunification of Germany was happening within the EC context, the Italian government shifted towards more a favourable position³²⁶. Italian government’ support to the reunification of Germany was bound to two specific conditions: a continuity of US presence in Europe through NATO and American troops on the European soil, and above all, the full integration of unified Germany in the European project³²⁷.

As the Wall fell and the end of the bipolar confrontation started approaching, the crystallised division into the two enemy blocs disappeared, creating new space of manoeuvre and the development of new relationships among nations as well. In this sense, the Italian government also saw the possibility to gain a new international influence, particularly in the Central European area, as well as in the neighbouring Balkan region, once prevented from the belonging to the different blocs³²⁸. Anyway, the project for political and monetary integration accelerated after the Fall of the Wall and Italian support to the integrative path did not shift, with the political leadership started perceiving that the realisation of those projects were both an *opportunity* and a *challenge* for Italy, which could lead to several benefits for the country, but requiring considerable efforts to be realised³²⁹.

As far as concerned the political union, the Italian political establishment supported the project with a strong supranational attitude³³⁰. As a matter of fact, in order to rebalance the power relations in place at EC level and gain an equal status to that of the main Community powers (namely France and

³²³ G. Mammarella. *L'Italia Contemporanea*, p. 543 and N. Conti. *L'Europa vista dai partiti*, pp. 129-141. See also A. Varsori, *La Cenerentola d'Europa*, pp. 335-401.

³²⁴ G. Mammarella. *L'Italia Contemporanea*, p. 543.

³²⁵ M. Baun, “The Maastricht Treaty as High Politics”, pp. 605–624.

³²⁶ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³²⁷ A. Varsori, “The Andreotti Governments”, pp. 23–44.

³²⁸ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³²⁹ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³³⁰ K. Dyson and K. Featherstone, “Italy and EMU as a 'Vincolo Esterno': Empowering the Technocrats, Transforming the State”, *South European Society and Politics*, Vol.1, No.2, 1996, pp. 272-299.

Germany), supported a strengthening of the community structures, reducing the intergovernmental side of the decision-making process within the Community which prevented Italy from improving its status³³¹. The political support towards the creation of the union was also determined by the concern that not binding the new German country within EC structures, would give it the possibility to establish a renewed economic and hegemonic power, or rather to implement the relationship with the eastern part of Europe³³². The participation of Germany was also a necessary condition for the financial sustainability of the monetary union, increasing the importance of German commitment³³³.

As far as concern the Italian position towards the monetary union, on the one side EMU did represent an opportunity, since Italy could largely profit from the completion of the single market program, being an important trade partner among EC member countries, but, on the other side, it was also a challenge given by the fact that in order to take part to the phases outlined by the Delors Report to create a common monetary area, it would have been necessary to meet a series of macroeconomic criteria, to guarantee the economic status of the country in front of the other member countries, thus intervening on the problematic aspects of the Italian economy³³⁴. As a matter of fact, during the negotiations preceding Maastricht, an important concern regarded the possibility that EC partner countries decided to establish macroeconomic parameters that Italy could not meet, thus preventing its entrance into the Union, and relegating it to a condition of inferiority with respect to the other countries³³⁵. In this sense the growing public expenditure, which was alarmingly increasing the national public debt, urgently required a domestic intervention.

The participation to EMU remained a fundamental target for the negotiators, given by the fact that the same principles required to be part of EMU could work as a driving force (or as the *vincolo esterno*) towards budgetary discipline, healing the severe status of the Italian economy³³⁶. Therefore, the attention during the phase of negotiations was focused on the parameters established and the temporary framework required. The most critical aspects in the Italian economy were bound the negative status of public finances, as the public debt was growing, given to the large budget deficits. The problem of the increasing public debt did have a negative impact on the level of interest rates, which together with a growing inflation was causing a decrease in the level of competitiveness of the

³³¹ P. Daniels. "Italy and the Maastricht Treaty." *Italian Politics*, vol. 8, 1993, pp. 178–191.

³³² P. Daniels. "Italy and the Maastricht Treaty.", pp. 178–191 and M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

³³³ M. Baun, "The Maastricht Treaty as High Politics", pp. 605–624.

³³⁴ K. Dyson and K. Featherstone, "Italy and EMU as a 'Vincolo Esterno'", pp. 272-299.

³³⁵ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³³⁶ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374 and K. Dyson and K. Featherstone, "Italy and EMU as a 'Vincolo Esterno'", pp. 272-299.

Italian industries³³⁷. However, although the public debt was growing, the government kept high public expenditure mainly to finance the credit flow, needed to avoid an economic recession³³⁸. In January 1990, Andreotti's government decided the lira was entering into the narrower band of the European Monetary System (EMS), which was in place since 1979, to increase the economic and financial credibility of the country at the EC negotiator table³³⁹. Even though Andreotti's choice was realised with the aim to converge towards deeper monetary integration, so as to set the stage for the creation of the common currency, the budgetary issue together with the growing inflationary rate of the Italian economy remained highly problematic for the full participation of Italy to the European monetary integration developments³⁴⁰. Thanks to the action of the Italian Treasury Minister, Guido Carli, it was established at EC level a flexible application of the convergence criteria, through the evaluation of the trends level of the criteria established, so as to avoid a rigid interpretation of countries' economic performance³⁴¹.

The impact of the action of the political leadership, during this period was not effective, given the instability atmosphere which characterised at that time the Italian political landscape. As a matter of fact, during Maastricht discussion, the principle goal Italy pursued was the political union, in the attempt to be at the heart of the EC dynamics, and in the traditional *liturgical Europeanism* of the political parties, they lamented the partial implementation of the functions of the European Parliament, rather than establishing a clear plan to recover the economy of the country³⁴². The signature of the Maastricht Treaty flew decisively *under the radar*, given the evident malaise the political establishment was living, which together with a series of factors created the *ad hoc* environment for a radical change in the Italian politics.

The tensions existing in the political environment exploded as a consequence of the “*Tangentopoli*” scandal, turning upside-down an entire political scenario³⁴³. Italy has been the only nation of the European Community to live a deep transformation in its political governance during the 90s as the creation of the European Union was contemporarily happening³⁴⁴. The traditional parties that shaped the life of Italy during the Cold War disappeared, unable to deal with the complexification of the new system, and to govern within a new reality. Being the high ideological connotation a fundamental

³³⁷ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³³⁸ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³³⁹ A. Varsori, “The Andreotti Governments”, pp. 23 – 44.

³⁴⁰ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁴¹ P. Daniels. *Italy and the Maastricht Treaty*, pp. 178–191 and K. Dyson and K. Featherstone, “Italy and EMU as a ‘Vincolo Esterno’”, pp. 272-299.

³⁴² P. Daniels. “Italy and the Maastricht Treaty”, pp. 178–191 and A. Varsori, *La Cenerentola d'Europa*, pp. 331-374.

³⁴³ P. Anderson. *The New Old World*, pp. 279-351 and G. Cazzaniga. “Metamorfosi dei nostri partiti politici”, *Belfagor*, Vol. 63, No. 6, 2008, pp. 671–686.

³⁴⁴ N. Conti. *L'Europa vista dai partiti*, pp.129-183.

feature of the traditional parties, the new political scene came to be characterized by parties with a less determined ideological alignment, but instead more prone to change and to evolve so as to be able to cope with the speed of the new intermingled globalised geopolitical scenario³⁴⁵. The *Tangentopoli* scandal is considered one of the most relevant political scandals in the republican history of Italy, setting into motion drastic changes³⁴⁶. A net of corruption among politicians and entrepreneurs of the Italian elites was discovered first in Milan, and then in many other Italian regions and cities. A massive investigation called “*Mani Pulite*” (translatable into *clean hands*) started revealing all the actors implied in the scandal, bringing to the surface a national-wide phenomenon. The magnitude of the phenomenon was impressive, involving politicians from all the main parties. The parties that were most affected by this scandal were the Christian Democratic Party and the Italian Socialist Party, demonstrating the plenty decadence of the traditional ruling parties³⁴⁷. The only major parties that did not get involved into this network of corruption were the Italian Social Movement and the Green Party³⁴⁸. The investigation brought to light the deep-rooted level of corruption present into the political life of the country. This system of corruption based on bribes was called *Tangentopoli*. The phenomenon was not a singular unpleasant event, but instead a widespread connotation of the whole national system, which worsened the crisis the political parties were experiencing, preventing them from any possible form of redemption.

The following elections, held on April 5-6, 1992 were called as the *game changer elections*, during which traditional parties saw the dawn of their existence, while new actors started appearing on the political landscape³⁴⁹. The outcome was the smoking gun at national and international level of the inadequacy of the traditional political establishment to keep ruling the country³⁵⁰. In fact, at Community’s level, the instability of the government and the failure to comply with the legislation were undermining the political role and the credibility of the country³⁵¹.

Once Giuliano Amato, from the Italian Socialist Party, formed a new government in June 1992, it came as an urgent necessity for the country to start restoring the economic status in order to comply with the standards required from the EC to get the access to the following phases for the full implementation of the monetary union and the adoption of the single currency³⁵². The country had to

³⁴⁵ N. Conti. *L’Europa vista dai partiti*, pp.129-183.

³⁴⁶ G. Mammarella. *L’Italia Contemporanea*, pp. 537-585 and P. Anderson. *The New Old World*, pp. 279-351 and G. Cazzaniga. *Metamorfosi dei nostri partiti politici*, pp. 671–686.

³⁴⁷ P. Anderson. *The New Old World*, pp. 279-351.

³⁴⁸ G. Mammarella. *L’Italia Contemporanea*, pp. 537-585.

³⁴⁹ G. Mammarella. *L’Italia Contemporanea*, p. 556.

³⁵⁰ M. Piermattei. *Le culture politiche italiane* available at, <https://www.officinadellastoria.eu/it/2011/07/20/le-culture-politiche-italiane-e-il-trattato-di-maastricht-1992-1994/> last accessed 14/08/2020.

³⁵¹ P. Daniels. “Italy and the Maastricht Treaty”, pp. 178–191 and P. Anderson. *The New Old World*, pp. 279-351.

³⁵² A. Varsori, *La Cenerentola d’Europa*, pp. 331-374.

take austerity measures in a very short time. And this was the road the government tried to pursue: drastic contraction of the public expenditure in several sectors (defence, social system etc...) with severe consequences for the population and an increase in public taxation³⁵³. The measures implemented created strong dissent among the population and the parliament itself. The increasing tension was also due to a period of monetary turbulences at international level. As a consequence of the Danish referendum on the Maastricht Treaty and conjunction of international juxtaposed monetary policies, with which the Italian lira had linkages, set the basis for a monetary crisis³⁵⁴. The only road the Italian government could follow was the devaluation of the national currency, so as to try to contain inflation, which forced Italy to exit from the ERM, since it was no longer meeting the standards of exchange against the German mark³⁵⁵. The speculation over lira, joined to the widespread distrust the population was nurturing towards the political establishment, led to an important outflow of capital from the country³⁵⁶. The decision to devalue lira had a positive impact on the short-term but in a long-term reference it brought to inflation³⁵⁷. The crisis lived by the Italian lira showed the necessity for the ERM to reconsider the reintroduction of flexibility of the exchange rate system³⁵⁸.

The events surrounding Maastricht demonstrated both at the public opinion and the political class of Italy the impact that the community dimension started to have in the domestic life of the country itself, thus shifting from an issue perceived as foreign policy to be treated as proper domestic policy. The traditional political class had showed all the limits and the inadequacy to deal with the new post-Cold-War dimension and the new challenges set at European level. These elements together with the emergence of new political actors drove the Italian traditional political class to its last stop, opening a new political period gone by the name of *Second Republic*³⁵⁹.

The political landscape underwent an important change, that would impact both the domestic and the international dimension. If the protagonists of the First Republic had been the popular parties based on opposing ideologies, in the very moment the Cold-War system started crumbling down, their past

³⁵³ A. Varsori, *La Cenerentola d'Europa*, pp. 331-374 and Mammarella, Giuseppe. *L'Italia Contemporanea (1943-1998)*, pp. 537-585.

³⁵⁴ In fact, as a consequence of German reunification, the Central Bank of the country was keeping high exchange rates against the mark, in order to be able to absorb into its economic system the newly annexed East Germany, previously based on a communist economic model. While the *Bundesbank* was pursuing a restrictive monetary policy in order to lower the inflation coming from the higher demand of currency (as a consequence of the joint demand from West and East Germany), on the other hand, the Federal Reserve of the United States was pursuing an opposite expansive monetary policy. See D. Delli Gatti, et al. *Competitività, inflazione e disoccupazione: le prospettive del regime di cambio*, Rivista Internazionale Di Scienze Sociali, pp. 525-54 and P. Daniels. "Italy and the Maastricht Treaty", pp. 178-191.

³⁵⁵ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁵⁶ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁵⁷ P. Daniels. "Italy and the Maastricht Treaty", pp. 178-191.

³⁵⁸ For a complete discussion on the consequences of the crisis see D. Delli Gatti, et al. *Competitività, inflazione e disoccupazione*, pp. 525-54.

³⁵⁹ P. Anderson. *The New Old World*, Verso, London, 2011, pp. 279-351.

powerful ideological connotation became substantially useless in a completely different and much more complex post-Cold War scenario³⁶⁰. This important shift in the political landscape has to be considered as the outcome of important changes (both at economic and social levels) set in motion by the end of the bipolar confrontation, the emergence of new actors and the establishment of new relationships in the international scenario. The new system came to be closer to other national political systems in place across Europe and across the world.

According to historians it is possible to draw an association with the modern political system of the United States given the new bipartisan nature of the composed groups, the creation of a professional public elite and a political communication based on mediatic means³⁶¹. Although the *bipartisan system* could appear a simplification of the political framework, this can not be taken as given. The Italian electorate was used to a proportional system where the parochialism of the country and the different positions enclosed in it, could find expression³⁶². The request for a new electoral system towards a radical change was evident through the popular dissent, in clear opposition to the partitocracy and the pervasive corruption among the political class, looking for a renewed representative democracy³⁶³.

The actors in place

Since the upheaval of the system in place determined such an important rearrangement of the political parties, it is important to have a general picture of the political forces that underwent such an important change, while, at European level, important decisions for the future and the exercise of sovereignty were being taken.

One of the most important actors on the political landscape was the Christian Democratic Party (DC) which had a long tradition, being founded in 1919 to create a political unity among the Catholics of the country, after the Second World War, it came to be supported by the US, being identified with the political force to oppose the communist in the bipolar confrontation³⁶⁴. During the First Republic, it acted as a key player in the political coalitions created, being the relative majority party, with

³⁶⁰ G. Cazzaniga. "Metamorfosi dei nostri partiti politici", pp. 671–686.

³⁶¹ G. Di Franco, et al. *L'Italia al voto. Analisi delle elezioni amministrative del 1993 e delle prospettive del sistema politico italiano*, Editrice Internazionale s.r.l., Roma, pp. 140-142.

³⁶² Di Franco, Giovanni et al. *L'Italia al voto*, pp. 140-142.

³⁶³ Di Franco, Giovanni et al. *L'Italia al voto*, pp. 140-142 and K. Dyson and K. Featherstone, "Italy and EMU as a 'Vincolo Esterno'", pp. 272-299.

³⁶⁴ U. Skubikowski. *L'Italia verso il Duemila*, University of Toronto Press, 1997, pp. 49-108. For a detailed analysis of the history of the DC see G. Pasquino. *Crisi della dc e evoluzione del sistema politico*. Rivista Italiana di Scienza Politica Vol. 5, No. 3, 1975, pp. 443–72.

important leaders that have signed Italian history. Based on Christian-Democratic and anti-fascist principles, at economic level it used to support cooperation among social classes and the creation of a social market, with a welfarist character³⁶⁵. As a matter of fact, in the aftermath of the War, it came to represent an interclass party, able to collect the exigencies both of the middle and low bourgeoisie³⁶⁶. However, the heterogeneity that characterised this political party ranging from liberal-conservatives to progressists represented a weak point, which often prevented the creation of a strong shared consensus³⁶⁷. The political immobilism and the fragmentation of the pentapartito coalition of the 1980s, strongly characterised the DC, laying the basis of the crisis of one of the major political player in the Italian landscape³⁶⁸. However, the most critical element for the DC was the loss of its role as bulwark against the communism and the loss of interest of the US in its domestic role, once the bipolar confrontation began to end³⁶⁹. The coup de grace to the traditional DC was given by the implication of several DC politicians in the *Tangentopoli* scandal, showing their involvement into the corruption of the country³⁷⁰. In order to try to change the façade of the party, and to give it new credibility, the progressive wing of the DC decided to change its name into Italian Popular Party, (PPI), while the conservative wing of the party formed the Christian Democratic Centre, (CCD), which however did not collect popular consensus in the first elections of the *Second Republic* in 1994³⁷¹.

The opponent player in the political arena, during the Cold-War years was the Italian Communist Party (PCI). Notwithstanding its communist ideological character, the Italian communist Party did indeed represent an exception in the political landscape of the Cold-War. Challenging the established balances by proposing an “*alternative road*” to the one set in the international scenario, Eurocommunism played an important role both at domestic and international level³⁷². In this sense, the Italian Communist Party under the leadership of Enrico Berlinguer, supported an Italian “road towards socialism” in the context of a parliamentary democracy³⁷³. The PCI was the communist party that gained more electoral consensus in the Western sphere, not without concerns from both the superpowers. Although the formula of Eurocommunism was a possibility for Europe to find a new

³⁶⁵ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁶⁶ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁶⁷ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁶⁸ Piermattei, Massimo. *Le culture politiche italiane e l'integrazione europea (1992-1994)*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

³⁶⁹ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁷⁰ P. Anderson. *The New Old World*, Verso, London, 2011, pp. 279-351.

³⁷¹ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁷² Pons, Silvio. *The Rise and Fall of the Eurocommunism*, pp.45-65.

³⁷³ Pons, Silvio. *The Rise and Fall of the Eurocommunism*, pp.45-65.

dimension in the bipolar confrontation, the project was not able to overcome the two-blocs world division³⁷⁴. The crisis of the party came in particular way under the influence of the events in the communist world, with the democratisation of the satellite republics, the Fall of the Wall and the collapse of the Soviet Union itself. This led to the dissolution of the party in 1990, and the subsequent creation of the new Democratic Party of the Left oriented towards a renewed form of social democracy³⁷⁵. The conservative wing of the former PCI instead gave life to another political group, the new Communist Refoundation Party, although being highly criticised for the anachronistic ideological attachment to a past model, no longer viable³⁷⁶.

The other important player in the Italian left political landscape was the Italian Socialist Part (PSI), that dated its origins back to 1892 under a Marxist ideology³⁷⁷. In the immediate aftermath of the end of the Second World War, it experienced a strong alignment with the political line of the PCI. However, once its electoral support started diminishing in favour of the PCI, the party established a more independent line, under the leadership of Bettino Craxi, determining a complete departure from the Marxist ideology³⁷⁸. The Socialist Party enjoyed a greater support from the second half of the 1970s, thus being able to lead the Italian government, creating a discontinuity in the Christian-Democrat long line of power³⁷⁹. During the First Republic, the PSI supported the project of the European integration, although in an independent framework, meaning that the European Community had to gain a new international role outside from the bipolar logic³⁸⁰. However, the party fully collapsed with the *Tangentopoli* scandal, since the PSI was the main party involved. It also forced the resignation of Craxi, suspected to have linkages with the net of corruption discovered³⁸¹.

All things considered, the first “destabilising political phenomenon” for the traditional party system that emerged in the political scene, was a political movement created among the northern regional Leagues, risen during the 80s, called by the name of *North league Movement*³⁸². It was the first “prototype” of a new generation of parties, which distance itself from the traditional (bipolar) logic, *right or left*. This new political actor was mainly based on neoliberal economic principles, strongly opposing to the southernist policies carried out by the government³⁸³. According to the Northern

³⁷⁴ Pons, Silvio. *The Rise and Fall of the Eurocommunism*, pp.45-65.

³⁷⁵ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁷⁶ M. Piermattei. *Crisi della Repubblica e sfida europea*, pp 41-84.

³⁷⁷ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁷⁸ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108 and P. Anderson. *The New Old World*, pp. 279-351.

³⁷⁹ E. Berselli. “The Crisis and Transformation of Italian Politics”, pp. 1–24.

³⁸⁰ For a detailed account on the PSI and Craxi, see G. Mammarella. *L'Italia Contemporanea*, pp. 427-516.

³⁸¹ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁸² E. Berselli. *The Crisis and Transformation of Italian Politics*, pp. 1–24.

³⁸³ M. Piermattei, Massimo. *Crisi della Repubblica e sfida europea*, pp. 41-84.

Leagues members, the government was pursuing mainly the development and interests of the southern part of Italy, by using the money coming from the wealthier region of the North and imposing them high levels of taxations³⁸⁴. Therefore, they proposed the idea of the secession of the North (identified in the *Padania* region) from the rest of the country, to create a form of federalism which would allow the northern region to regain the control of “their money”³⁸⁵. Although the Northern League was flag bearer for an independent North-Italian state-region, the European dimension at the beginning of its political existence, was considered as a positive dimension whenever this came to be realised into a federal system³⁸⁶. Another important point in the Northern League domestic agenda, was the strong opposition to foreign immigration. As a matter of fact, during the 80s the phenomenon of illegal migration of people coming from the so called Third World grew intensively, determining strong feelings of intolerance and social marginalisation³⁸⁷. This new political group became highly popular among the electorate of North Italy, collecting important results for the first time at the administrative elections of May 1990. Its popularity was mainly given by a well-organised territorial structure and a political leadership characterised by a great charisma and great communicative skills³⁸⁸.

Another important actor that came to alter the Italian political landscape, was Silvio Berlusconi. Berlusconi was one of the major entrepreneurs of the country who was the president of the *Fininvest* group (television networks, insurance groups, editorial groups etc...) ³⁸⁹. He entered into politics with the aim to collect the votes from the moderate/centred public opinion, preventing a possible comeback to the government of the left parties³⁹⁰. Openly founded on liberal economic principles, on January 26, 1994, Berlusconi founded his own party, *Forza Italia*³⁹¹. The rise of the new party was incredible, collecting consensus from all social classes and all across the country, thanks to strategic alliances, the new use of propaganda medium and the charisma of the leader himself³⁹². Thanks to all these factors, Forza Italia was able to get the majority of the votes at the national elections on March 1994 (with the alliances established framed in the *Polo della Libertà* and *Polo del Buon Governo*),

³⁸⁴ M. Piermattei, Massimo. *Crisi della Repubblica e sfida europea*, pp. 41-84.

³⁸⁵ M. Telò. *Italy's interaction with the European project, from the First to the Second Republic: Continuity and change*, Macmillan Publishers, Comparative European Politics Vol. 11, 3, 2013, pp. 296–316 and E. Berselli, *The Crisis and Transformation*, pp. 1–24.

³⁸⁶ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 29-31.

³⁸⁷ G. Mammarella. *L'Italia Contemporanea (1943-1998)*, pp. 537-585 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 41-42.

³⁸⁸ C. Pinto, Carmine, and S. Rosario Salvatore. *Il Sistema Politico Nella Crisi Dei Partiti in Italia (1989-1994)*. Ventunesimo Secolo, vol. 9, no. 23, 2010, pp. 147–16.

³⁸⁹ P. Anderson. *The New Old World*, pp. 279-351.

³⁹⁰ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁹¹ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁹² E. Berselli. “The Crisis and Transformation of Italian Politics”, pp. 1–24.

incorporating part of the former DC and PSI electorate³⁹³. His program was essentially based on the recovery of the economic situation through neoliberal policies, with particular reference to a plan of privatisation and of cuts in the public expenditure³⁹⁴. The victory of Berlusconi was not warmly welcomed among European political elites, given the presence of openly EU-critical ministers in his entourage³⁹⁵. However, the first experience of Berlusconi at the government was short-term, given the early departure of the Northern League from the alliance³⁹⁶.

Minor parties used to characterise the political landscape in Italy, with particular reference to three parties that although were not able to collect wide consensus, they took part in the *pentapartito* coalitions of the 1980s. These were, the Italian Democratic Socialist Party (sharing socialist positions of the PSI, from which it had originated), the Italian Liberal Party (of liberal conservative ideology) and the Italian Republican Party (based on liberal and social values). Their presence on the Italian political landscape vanished after the *Tangentopoli* investigations³⁹⁷.

Worthy to be mentioned are also other political forces impacting the Italian context. The *Radical Party*, risen during the 1970s, which promoted important campaigns in the social field, such as the campaign for the divorce or the right to abortion³⁹⁸. The *Green Party*, in a general European tendency, supported the commitment towards the environmental protection, bringing on the political landscape a theme that will characterising with increasing importance the political debate. Both these parties had no implications with *Tangentopoli* and being on the side lines of the political life, they survived to the shift from the *First* to the *Second Republic*, carrying on their main beliefs.

Being relatively marginalised during the First Republic, after the scandal involving all the major parties, the Italian Social Movement (*Movimento Sociale Italiano*) strengthened its position, also through a rearrangement of its outlook³⁹⁹. Based on far-right positions, the MSI kept a certain support in the electorate, already in the immediate aftermath of the end of the Second World War, from supporters of Mussolini. The party shared a conservative, neo-fascist ideology⁴⁰⁰. Its pro-European attitude was rooted in a fascist European conception, based on the safeguard of national sovereignty, thus rejecting any possible form of control through the implementation of the supranational nature of the EC⁴⁰¹. Pushed by the willingness to be legitimised at national level, the MSI led by Gianfranco

³⁹³ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108 and G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

³⁹⁴ G. Mammarella. *L'Italia Contemporanea*, pp. 574-585.

³⁹⁵ A. Varsori, *La Cenerentola d'Europa*, pp. 375-402.

³⁹⁶ E. Berselli. *The Crisis and Transformation of Italian Politics*, pp. 1-24.

³⁹⁷ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁹⁸ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

³⁹⁹ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

⁴⁰⁰ U. Skubikowski. *L'Italia verso il Duemila*, pp. 49-108.

⁴⁰¹ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 29-31.

Fini, changed its denomination into Alleanza Nazionale, disrupting the direct inheritance from the neofascist positions, so as to become more acceptable to the public opinion⁴⁰².

This was the political landscape, which took part into the debate regarding the implications for Italy of the Maastricht Treaty and the deepening path the EC was enforcing. A political situation which paralleling the important steps in the EC context, was hardly surviving, among a bad economic situation, financial instability, corruption and social dissent coming from the Italian public opinion in the first place.

European attitude of Italian political parties: continuity or discontinuity between the First and the Second Republic?

The shift from the First Republic to the Second Republic, happened in a very important moment in the history of the European Union, as the Maastricht Treaty was negotiated, signed and ratified. The project for the creation of a political and monetary union required intense efforts, mainly from the sovereignty viewpoint, and it obviously needed the greatest support from member countries to be fully accomplished. The support to the process in each country was different depending upon the national perspective towards the integration process itself. In this sense, when taking into consideration the Italian political landscape, it is interesting to linger over the attitude towards European integration within the political upheavals the Italian republic lived in those years, to understand how the political and the public debate would argue about the emblematic moment represented by the Maastricht Treaty and the institutionalisation of the phenomenon of differentiated integration.

It is recognised by historians that it is possible to encounter a general pro-European attitude towards the integration process in the whole Italian political class during the First Republic⁴⁰³. This is particularly true after a re-elaboration of the Eurosceptic positions of the Communist Party (PCI), happened during the 70s, after the outcomes of Soviet imperialism and the events of Czechoslovakia and Chile⁴⁰⁴. Eurocommunism played an important role in the development of the Italian communism, since the major mastermind behind this project was Enrico Berlinguer, the Secretary of

⁴⁰² G. Mammarella. *L'Italia Contemporanea*, pp. 537-585.

⁴⁰³ Conti, Niccolò. *L'Europa vista dai partiti*, pp. 129-183 and M. Telò. *Italy's interaction with the European project*, pp. 296-316 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 99-106.

⁴⁰⁴ Conti, Niccolò. *L'Europa vista dai partiti*, pp. 129-183.

the Italian Communist Party (1972-1984)⁴⁰⁵. During the early Cold War phases, Italian communists used to consider the European integration project as a capitalist product through which the United States would jeopardize the sovereignty of European countries⁴⁰⁶.

The complete change of their positions (called *convergence*) towards Europe, took place at first, thanks to the idea of Eurocommunism, but completely once the bipolar division was falling apart and the Cold War framing was no longer authentic⁴⁰⁷. During the First Republic therefore, the general political attitude was positive towards the European integration process. A series of different factors, both internal and external, determined the *convergence* of the Italian political class towards pro-European position⁴⁰⁸. The first external factor was determined by the Cold War context, when Italy and the other countries of the European Economic Community were parts of the American sphere of influence. The range of autonomy for West-European countries in civil and foreign choices was more tolerated by the US in so far it was part of an established European institutional framework⁴⁰⁹. The other external factor was bound to socioeconomic reasons: the liberalisation of trade and the creation of a common market was envisaging higher levels of wealth and prosperity for the country, although enabling the Italian government to maintain in place its traditional welfare system (*Italian Keynesianism*)⁴¹⁰.

The following internal factors did also play an important role in shaping a pro-European political attitude. The widespread anti-fascist feelings after the Second World War, and the desire for peace drove the majority of the parties to support treaties to ensure peace among European countries, allowing also the possible creation of supranational entities to which hand over part of their own sovereignty (in accordance with Article 11 of the Italian Constitution)⁴¹¹. Another internal key factor was the support provided by the Catholic Church (an influencing historical institution in the political life of the country) to the integration process, with the aim to fight nationalism and the divisions it had created, in the name of a unified Christian Europe⁴¹². It was also in the interests of the new emerging business class a unified Europe, where Italian production could find bigger markets, increasing the economic benefits⁴¹³. According to their point of view, the implementation of the

⁴⁰⁵ G. Mammarella. *L'Italia Contemporanea*, pp. 389-465.

⁴⁰⁶ N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

⁴⁰⁷ M. Telò. *Italy's interaction with the European project*, pp. 296-316.

⁴⁰⁸ M. Telò. *Italy's interaction with the European project*, pp. 296-316.

⁴⁰⁹ M. Telò. *Italy's interaction with the European project*, pp. 296-316.

⁴¹⁰ M. Telò use the expression Italian Keynesianism recalling the concept of "embedded liberalism" described by J.G. Ruggie. For further information see J. G. Ruggie, John Gerard. *International Regimes, Transactions, and Change: Embedded Liberalism in the Postwar Economic Order*. International Organization, vol. 36, no. 2, 1982, pp. 379-415.

⁴¹¹ M. Telò. *Italy's interaction with the European project*, pp. 296-316 and Amato, Rosaria. *Leggere la Costituzione. Le libertà, i diritti e i doveri dei cittadini, l'organizzazione dello Stato, gli obiettivi e le istituzioni dell'Unione europea*, seconda edizione, Simone per la scuola, 2004, p. 54.

⁴¹² M. Telò. *Italy's interaction with the European project*, pp. 296-316.

⁴¹³ A. Varsori, "The Andreotti Governments", pp. 23 - 44.

prosperity of the country could only happen in a European framework, considered as a common symbol of commitment to peace, of democracy and modernity⁴¹⁴. Year 1989 is considered as the peak of “*Italian Europeanist ideology*”, meaning that it was the political moment when the majority of the political forces shared a positive consensus towards the European issues⁴¹⁵. From the peak represented by year 1989, the European consensus came to be more critical as the political parties underwent a radical change that brought to the period called the Second Republic in the political history of Italy.

Although the general shared attitude and the rhetoric was positive and supportive to the implementation of the European project during the First Republic, it is important to recognise the gap with the public administration and the governmental institutions in effectively aligning to the European directives and requirements. In particular the Italian economic performance prevented a quick implementation of the European directives, in line with the rhetoric showed by the political parties at first place⁴¹⁶. This came to be fully evident during the negotiations for the Maastricht Treaty, when, although the government was supportive of the monetary (and political) integration, it did not demonstrate a clear national strategy, nor a defined agenda during the negotiations, given the difficulties both at political and economic level it was experiencing⁴¹⁷. This lack of clearness coming from the political leadership was considerably felt from the domestic public opinion, which started developing a particular criticism towards the European project. As a matter of fact, Europe came to be identified as the source of the political problem the country was experiencing⁴¹⁸.

Although the apparent easiness with which the Italian political class faced the issue of monetary and European integration in 1992, the ratification of the Maastricht Treaty was a watershed in the contents and the development of the debate regarding a fundamental part of the political life as the European Union has become from then on⁴¹⁹. As a matter of fact, after Maastricht, the theme of the European integration became more elaborate in the political debate, with a complexification of the positions held by the different parties, according to the different agendas. There was an enrichment of the debate, both on specific issues regarding the European Union, as well as on the general idea the different parties developed circa the integration process in general⁴²⁰.

⁴¹⁴ M. Telò. *Italy's interaction with the European project*, pp. 296–316.

⁴¹⁵ Altiero Spinelli quoted in M. Telò. *Italy's interaction with the European project*, pp. 296–316.

⁴¹⁶ A. Varsori, “The Andreotti Governments”, pp. 23 – 44 and M. Telò. *Italy's interaction with the European project*, pp. 296–316.

⁴¹⁷ P. Daniels, “Italy and the Maastricht Treaty”, pp. 178-191.

⁴¹⁸ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 99-106.

⁴¹⁹ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 99-106.

⁴²⁰ N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

What historians have witnessed is a “slow passage from the *indeterminateness* of positions often alike among themselves, to the *clearness* of controversial positions”⁴²¹. The Second Republic therefore was no longer characterised by the acritical consensus (which is different from a shared general consensus) towards European integration detectable during the 80s of the First Republic⁴²². Instead, the new political scenario was connoted by different and conflicting positions more elaborated on the implications that the European project would bring into the country. The most identifiable general division was this: the right-central groups showed a cautious and observant attitude, while the left-central groups were openly supportive⁴²³. In fact, the political landscape came to be characterised by the development of different political viewpoints which diverged under several aspects. In this sense, in both the coalitions there was the presence of at least one party against Maastricht and its ratification (Alleanza Nazionale at right and Communist Refoundation at left)⁴²⁴. This created a critical debate within the two factions, preventing the pursuing of cohesive European policies also within the groups themselves⁴²⁵.

The complexification of the political debate regarding the European project is a consequence of the intensification of the integration process itself. The fact that the political parties in the Second Republic diversifies their positions, came from the increasing presence and influence the Union started exercising on the life of the member countries. The coordination of public policies in different policy areas, once at the mere control of the national government itself, came to be influenced or completely directed at European level, thus reducing the margin for manoeuvre national parties have⁴²⁶. This is why the *European issue* became a central theme in the agenda set by the parties⁴²⁷. It also became one of the most critical themes around which the political parties clashed more intensively⁴²⁸.

All things considered according to historians, the *European issue* did never play a disruptive role in the debates at the beginning of the Second Republic, showing that still the political class was

⁴²¹ L. Verzichelli and N. Conti. *L'Europa in Italia*, quoted in M. Piermattei, Massimo. *Crisi della Repubblica*, p. 105.

⁴²² M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 107-143 and M. Piermattei. *Il ruolo dell'Ue e dell'integrazione europea nella crisi dell'Italia repubblicana degli anni '90: attori, snodi*. Dipartimento di Economia e Impresa, Università della Tuscia, 2014, pp. 1-7.

⁴²³ M. Piermattei. *Il ruolo dell'Ue, l ruolo dell'Ue e dell'integrazione europea nella crisi dell'Italia repubblicana degli anni '90: attori, snodi*. Dipartimento di Economia e Impresa, Università della Tuscia, 2014, pp. 1-7. For a detailed account of the position developed by each party see N. Conti. *L'Europa vista dai partiti*, pp. 129-191.

⁴²⁴ M. Piermattei. *Le culture politiche italiane e l'integrazione europea (1992-1994)*, Officina della Storia, 2011, available at, <https://www.officinadellastoria.eu/it/2011/07/20/le-culture-politiche-italiane-e-il-trattato-di-maastricht-1992-1994/> last accessed 14/08/2020.

⁴²⁵ M. Piermattei. *Il ruolo dell'Ue*, pp. 1-7.

⁴²⁶ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 5-10.

⁴²⁷ See N. Conti. *L'Europa vista dai partiti*, pp. 129-191.

⁴²⁸ M. Piermattei. *Il ruolo dell'Ue*, pp. 1-7.

processing the past acritical consensus of the First Republic, into a more critical analysis, requiring more serious reflections on the *issue* itself⁴²⁹. Although the mainstream position of the parties was supportive of the European integration, the interesting aspect is that this shared support started showing different shades, which demonstrated the willingness to create a more thoughtful and constructive interaction between the national and the supranational level. Therefore, the years from 1989 to 1994 were a fundamental historical moment for the change in the Italian political attitude towards the European integration process⁴³⁰. These years determined certain discontinuity in the Italian univocal attitude, if we compare the First and the Second Republic⁴³¹. However, through this change, the new political debate set itself on the same page of the political landscape of other European countries, creating a new awareness of the European dimension in the whole nation⁴³².

⁴²⁹ N. Conti. *L'Europa vista dai partiti*, pp. 129-191.

⁴³⁰ M. Piermattei. *Le culture politiche italiane* available at, <https://www.officinadellastoria.eu/it/2011/07/20/le-culture-politiche-italiane-e-il-trattato-di-maastricht-1992-1994/> last accessed 14/08/2020.

⁴³¹ For a complete analysis of the continuity and discontinuity in the political attitude towards the European integration process between the First and the Second Republic, see M. Telò. *Italy's interaction with the European project*, pp. 296–316.

⁴³² N. Conti. *L'Europa vista dai partiti*, pp. 129-191.

CHAPTER III

ANALYSIS OF THE ITALIAN DEBATE ON THE OPT-OUT CLAUSES

The European dimension as a new relevant national issue

As the integration process was taken further, the national dimension of each member country of the European Community progressively underwent a process of rethinking of its inner dynamics and policies. It was an unavoidable aspect of the growing integration represented by the newly born Union, which started affecting the inner life of each country in such a way, that it was no longer representing a marginal aspect, but it rather came to constitute a new pivotal issue⁴³³. The growing European integration did influence the political culture in a new way, requiring a complexification of the political thinking, and creating a new spawning ground for political divisions among political groups, according to their orientation towards the European project and its multisided nature⁴³⁴. The line between the supranational dimension and the national dimension progressively faded, creating a new inter-related dimension, which gave birth to a “*third*” new political sphere, identifiable with the appellation of *intra-European policy*⁴³⁵:

"The development of a Community Europe makes increasingly significant a new reality that is the close interconnection between the policies of the different member states, within an institutional framework and common policies at European level (...). As a consequence of it (of the European policy), the domestic policy itself is placed in a profoundly new dimension⁴³⁶".

⁴³³ M. Piermattei. *Le culture politiche italiane e l'integrazione europea (1992-1994)*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020 and T. Winzen, and F. Schimmelfennig. “Instrumental and Constitutional Differentiation in the European Union”, *Journal of Common Market Studies*, Centre for Comparative and International Studies, ETH Zurich, 2014 Vol. 52, No 2. pp. 354–370 and K. Dyson and A. Sepos, ‘Differentiation as design principle and as tool in the political management of European integration’, in Dyson K. and Sepos A. (eds), *Which Europe?*, Palgrave Macmillan, 2010, pp. 3–23.

⁴³⁴ See N. Conti. *L'Europa vista dai partiti*, pp. 129-191 and A. Varsori, *La Cenerentola d'Europa*, pp. 403-423 and M. Telò. *Italy's interaction with the European project*, pp. 296–316 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 107-117.

⁴³⁵ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

⁴³⁶ M. Monti, *Intervista sull'Italia in Europa*, quoted in M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020. This is my personal translation of the original quote, which follows in Italian: “*lo sviluppo dell'Europa comunitaria rende sempre più significativa una nuova realtà che è costituita dalla stretta interconnessione tra le politiche dei vari stati membri all'interno di un quadro istituzionale e di politiche comuni a livello europeo (...) È la stessa politica domestica che viene, per effetto di essa (della politica europea), a collocarsi in una dimensione profondamente nuova*”.

This is the reason why historians talk about the *Europeanisation* of the domestic political life of member countries, meaning that the European dimension came to carry out a fundamental role, affecting inner balances⁴³⁷. Something that happened in Italy as well. Both the processes of *deepening* and *widening* (as inter-correlated processes) made grow the complexification of the positions towards the European dimension, boosting a major division into two main position-groups, both in the political sphere, as well as among the public opinion, thus at social level.

The two extremes in the range of positions that came to characterise the debate surrounding the European dimension, already in place at the origins of the project, but increasingly influencing the national life of each country, were the *Europhile* positions and the *Eurosceptics* positions⁴³⁸. This basic division determines in major terms a pro-European attitude supportive of the growing competences allowed to the EU, for the first group, while an anti-European attitude more critical of the Community dimension, in the second case⁴³⁹. This duality came to be complexified and diversified as the European dimension grew in its national influence, multiplying the positions political parties and the public opinion held towards the matter. In actual fact, in between the pure Eurosceptics and the pure Europhile positions, a whole spectrum of different shades came to particularise different attitudes towards the EU dimension, according to different positions with regards to any specific matter, such as certain policy areas, or certain institutional competences, and so on forth.

According to historians the origins of these trends are to be found in the 1970s and the 1980s, and particularly with all the proactive initiatives realised to make integration proceed further during this time period (from the *Snake in the tunnel* to the subsequent European Monetary System, the growing relevance given to the Parliamentary dimension, up to the monetary and political union established with the Maastricht Treaty etc...)⁴⁴⁰. The complexification of the panorama of the different attitudes towards the European dimension widened as time passed by, and as the European dimension started to have a growing impact on the domestic life of each country and of its citizens⁴⁴¹.

⁴³⁷ P.R. Graziano, *Europeanization and Domestic Policy Change: The Case of Italy*, London and New York, Routledge, 2012, pp. 1-25 and N. Conti. *L'Europa vista dai partiti*, pp. 5-34.

⁴³⁸ N. Conti. *L'Europa vista dai partiti*, pp. 5-34 and see also A. Szczerbiak, P. Taggart, *Theorizing party-based Euroscepticism: Problems of definition, measurement and causality*, Sussex University Institute, 2003, pp. 1-19

⁴³⁹ This division is described in its basilar and generalised nature, although the differentiation of these positions increased considerably as the process of integration was taken further, creating a whole range of positions, not merely simplistically ascribable to one of the two extremes identified with the Europhiles and the Eurosceptics.

⁴⁴⁰ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020 and N. Conti. *L'Europa vista dai partiti*, pp. 129-184.

⁴⁴¹ See Chapter II, "European attitude of Italian political parties: continuity or discontinuity between the First and the Second Republic?".

This major division also characterised the Italian debate regarding the negotiations for the Maastricht Treaty, its ratification and the consequences brought for the nation.

Among the novelties introduced by the treaty there was also, for the first time, the possibility to allow the concept of differentiated integration to effectively become institutionalised, through the *opt-out clauses* enshrined in the text of the Treaty. These dispositions were granting an official different status to certain member countries, according to specific circumstances or requirements. The opting-out countries through these clauses created the common perception, at domestic level, of a “fictitious” sense of national unity, standing for the defence of the sovereignty of the country, which is considered an unnegotiable principle⁴⁴². If for the opting-out countries the clauses do represent “*bulwarks against European integration and symbolise the preservation of national sovereignty (...) which makes them seem almost sacrosanct*”, fully protecting the national supremacy from a possible supranational intromission, it is interesting to consider the debate developed in another (non-opting-out) member country such as Italy, also in the light of the political disruptions in place at the moment the first opt-out clauses were framed into a legitimate European instrument⁴⁴³. As a matter of fact, this particular form of differentiated integration, created a debate (and still does), regarding the admissibility of such provisions within a Union of equal sovereign states, as well as the limits that they imply to the integration process itself, which progressively grew over time⁴⁴⁴.

Italian debate at political level

The first part of the analysis regarding the Italian perception of the opt-out clauses will be realised within the political sphere, taking into consideration the transcripts of the debates among the members of the Italian Parliament (only found among the records of the Chamber of Deputies), which can provide an interesting insight of the first reflections regarding the opt-out procedure, which gained increasing relevance, and that was repeatedly used in the following years. The Parliamentary dimension does represent a meeting place between the population and the State institution, creating an intercommunication aiming to respond to the necessities coming from the national citizens through the respect and the application of democratic principles⁴⁴⁵. Within this context the discussions among

⁴⁴² R. Adler-Nissen. *Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*, Cambridge, Cambridge University Press, 2014, pp. 1-24.

⁴⁴³ R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-24.

⁴⁴⁴ A. Kölliker, “Bringing together or driving apart the union? Towards a theory of differentiated integration”, *West European Politics*, Vol.24, No. 4, 2001, pp. 125-151 and R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-24 and A. K. Cianciara, "Does Differentiation Lead to Disintegration - Insights from Theories of European Integration and Comparative Regionalism." *Yearbook of Polish European Studies*, Vol. 18, 2015, pp. 39-58.

⁴⁴⁵ M. Malvicini, *Alcune considerazioni sul sistema parlamentare tra la XVII e la XVIII legislatura*, federalismi.it, Rivista Di Diritto Italiano Comparato Europeo, 2018, available at <https://www.sipotra.it/old/wp-76>

parliamentary members provide the opportunity for the public expression and comparison among the different political ideas and positions with reference to each possible matter of public concern. In this sense, it is important to recall that in the same moment the negotiations for the Maastricht Treaty, its signature and ratification were happening at European level, at national level in Italy, the political class was living a cathartic moment, which impacted on the political composition of the Parliament, influencing the credibility and the relevance of the traditional political actors.

As analysed in the previous chapter, the Italian political attitude during the First Republic was generally characterised by a positive attitude towards the European project, denoted by a certain acritical consensus, supportive of the European dimension in its general dimension and expressions⁴⁴⁶. The polarisation of the political landscape started crumbling down as new political actors started emerging, answering to the public perception of the major parties' inadequacy to effectively lead the country, and to respond to the new geo-political context⁴⁴⁷.

In this sense, the need for a change claimed from the Italian population came to impact the statal institutions, with particular reference to the composition of the Parliament and its traditional characters. The effective change came to happen after the elections in 1994, strongly resizing the assertive support towards the European Union, and bringing instead a whole new set of preferences and positions, that grew as their political existence increasingly gained support⁴⁴⁸. All things considered, some of the new political actors that would later influence the Italian political landscape were already present as the debate regarding Maastricht was in place, thus expressing positions that already were demonstrated a certain critical gaze towards the European project. In fact, the moment of the Maastricht Treaty broke *the veil of the shared rhetorical Europeanism* that characterised the Italian political debate, demonstrating the radical necessity to realise a political rethinking within the nation, also in order to gain more credibility at European level and play a more central role in the Union life⁴⁴⁹.

The first reference encountered in a Parliamentary discussion regarding the opt-out clauses institutionalised with Maastricht, dates back to the Parliamentary session on December 16, 1991, as

[content/uploads/2018/03/Alcune-considerazioni-sul-sistema-parlamentare-tra-la-XVII-e-la-XVIII-legislatura.pdf](https://www.sipotra.it/old/wp-content/uploads/2018/03/Alcune-considerazioni-sul-sistema-parlamentare-tra-la-XVII-e-la-XVIII-legislatura.pdf), last accessed 03/09/2020.

⁴⁴⁶ N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

⁴⁴⁷ M. Malvicini, *Alcune considerazioni sul sistema parlamentare tra la XVII e la XVIII legislatura*, available at <https://www.sipotra.it/old/wp-content/uploads/2018/03/Alcune-considerazioni-sul-sistema-parlamentare-tra-la-XVII-e-la-XVIII-legislatura.pdf>, last accessed 03/09/2020.

⁴⁴⁸ N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

⁴⁴⁹ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020 and A. Varsori, *La Cenerentola d'Europa*, pp. 353-402 and M. Telò. *Italy's interaction with the European project*, pp. 296-316.

the EU Commissioner Carlo Ripa di Meana (from the PSI Party at the time), exposed to the Parliament the results coming from the European Council of Maastricht and its implications for the Italian country and the European Community more generally.

“(…) per la Gran Bretagna vi è una clausola di *opting out*, che le consente di non partecipare a tale processo [UEM], seppure si deve ragionevolmente prevedere a medio termine una soluzione favorevole di questa estraneità britannica, con un'assunzione di obiettivi comuni⁴⁵⁰.”

In these lines regarding the opt-out clauses, it is interesting to notice how Mr. Ripa di Meana conceived such measure as a temporary one, as a provisory step towards a future arrangement made of *common objectives* and which would re-equalize the British position to the position of the other countries. According to this view, the opt-outs would thus be categorized under the sphere of temporary differentiated integration, based on the belief that such differences will be equalized through time, towards the acceptance of a common situation⁴⁵¹. He also expressed a first negative personal opinion towards the opt-out clauses, since according to his view these would have led to put into discussion the traditional Community integration method (or the “*orthodox method*”) considered as “*extremely successful*”⁴⁵².

“Si è così sancito il principio - a mio modo di vedere, molto grave - di una Europa a due velocità. Questa soluzione comporta anche rischi di distorsione di concorrenza commerciale, offrendo un potente vantaggio ad un grande paese industriale della Comunità, in materia appunto di costo del

⁴⁵⁰ EU Commissioner Carlo Ripa di Meana, APAR, CADE, X Leg., Lunedì 16 Dicembre 1991, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁵¹ Major consensus shared among the majority of scholars on the tripartite categorisation of the phenomenon of Differentiated Integration. See A. Stubb, “A Categorization of Differentiated Integration”, *Journal of Common Market Studies*, Vol. 34, No. 2, 1996, pp. 283-295 and M. Condinanzi, *L'Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020 and N. von Oндarza, *Strengthening the Core or Splitting Europe? Prospects and Pitfalls of a Strategy of Differentiated Integration*, Research Paper, Berlin, 2013, pp. 1-14.

⁴⁵² With the expression *orthodox method*, the doctrine refers to the tenet according to which the integration within a supranational institution of sovereign countries had to happen “only in one way”, namely respecting the principle of equality among nations and the principle of non-interference, without the creation of different status. See G. Majone, “Is the Community Method Still Viable?”, In R. Dehousse (ed.), *The ‘Community Method’ Obstinate or Obsolete?*, Houndsmill, Palgrave Macmillan, 2011, pp. 16-42 and A. K. Cianciara, “Does Differentiation Lead to Disintegration”, pp. 39-58 and J. Zielonka, *Europe as Empire*, pp. 65-90, and R. Adler-Nissen. *Opting Out of the EU: the UK and Denmark*. Seminar at Norsk utenrikspolitisk institutt NUPI, 19/10/2016, available at <https://www.youtube.com/watch?v=5BMV7g7Fhm4>, last accessed 25/05/2020.

lavoro, (...). Il modello comunitario classico, che fino ad oggi aveva dato ottime prove, viene quindi rimesso in discussione. È un precedente pericoloso (...)”⁴⁵³.

He defined as “*very serious*” the allowance of the opt-out clauses, which would impact not only on the nature of the European integration process, but also creating distortions in the concurrence of the Community market already in place, thus compromising its functionality and integrity. All things considered, historians recognised that the PSI was the Italian Party that was most satisfied with the achievement accomplished with the Maastricht Treaty, and that the only criticism regarded the arrangement of the social policy⁴⁵⁴. In this sense the speech of Mr. Ripa di Meana fitted with the more general socialist position as far as regards the dissatisfaction regarding the social chapter, which, however, came to be expressed together with his personal criticism towards the opt-out clause granted in this field to the UK, although this is not really articulated in a broader reflection on the possible future implications. In fact, Mr. Ripa di Meana expressed a general criticism towards the recurrence to opt-out provisions as these were compromising of the Community integration model, with the subsequent creation of different speeds among member countries and the creation of a “*dangerous precedent*” for the integrity of the Community⁴⁵⁵. The idea that the opt-out provisions should be considered as a temporary phase in the Community path, is also shared by the Vice-president of the Commission of the European Communities, Filippo Maria Pandolfi (from the DC Party), who intervened during the same Parliamentary session on December 12, 1991. He referred to the opt-out provisions as follows:

“L'unica eccezione è rappresentata dalla formula cosiddetta *opting out* nei confronti della Gran Bretagna, del resto totalmente prevista e scontata (...). (...) La Gran Bretagna firmò l'accordo, (...) pensando però, secondo una tradizione plurisecolare, di riservarsi sempre l'ultima parola. Cambiano i tempi ma alcune costanti dell'atteggiamento britannico continuano a permanere. (...) La mia personale impressione è che si assocerà alla terza fase dell'unione economica e monetaria, e spero che lo faccia in tempo perché la sede della banca centrale sia collocata a Londra e non altrove”⁴⁵⁶.

⁴⁵³ EU Commissioner Carlo Ripa di Meana, APAR, CADE, X Leg., Lunedì 16 Dicembre 1991, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁵⁴ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 41-84 and see “Giudizio positivo della Segreteria del PSI”, in *Avanti!*, 12.12.1991, available at <https://avanti.senato.it/avanti/controller.php?page=progetto>, last accessed 04/09/2020.

⁴⁵⁵ EU Commissioner Carlo Ripa di Meana, APAR, CADE, X Leg., Lunedì 16 Dicembre 1991, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁵⁶ Vice-president of the Commission of the European Communities, Filippo Maria Pandolfi, APAR, CADE, X Leg., Lunedì 16 Dicembre 1991, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

When Mr. Pandolfi described the implications of the Maastricht Treaty during his speech, he referred to the opt-out clauses as a “*completely expected and predictable*” solution, in line with the long-lasting attitude held by the British government towards the political union in general, and here in the specific case of the monetary and social areas. As a matter of fact, the attitude of the British government was widely recognised as “problematic” for the strengthening of the European integration in new policy fields, other than the economic area, in so much that the United Kingdom came to be labelled as the “*awkward partner*” among European member countries⁴⁵⁷.

Given the sentence stated by Mr. Pandolfi, from his standpoint it came as a foreseeable conclusion among the European political establishment that the UK government would have found and proposed an alternative path, so as not to be implied in the monetary union. However, the historical accounts reporting the negotiations of the opt-out clauses, specified how the official opt-out clauses came to be negotiated *in the final hours at Maastricht*, meaning that the officiality of these provisions was realised once the content of the treaty itself had been defined, thus tailoring them in the most suitable way so as not to compromise in any way the British involvement in the monetary Union⁴⁵⁸. Therefore, although the clauses were effectively presented to the Maastricht Council only at the very last stages of the negotiations, the British position during the 1980s (but already from its early accession) had already created certain expectations among the political establishment, of the refusal to join such a project, giving rise to the idea of the necessity to resort to the effective application of *flexibility* to make integration proceed, avoiding the blocking of integration in particular policy areas⁴⁵⁹. This is why Mr. Pandolfi defined the opt-out clauses as “*completely expected and predictable*”, being the consequence of the “*British attitude constants*”⁴⁶⁰.

On the whole, both these politicians (representing the major Italian national Parties of the time) did share a similar view on the opt-out clauses institutionalised with Maastricht. Although they did belong to different political groups, their positions well corresponded to that overall European support that used to characterise the political parties during the First Republic, creating an almost complete common Italian front as far as regards the *European issue*, and in this case not really critically

⁴⁵⁷ S. George, *An Awkward Partner: Britain in the European Community*, quoted in P. Norton. “Opt-Out: Britain’s Unsplendid Isolation”. In J. Hayward, and R. Wurzel (eds), *European Disunion Between Sovereignty and Solidarity*, Palgrave Macmillan, 2012, pp. 252-265. See R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-24 and S. Wall. *A Stranger in Europe: Britain and the EU from Thatcher to Blair*, Oxford University Press, Incorporated, 2008.

⁴⁵⁸ K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

⁴⁵⁹ P. Norton. “Opt-Out: Britain’s Unsplendid Isolation”, pp. 252-265 and R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-24 and K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 534-600.

⁴⁶⁰ Vice-president of the Commission of the European Communities, Filippo Maria Pandolfi, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

assessing the implications of the opt-out clauses for the Italian country, nor for the future of the Union, but rather considering the opt-outs as temporary phases, not destined to last⁴⁶¹.

The position regarding the opt-out clauses in the Italian political debate became more critical after the signature of the Treaty, during the debates of the same year (1992), where particularly (if not exclusively) the *Movimento Sociale Italiano* (MSI), clearly outlined the inadmissibility to accept those clauses, thus to ratify the Treaty itself⁴⁶². The *Movimento Sociale Italiano*, as briefly described in the previous chapter, was the neo-fascist oriented party, born from the very ashes of Mussolini's fascism⁴⁶³. The criticism of this party towards the acceptance of the opt-out clauses and generally towards the ratification of the Treaty, was expressed on several occasions by bringing arguments of different natures to support their criticism. One of the first expressions of opposition against the opt-out clauses, was realised by the Parliamentary member Paolo Agostinacchio, during the session of the Special Commission for Community Policies, on October 14, 1992. Mr. Agostinacchio claimed that:

“se si accettasse indiscriminatamente la clausola che consente un'Europa a due velocità, ne discenderebbe che uno dei pilastri della Comunità - e cioè l'unità monetaria - verrebbe meno. L'unione monetaria, obiettivo strategico dell'unione europea, perderebbe la sua centralità (...). Occorrerà, dunque, evitare (...) l'accettazione dell'*opting-out* che rompe il processo di integrazione⁴⁶⁴.”

According to this perspective accepting the structure of the Treaty, thus the annexed protocols containing the opt-out clauses, would have meant to attempt to the monetary union, in its original nature, affecting the whole integration process⁴⁶⁵. All things considered, Mr. Agostinacchio did not provide a following explanation of the reasons why the absence of the opting-out countries would have meant the destruction of the whole monetary Union, thus implying a conception of union, based on an orthodox framework, necessarily requiring the same level of rights and obligations for each single member, but without providing a series of reasons to support the fear for the compromise of the monetary Union's integrity. From this standpoint the fact that certain countries were granted the

⁴⁶¹ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 13-19 and N. Conti. *L'Europa vista dai partiti*, pp. 129-141.

⁴⁶² See M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 99-105.

⁴⁶³ See Chapter. II, “*Italian actors in place*”.

⁴⁶⁴ On. Paolo Agostinacchio, Commissione Speciale per le Politiche Comunitarie, Mercoledì 14 Ottobre 1992, pp. 155-162, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁶⁵ The integration process here conceived in its “orthodox” development. Cfr. *Introduction* and G. Majone, “Is the Community Method Still Viable?”, pp. 16-42.

possibility not to accomplish with the plan established for the finalisation of the monetary union, was clashing with the idea of an integration happening at the same pace for all member countries, notwithstanding their specific differences in different policy areas, in an orthodox conception of the integration paradigm, still bound to a supranational dimension which used to prioritise the statal subjectivity in first place, in a pro-intergovernmental spirit⁴⁶⁶.

As a matter of fact, the *Movimento Sociale Italiano*, used to support European integration from the early phases of the integration process, in a logic of support to the creation of a “*European space*”, as alternative and independent from the logic of the Cold War blocs⁴⁶⁷. At the same time, however, the support to the European dimension was always strictly subordinated to the protection of the Italian national dimension on the international scenario, thus advocating for a confederation of sovereign states, so as to reduce the supranational intromission in the domestic sphere, and securing the possibility for Italy to possibly gain a recognised international position⁴⁶⁸. In fact, the main concern for the deputies of the MSI was always bounded to the protection of sovereignty of the Italian country, within the Community dimension, which was tolerated in the only form that could guarantee a plenty exercise to the statehood of the country⁴⁶⁹. Therefore, the fact that Mr. Agostinacchio claimed for the avoidance to accept the opt-out clauses, derived from the inadmissibility to conceive an integration that could create different (and dangerously privileged) situations among sovereign nations, possibly negatively affecting Italian role within the Union.

One of the most interesting criticism found among the few Parliamentary interventions with regards to the opt-out clauses, also realised by an exponent of the *Movimento Sociale Italiano*, put into question the constitutionality of the Treaty itself. It is remarkable, to notice how the issue regarding differentiated integration, and the subsequent creation of different situations among equal member countries, raised a debate on the acceptance of such a solution from the national constitutional perspective.

The Constitution is the fundamental legislative act of a country, therefore, the fact that the criticisms towards the constitutionality of the Treaty are related to the allowance of the opt-out clauses, demonstrates the potential relevance of this issue for Italy, but more generally for the whole European debate. In this sense, it comes quite intuitively, the instrumental use of the Constitution by the MSI. In actual fact, the MSI did not support the Republican Constitution (which was based on the rejection

⁴⁶⁶ R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-46 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 29-31 and G. Majone, “Is the Community Method Still Viable?”, pp. 16-42.

⁴⁶⁷ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 13-39.

⁴⁶⁸ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 13-39 and N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

⁴⁶⁹ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 29-31 and A. K. Cianciara, "Does Differentiation Lead to Disintegration ", pp. 39-58.

of fascist values as a core principle, among others), thus, the references to the observance for the constitutionality of the Maastricht Treaty, were a mere instrument for the more general rejection of the Treaty itself, which was not accepted for its implied level of supranational management of a policy domain felt as strictly belonging to the national sphere, thus unacceptably damaging the sovereignty of the nation⁴⁷⁰. The issue for the inadmissibility of the matter was raised by the Italian Social Movement (MSI), on October 26, 1992 (already after the signature of the Treaty)⁴⁷¹.

The MSI parliamentarian, Mr. Raffaele Valensise, introduced the issue as follows:

“Signor Presidente, abbiamo presentato una questione pregiudiziale di costituzionalità perchè il trattato ci appare in contrasto con l'articolo 11 della Costituzione, il quale prevede che eventuali limitazioni della sovranità nazionale siano introdotte in condizioni di parità con gli altri Stati. Noi riteniamo che, invece, in questo caso non vi siano tali condizioni di parità. Auspichiamo la realizzazione dell'unità europea nel rispetto della dignità delle nazioni, un'unità vera ed effettiva, ma dobbiamo rilevare che sia la lettera del trattato, sia alcuni specifici protocolli, facciano delle eccezioni in relazione al Regno Unito di Gran Bretagna e Irlanda del nord. Tali eccezioni ci sembrano giustificate e spiegabili in sede politica (...) ma dal punto di vista del rigore costituzionale riteniamo che l'articolo 11 non sia stato rispettato, poiché ci troviamo a dover limitare la nostra sovranità senza che vi siano condizioni di parità con le altre nazioni contraenti. (...) Non possiamo realizzare l'unione a discapito del nostro ordinamento costituzionale, e segnatamente violando una precisa norma, quella contenuta nell'articolo 11 della nostra Costituzione⁴⁷².”

The article Mr. Valensise referred about, namely Article 11 of the Italian Constitution, regards the rejection of war, and the support to the creation of supranational institutions with the aim to guarantee peace and justice among sovereign nations⁴⁷³. Therefore, the basic principle recognised by this article is the anti-war or pacifist principle, as a guiding principle in the international community after the Second World War⁴⁷⁴. Most relevant for this analysis is the second part of the article under discussion, which also admits the possibility to contemplate a limitation of national sovereignty, as long as this

⁴⁷⁰ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 83-105.

⁴⁷¹ Resoconto Stenografico, APAR, CADE, XI Leg., Martedì 27 Ottobre 1992, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁷² On. Raffaele Valensise, APAR, CADE, XI Leg., Martedì 27 Ottobre 1992, pp. 5147-5148, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁷³ Art. 11: “Italy rejects war as an instrument of aggression against the freedom of other peoples and as a means for the settlement of international disputes. Italy agrees, on conditions of equality with other States, to the limitations of sovereignty that may be necessary to a world order ensuring peace and justice among the Nations. Italy promotes and encourages international organisations furthering such ends”. See Senato della Repubblica, Constitution of the Italian Republic, Parliamentary Information, Archives and Publications Office of the Senate Service for Official Reports and Communication, available at https://www.senato.it/documenti/repository/istituzione/costituzione_inglese.pdf, last accessed 03/09/2020.

⁴⁷⁴ R. Amato. *Leggere la Costituzione*, p. 54.

happens in a supranational organisation made of sovereign States “on conditions of equality”⁴⁷⁵. As a matter of fact, by granting these clauses, member countries would have different rights and different obligations, in a supranational institution formed by equal member countries, creating different levels of integration within the same organisation.

In this perspective, the criticism made by Mr. Valensise seemed to defend the *equality principle* among even state members (also stated as fundamental principle of the Rome Treaty), within the broader framework of the defence of European integration in its orthodox nature, against possible forms of erosion of the legal and political order institutionalized by the European Union itself⁴⁷⁶. All things considered, the *Movimento Sociale Italiano* and its exponents, were a sovereigntist far-right political group, that used not to support European deepening integration, considering it as an interference within the exercise of national sovereignty, thus jeopardizing the integrity of the statehood of member countries⁴⁷⁷. In fact, the prejudicial issue presented at the Italian Parliament is openly critical towards the opt-out provisions, since these created a situation of diversity among countries that should all have played the same role, charged with the same rights and duties.

The fact is that, according to the common categorisation of differentiated integration, the opt-out provisions belong to the negative differentiated integration⁴⁷⁸. This means that these provisions allow the country into question not to take part to the legislative measures under discussion, thus basing their non-participation on a specific matter. In this sense, the scope granted by this mode of integration, does not set itself necessarily as a temporary measure, aiming at a future different outcome, but could lead instead to a static and insuperable situation, crystallising the different status enshrined in the opt-out clause⁴⁷⁹. This is given by the fact that the matter upon which a member country requires an opt-out, is not an area upon which the national country is disposed to indulge on its own sovereignty, since from its standpoint fundamental competency area are taken into

⁴⁷⁵ R. Amato. *Leggere la Costituzione*, p. 54.

⁴⁷⁶ R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46 and J. Zielonka, *Europe as Empire*, pp. 140-163. Shared consensus especially among legal scholars, see G. de Búrca, and J. Scott, “Introduction”. In G de Búrca and J Scott (eds) *Constitutional Change in the EU: From Uniformity to Flexibility? Essays on the New ‘Flexible’ Nature of the Constitutional Arrangements of the European Union*. Oxford, Hart Publishing, 2000, and see D. Curtin. “European Legal Integration: Paradise Lost?”. In D Curtin et al. (eds), *European Integration and Law*. Antwerpen, Intersentia, 2006 and D. Hine. “Constitutional Reform and Treaty Reform in Europe”. In A. Menon and V. Wright (eds.), *From the Nation State to Europe?*, Oxford, Oxford University Press, 2001.

⁴⁷⁷ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105 and R. Amato. *Leggere la Costituzione*, p. 54.

⁴⁷⁸ M. Condinanzi, *L’Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020 and M. Sion. The Politics of Opt-Out in the European Union: Voluntary or Involuntary Defection? In *Thinking Together. Proceedings of the IWM Junior Fellows’ Conference*, 2004, pp. 1-17 and A. C-G. Stubb. A Categorization of Differentiated Integration, pp. 283-295 and A. K. Cianciara, "Does Differentiation Lead to Disintegration ", pp. 39-58.

⁴⁷⁹ See A. C-G. Stubb. “A Categorization of Differentiated Integration”, pp. 283-295.

consideration⁴⁸⁰. If from the standpoint of the country requiring opt-out provisions the deepening of the integration in certain areas of the political life does represent a threat to national sovereignty, on the other side, as a consequence, those same clauses came to be perceived by the MSI, and possibly also by other groups of the political class of the other member countries, as an exceptional measure, which inevitably differentiate that equality at the basis of the compromise for the European Community⁴⁸¹. However, the criticism towards the creation of unequal member countries also underpinned a more general criticism towards the integration realised in the monetary field, in accordance to the position of the MSI towards the European project⁴⁸². The creation of the monetary union would limit the space of manoeuvre for the Italian government at national level, implying a supranational regulation coming from the European Central Bank, which would have been finalised during the *Stage III* of the completion of EMU in the following years to the Maastricht Treaty⁴⁸³.

Therefore, the criticism presented by Mr. Valansise stood not really in support for the desire to protect the European process in its “traditional” integrative/ deepening aspect, but rather to protect the idea of an European “Union”, established among sovereign nations, completely independent, and above all, completely equal in the international scenario. This is the only possibility upon which the MSI could agree when supporting the creation of supranational entities, which would influence the life of the Italian nation and its exercise of sovereignty⁴⁸⁴. Therefore, the issue of constitutionality raised from the exponents of the MSI appears, in all its expressions, as an instrument used to support the rejection of the Treaty, not in the name of the real respect for the Constitutional text, but rather to defend the idea of a European Community that respected, without intrusions, the sovereignty and individual international role of each of the member nations⁴⁸⁵.

Granting an exceptional status to certain countries was the equivalent, according to the MSI perspective, to create different levels of importance among the actors in the European political arena, besides not considering the Italian economic situation, forcing the country to immediately accept the whole project⁴⁸⁶. This standpoint finds a suitable description into the expression used by the political scientist Deirdre Curtin, who defined the opt-outs granted to the UK and to Denmark at Maastricht

⁴⁸⁰ M. Condinanzi, *L'Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020 and R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-24.

⁴⁸¹ R. Adler-Nissen, Rebecca. “Organized Duplicity? When States Opt Out of the European Union” in R. Adler-Nissen and T. Gammeltoft-Hansen (eds.), *Sovereignty Games. Instrumentalizing State Sovereignty in Europe and Beyond*, Palgrave Macmillan, 2008, pp. 81-104.

⁴⁸² M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105.

⁴⁸³ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105.

⁴⁸⁴ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 29-31 and N. Conti. *L'Europa vista dai partiti*, pp. 5-34.

⁴⁸⁵ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 13-39.

⁴⁸⁶ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105.

as the “*hijacking of the *acquis communautaire**”⁴⁸⁷. Being the *acquis communautaire* the ensemble of the founding principles, rights and obligations created in the Community dimension, the opt-out clauses, according to the opinion of Valansise, *hijacked* the equality among member states (indeed one of the core principles), thus being unacceptable⁴⁸⁸. It is interesting by analysing the political attitude towards the opt-out clauses, to consider also the response given to the charges by the MSI Parliamentary member, during the same Parliamentary discussion, by Mr. Francesco D’Onofrio (from the DC Party in that moment), who, at the time, was the State Secretary to the Presidency of the Council of Ministers (1991-1992)⁴⁸⁹:

“Le condizioni di reciprocità, quando si è in presenza di una molteplicità di Stati che concorrono ad un progetto comune, devono sussistere ai fini della valutazione costituzionale, purché almeno uno di essi concorra nel considerare la reciprocità essenziale per la cessione di sovranità. Possiamo non essere lieti per l'eventualità che l'integrazione europea non comprenda con certezza fin da oggi tutti i paesi sottoscrittori anche per la terza fase; possiamo valutare questa eventualità politicamente sgradevole, ma certamente non costituzionalmente rilevante. In altri termini, possiamo ritenere che fa male il Regno Unito di Gran Bretagna ed Irlanda del Nord a subordinare il passaggio alla terza fase ad una valutazione da compiersi al termine della seconda fase; ma non abbiamo niente da obiettare sul piano costituzionale a questa riserva, perché essa non inficia l'adesione della Gran Bretagna al trattato in quanto tale per l'oggi, ma sottopone ad una seconda valutazione il passaggio alla terza fase. (...) La flessibilità della vita internazionale e l'imprevedibilità dei rapporti che in essa si affermano (...) ci consentono oggi di mantenere il convoglio europeo unito e potenzialmente ampliato, anche se taluno dei vagoni di questo convoglio intende continuare a marciare oggi alla stessa velocità (è, questa, una questione politica che riguarda l'Italia più che la Gran Bretagna), riservandosi di valutare il proseguimento del viaggio comune al termine della seconda fase⁴⁹⁰.”

Mr. D’Onofrio here argued how the opt-out clauses can neither be considered as a *hijacking* of the general integration process, nor as unconstitutional with regards to the Italian Constitution. According to this vision the acceptability of the opt-out clauses would clash with the Constitution only in the very case that the reciprocity principle was a fundamental requirement for the cession of sovereignty in any of the contracting parties to the Treaty, which is not the case for art. 11 of the Italian Constitution. At the same time, however, Mr. D’Onofrio rejected the issue of constitutionality raised

⁴⁸⁷ D. Curtin. *The Constitutional Structure of the Union – A Europe of Bits and Pieces*, in R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46 and R. Adler-Nissen, “Opting Out of an Ever Closer Union: The Integration Doxa and the Management of Sovereignty”, *West European Politics*, Vol. 34, No. 5, 2011, pp. 1092-1113. See also M. Condinanzi, *L’Unione europea tra integrazione e differenziazione*, available at, <https://www.federalismi.it/nv14/articolo-documento.cfm?Artid=29002>, last accessed 15/08/2020.

⁴⁸⁸ R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46.

⁴⁸⁹ See Francesco D’Onofrio, in Portale Storico Camera dei deputati, available at <https://storia.camera.it/deputato/francesco-d-onofrio-19390803>, last accessed 22/09/2020.

⁴⁹⁰ On. Francesco D’Onofrio, APAR, CADE, XI Leg., Martedì 27 Ottobre 1992, pp. 5148-5150, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

by the MSI, on a kind of mere time-based logic, claiming that the constitutionality of the acceptance of the clauses would not be called into question in the initial phases of the enforcement of the Treaty, not affecting the United Kingdom's participation at the exact time of the signature or ratification of the Treaty, but instead, arguably subordinating and procrastinating the whole constitutionality issue to the successive evaluation the UK would have to realise for the implementation of the third phase planned for the realisation of EMU. In fact, according to his viewpoint the opt-out clauses were a first adjustment, realised to bring integration further, allowing a future evaluation and a change for the opting-out countries, siding with the temporary viewpoint regarding the opt-outs (in line with the thought expressed by the then Vice-president of the Commission of the European Communities, Filippo Maria Pandolfi, from the DC Party, on December 12, 1991, previously analysed)⁴⁹¹.

In addition, he claimed the necessity for flexibility, as a fundamental feature in the European context, to allow integration to proceed according to the different wishes and necessities of all the member countries, showing greater sensitiveness towards the increasingly difficulty to bring integration further according to an orthodox modality. Therefore, from Mr D'Onofrio's point of view, the opt-out clauses and the differentiated path in the integration process taken by the United Kingdom (in his speech), set themselves as a necessary consequence of the of the international context, the challenges implied by it and the new relations elapsing among states and international actors, in a pro-differentiated integration logic.

Mr. D'Onofrio claimed also:

“L'integrazione sovranazionale non è ipotizzata in riferimento solo ad una specifica forma di sovranità sovrastatale, ma è riferita a qualunque ipotesi, purché tale da consentire la tutela dei valori che la nostra Costituzione prevede e da preservare le occasioni di uno sviluppo economico.”⁴⁹²

This sentence, and the expression *any hypothesis*, demonstrated the acceptance also of unconventional forms of supranational integration (thus also of the opt-out provisions) whenever the fundamental values and principle of the Italian Constitutional framework were not undermined, accepting the possibility to conceive different obligations and rights under specific circumstances within the European context. In this sense, his position not only defended the constitutionality of the Maastricht Treaty, but also supported the possibility to conceive, allow and institutionalise forms of differentiated integration, which would later become an increasingly used practice within the Union

⁴⁹¹ Vice-president of the Commission of the European Communities, Filippo Maria Pandolfi, APAR, CADE, X Leg., Lunedì 16 Dicembre 1991, pp. 1-11, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁴⁹² On. Francesco D'Onofrio, pp. 5148-5150, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

through time⁴⁹³. In this sense, his position fits the general attitude of the Christian Democratic Party, which during the First Republic was always supportive of the European project, in such a comprehensive way that it became a pillar of the political identity of the country, although not becoming really proactive from programmatic point of view⁴⁹⁴. All things considered, his intervention is a rare one in placidly supporting the idea of differentiated integration as an increasingly necessary reality for the European Union, and thus the necessity in the case of Maastricht to really recur to the opt-outs to allow the project to proceed further.

In line with the arguments presented by Mr. D'Onofrio, and generally with the pro-European attitude of the Christian Democratic Party, during the Parliamentary Session on October 29, 1992, two days later, spoke also the then Minister of Foreign Affairs, Mr. Emilio Colombo. Mr. Colombo, as already done by Mr. D'Onofrio, rejected the issue of constitutionality presented from the MSI exponents, developing a partial explanation of the nature of the clauses accepted with Maastricht.

“(…) Si rileva che, facendo riferimento l'articolo 11 della Costituzione alla parità di condizioni dei singoli Stati perché si possa accettare un trattato che conferisce parte della propria sovranità ad un ente sovranazionale, tale condizione di parità non vi sarebbe nel trattato in esame, per la presenza di riserve o protocolli aggiuntivi. L'Inghilterra, ad esempio, non afferma di non accettarlo, ma si riserva di accettare o meno la terza fase dell'Unione economica e monetaria. La Danimarca, poi, da parte sua esprime riserve anche su alcuni aspetti dell'Unione economica e monetaria. Per quanto riguarda l'interpretazione della diversità dei rapporti, liberamente gli Stati hanno raggiunto un accordo unitario, stabilendo un punto di partenza di uguaglianza del negoziato e un punto di arrivo di libera accettazione da parte di ciascuno delle conclusioni dello stesso. Si è ritenuto che, pur essendovi diversità di rapporti, questa non incrina la propria posizione, ma distingue la collocazione di ciascuno, appartenendo a sistemi differenti. Ad esempio, 11 Stati su un piano di parità accettano le norme relative alla politica del lavoro, 10 Stati accettano pienamente le disposizioni concernenti l'Unione economica monetaria, ma gli altri non la negano: si riservano. (...) Ciascuno riscontra in tale sistema di poter assumere una posizione che non incrina la concezione della parità complessiva, che non è tanto parità di norme giuridiche, quanto di condizioni, che si deduce dal giudizio generale del trattato. A mio avviso, dobbiamo liberare questa discussione da temi che, seppure molto rilevanti, non possono gettare ombre sul significato della nostra appartenenza alla Comunità e agli sviluppi della stessa⁴⁹⁵.”

Although, at first Mr. Colombo seemed to embrace the temporary-based logic in order to decline the issue of constitutionality, then, he developed also a different argument, supporting the acceptability of the opt-out clauses for the Treaty, and for the Community of member states. He claimed that member countries did deliberately reach an agreement, starting from the same departing-point, and reaching an end-point, freely deciding to embrace it and its consequences. Furthermore, from this

⁴⁹³ R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-25.

⁴⁹⁴ N. Conti. *L'Europa vista dai partiti*, pp. 129-183.

⁴⁹⁵ On. Emilio Colombo, APAR, CADE, XI Leg., Giovedì 27 Ottobre 1992, pp. 5310-5311, available at <https://storia.camera.it/#nav>, last accessed 22/09/2020.

viewpoint the diversity in terms of rights and obligations for each country, brought by the clauses, was not affecting the relationship among the *accepting* and the *opting-out* countries, but rather was delineating different, albeit coexisting, conditions. In this sense, the intervention realised from Mr. Colombo suits the general pro-European attitude of the DC Party (to which he belonged), also conceiving a possibility for differentiated integration.

On the whole, he claimed that the uniformity and the integrity of the whole project were not being compromised by these clauses, thus making acceptable the protocols attached, enshrining the opt-out clauses. The logic implied is still the traditional one, based on the Community method, although it is possible to witness a first, biased, justification for the acceptance of the differentiated status. All in all, Mr. Colombo did not express arguments explicitly siding with the idea of differentiating the integration process of the Community, nor did he envision, how this principle would have been a necessary requirement for the future developments of the integration of the EU. Nonetheless, it can be recognised, that the exponents of the DC, in their traditional European supportive attitude, also tried to defend the structure of the Treaty for itself, thus finding possible justifications also for those newly-introduced clauses, that, however, would necessarily require a rethinking of the orthodox integration process, as it has been carried out from the Community up until that moment.

However, considering the positions developed through the opt-out clauses, another peculiar (critical) position was expressed during the Parliamentary discussion, by another member of the MSI, notwithstanding the issue of constitutionality raised by the Party itself. As a matter of fact, Mr. Francesco Servello, quoted the opt-out tailored on the necessities of the United Kingdom and Denmark, to advocate for the possibility to conceive an opt-out or a similar provision for Italy, so as to guarantee a delayed compliance with the Maastricht parameters. These are the words he used on the session of October 28, 1992:

“Siete disponibili non dico a rinegoziare (...), ma almeno a dare avvio ad inevitabili correzioni di rotta? (...) Tutti hanno chiesto qualcosa: la Danimarca si appresta ad avanzare — se non lo ha già fatto — il pacchetto delle sue richieste, (...); la Gran Bretagna si è già in parte tutelata sotto il profilo finanziario con una deroga riguardante le conseguenze in materia monetaria (...). E noi che cosa facciamo? È possibile che dobbiamo essere i primi in Europa a dire «si» ad ogni costo e a qualsiasi condizione?⁴⁹⁶”

⁴⁹⁶ On. F. Servello, APAR, CADE, XI Leg., Mercoledì 28 Ottobre 1992, pp. 5221-5300, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020

It might appear as potentially contradictory, the fact that although having presented an issue of constitutionality on this particular matter, the same Party was then paving the hypothesis to obtain some changes for the country, being granted the same or a similar measure⁴⁹⁷. Though, it is interesting to notice that, aware of the Italian economic situation and of its performance, and that the country would difficultly meet the convergence criteria required to comply with the EMU standards, the only Party to openly express its criticism towards the acceptance of the whole Treaty was the MSI⁴⁹⁸. As a matter of fact, although the opposition parties to the Amato government expressed a shared criticism towards the inability of the government to handle the economic problems the country was dealing with, it was the MSI, with the intervention of Mr. Francesco Servello, to blame the government for having signed a Treaty, putting into question the credibility of the country, both at European and international level⁴⁹⁹. Mr. Servello had already expressed his position few weeks before this intervention, advocating for a possible opt-out for Italy, mainly from the timeline point of view, so as to better cope with the economic problems the country had to face⁵⁰⁰. But still, his intervention has to be read in the light of the rejection of any possible attack to the Italian sovereignty in the European integration process, as founding tenet of the MSI program. The opinion expressly clashed with the idea to allow differentiated integration among equal states, but on the other hand is contradictorily proposed to safeguard the Italian interest at first place, thus in an opportunistic point of view, and not genuinely supporting flexibility as new necessary principle in the life of the Union.

The analysis here reported is the demonstration of the sensitiveness, the relevance and the complexity that the specific case of the opt-out clauses, through their institutionalisation, could have created in each member country, here with regards to Italy. The Italian debate surrounding the opt-out clauses took place in a sort of *middle-earth* or a *transitional phase* between the continuity of the traditional European assertive faith that characterised the First Republic, and the emergence of a certain growing discontinuity among the opinions regarding the European project and its manifestation. This increasingly affected the political landscape, as the monetary crisis caused the devaluation of the lira,

⁴⁹⁷ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

⁴⁹⁸ On. F. Servello, ALEG, CADE, XI Leg., BC, III Comm., Martedì 13 ottobre 1992, pp. 14-16, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020 and M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

⁴⁹⁹ On. F. Servello, pp. 14-16, available at <https://storia.camera.it/#nav>, last accessed 03/09/2020.

⁵⁰⁰ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

together with the corruption net among political and economic relevant characters was discovered⁵⁰¹. These facts were important elements that influenced the political orientation, disrupting the traditional balances, but these elements also partially diverted the attention from important aspects to be considered in the Maastricht phase⁵⁰². As a matter of fact, what emerged from the analysis is that the Italian political class, did not really deepen the debate regarding the opt-out clauses. In this sense, the lack of a more substantial debate regarding this new form of integration at that moment is a relevant one, given the fact that for the first time, differentiated integration was an effective and prominent part of the Treaty into discussion.

The first remarkable element is that the few references made by the Parliamentary members mainly concerned the British opt-outs, while the Danish case remained more undebated. This might be the consequence of the long-term attitude held by the British government, not only during the negotiations, but more generally towards the whole integration process, which created quite the confirmation of the continuous negative approach towards both the political and the monetary integration in general⁵⁰³. As a matter of fact, the Danish opt-out came as the unexpected consequence of the referendum held on June 2, 1992 (where the Danish population refused to accept the Maastricht Treaty)⁵⁰⁴. The fact that both these countries subordinated their signature to the Maastricht Treaty to the presence of these provisions did not lead the Italian political class to really reflect about the long-term implications for the European Union in first place. As a matter of fact, it is not possible to encounter any critical reflection on the fact that this specific form of negative integration could lead in the next future to episode of recession from the European Union, which is interesting to notice when considering the fact that it was exactly with the TUE that not only opt-out clauses were institutionalised, but also the withdrawal clause was comprehended in the text of the Treaty with the Article 50, as a “*voluntary and unilateral*” mechanism⁵⁰⁵. Actually, both the opt-out clauses and the recession are *exiting forms* from the Union. The opt-outs are a partial exiting, which happens through specific derogations in specific policy areas, while a recession act is a total exiting form from the

⁵⁰¹ G. Mammarella. *L'Italia Contemporanea*, pp. 537-585 and A. Varsori, *La Cenerentola d'Europa*, pp. 331-374 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105.

⁵⁰² See M. Pirani, “Una sola moneta, una sola Europa”, *La Repubblica*, 06/12/1991.

⁵⁰³ See S. Wall. *A Stranger in Europe: Britain and the EU from Thatcher to Blair*, Oxford University Press, 2008 and P. Norton. “Opt-Out: Britain’s Unsplendid Isolation”, pp. 252-265.

⁵⁰⁴ In general, see A. Wivel. *Denmark and the European Union*. Oxford Research Encyclopedia of Politics, oxford University Press, 2019 and V. G. Saccomando, “Maastricht Treaty’s Opt-Out Provisions for Denmark Keep EC Intact”, *Boston College International and Comparative Law Review*, Vol. 17, No. 1, 1994, pp. 223-232.

⁵⁰⁵ Art. 50, Treaty on European Union, Luxembourg, Office for Official Publications of the European Communities, 1992, available at https://europa.eu/european-union/sites/europaeu/files/docs/body/treaty_on_european_union_en.pdf, last accessed 05/09/2020.

Union as a whole⁵⁰⁶. The only reflection realised at political level which can be linked to this matter is a subtle concern for the future of the integration path of the European Union. As a matter of fact, the members from the different parties that expressed their point of view with reference to the opt-out clauses mainly evaluated with concern the impact the clauses would bring to the integration process considered in its *orthodox form*, thus mainly demonstrating a critical attitude or an uneasiness towards the idea of differentiated integration, here in the particular negative manifestation of the opting-out procedure⁵⁰⁷.

The fear when facing this process was to give rise to a disaggregation of Europe, a fragmentation of the original and common equality and unity, which would all be undermined when accepting different status among member countries⁵⁰⁸. On the whole, Italian politicians seemed not to consider the necessity to embrace such provisions in a progressive logic, without considering the new geopolitical context with which it had to deal with, which required a new kind of relationship among sovereign countries, not always referable to traditional and consolidated patterns, nor considering the enlargement nature of the European project itself, with new possible actors coming from deeply different grounds and with different necessities to be taken into consideration. These factors were not really envisioned from the Italian political class when the first official differentiating measure was institutionalised effectively leading to differentiated integration. The major concern expressed from the Italian establishment in this sense was linked to the possibility to set a precedent, which all countries would be ready to adopt instead of finding a compromise or carrying negotiations on⁵⁰⁹.

This kind of thought is linked to a rationalist theoretical framework, according to which the creation of a different-speed Europe would create disequilibria among countries in their bargaining power, thus affecting the equality principle among member countries and their mutual recognition as equal sovereign entities⁵¹⁰. In fact, the main domain of concern within the Italian political debate remained linked to the national dimension, focusing on the implications for the sovereignty of the Italian country these clauses might have implied. The sovereignty aspect has always been an important part of the debate regarding the European project and its future. And, in the very moment the other member

⁵⁰⁶ G. Martinico. *Quanto è sostenibile l'integrazione (asimmetrica) sovranazionale. Note di diritto comparato*, Sant'Anna Institute of Law, 2019, pp. 287-300, available at <https://www.santannapisa.it/it/ricerca/progetti/jean-monnet-module-european-pu->, last accessed 05/09/2020.

⁵⁰⁷ G. Majone, "Is the Community Method Still Viable?", In R. Dehousse (ed.), *The 'Community Method' Obstinate or Obsolete?*, Houndsmill, Palgrave Macmillan, 2011, pp. 16-42.

⁵⁰⁸ See R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46 and D. Curtin. "European Legal Integration: Paradise Lost?". In D Curtin et al. (eds), *European Integration and Law*. Antwerpen, Intersentia, 2006.

⁵⁰⁹ R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46.

⁵¹⁰ A. O. Hirschman, quoted in R. Adler-Nissen. *Opting Out of the European Union*, pp. 25-46. For rationalist approach J. Bednar, Valuing Exit Options, Publius, *The Journal of Federalism*, Vol. 37, No. 2, 2007, pp. 190–208 and JB. Slapin, Exit, Voice, and Cooperation: Bargaining Power in International Organizations and Federal Systems, *Journal of Theoretical Politics*, Vol. 21, No. 2, 2009, pp. 187–211.

countries of the European Community decided to accept the opt-out clauses as a stopgap measure in order to prevent a blockage of the negotiations, they created the suitable environment for a “*two-dimensional sovereignty game*”⁵¹¹. As a matter of fact, the dimension of sovereignty expresses itself within a double appearance, on the one hand its *internal* aspect of and on the other the necessary *external* one, which with the process of European integration and the issue of opt-outs differentiating integration had to be rearranged and reconsidered⁵¹². And it was in the occasion of the Maastricht Treaty that the internal and the external spheres of national sovereignty came to be profoundly interconnected and commingled within the supranational European dimension, creating an internal and external dimension of sovereignty also within the Community domain, consequentially requiring a reassessment of the national sovereignty dimension itself. In this sense, the opt-out provisions demonstrated the two levels of sovereignty interacting within the EC/EU. As a matter of fact, on the one hand the clauses are presented to the domestic population of opting-out countries as the defence of the national sovereignty domain, while at European level these are presented as necessary measure to better suit the European integration process, thus instrumental to community sovereignty⁵¹³.

This theoretical background makes possible to understand the basis upon which the MSI has presented an issue of legitimacy with regards to the opt-out clauses and art. 11 of the Italian Constitution, given the alteration of the external sphere of sovereignty that the opt-out clauses would have implied in the monetary field, through the exclusion of two Community members. On the whole the criticism realised by the MSI remained bound to the national dimension, without considering that the opt-out clauses would not only determine an alteration of the external sphere of national sovereignty but also an alteration in the sphere of European internal sovereign dimension. This particular new dynamics between the national and the European level, which came to be defined more specifically with the Maastricht Treaty and the particular feature given to the integration process, influenced the rise of more sceptical positions among member countries. In this sense, the criticism from the MSI has to be considered in the framework of a general anti-integration position, already held during the whole period of the First Republic, but which intensified with the episode of the institutionalisation of this

⁵¹¹ R. Adler-Nissen, Rebecca. “Organized Duplicity? When States Opt Out of the European Union”, pp. 81-104.

⁵¹² R. Adler-Nissen, Rebecca. “Organized Duplicity? When States Opt Out of the European Union”, pp. 81-104 and R. J Keitch, *Politics of sovereignty: Britain and European Monetary Union*. PhD thesis, London School of Economics and Political Science (United Kingdom), 2002, pp. 38-87, available at <http://etheses.lse.ac.uk/2111/>, last accessed 05/09/2020.

⁵¹³ R. Adler-Nissen, Rebecca. “Organized Duplicity? When States Opt Out of the European Union”, pp. 81-104 and V. G Saccomando, “Maastricht Treaty's Opt-Out Provisions for Denmark Keep EC Intact”, pp. 223-232 and R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-46 and M. Sion. “The Politics of Opt-Out in the European Union: Voluntary or Involuntary Defection?”, pp. 1-17.

specific form of differentiated integration within the already signed Treaty⁵¹⁴. However, as demonstrated, the criticism realised did not really investigate the possible consequences for the reality of the European Union but stopped at a straightforward consideration within the national sphere, avoiding a broader debate on the general implications.

Another remarkable element, worthy to be mentioned, is the absence of a specific explicit position on the opt-out clauses from the Democratic Party of the left (PDS), as the major opposition Party, during the Parliamentary debates of the time period considered in this analysis. Descending from the disgregation of the PCI (1989-1991), the Party would have become one of the major political actors during the decade of the 1990s⁵¹⁵. Although the Party expressed itself critical towards certain aspects of the content of the Treaty, at the end of the day, the Party voted in favour for its ratification, mainly in order to strengthen the European dimension in the new international scenario, boosting for its political unification⁵¹⁶.

The fact that the PDS decided to side with the signature and ratification of the Maastricht Treaty, created criticisms among the political forces openly against it, since from their point of view, the PDS was postponing the resolution of crucial aspects to a later moment⁵¹⁷. However the PDS defended its position, claiming not to be part of the traditional acritical consensus that used to characterise the Italian political class, but that its adherence to the Treaty was subordinated to the awareness of the new geopolitical reality in which Europe had to find its role, and Maastricht (although flawed), from their viewpoint, was a first important step, hence to be supported⁵¹⁸. Interestingly in this sense, is the fact that, although the PDS demonstrated an awareness of the necessity to subordinate the Party interests to the achievement of a greater project in that specific historical moment, what lacked, was a critical thought and expression regarding the opt-out clauses, as institutionalising differentiated integration, at least among the documents analysed by this research. In fact, although the PDS, expressed a sensitivity for the importance of the moment for the future of Europe, which could have embraced also the necessity of a different integration path from the traditional path, there is no such an intervention from its exponents during the parliamentary debates.

⁵¹⁴ N. Conti. *L'Europa vista dai partiti*, pp. 129-183 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105 and M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

⁵¹⁵ See G. Mammarella, *L'Italia contemporanea*, pp. 542-554.

⁵¹⁶ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105 and On. C. Petruccioli, APAR, CADE, XI Leg., Mercoledì 28 ottobre 1992, pp. 5251-5259, available at <https://storia.camera.it/#nav>, last accessed 22/09/2020.

⁵¹⁷ M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-105.

⁵¹⁸ On. C. Petruccioli, pp. 5251-5259, available at <https://storia.camera.it/#nav>, last accessed 22/09/2020.

All things considered, the absence of an extensive debate regarding the opt-out clauses and the phenomenon of differentiated integration, could be justified on the basis of the major preoccupations of the political class for the economic performance of the country, given the fact that the convergence criteria had to be respected within a specific timeline⁵¹⁹.

As a matter of fact, the Parliamentary debates regarding the TUE during the two-year-period taken into consideration were mainly centred on the strategies to be implemented from Italy to meet the criteria upon which the country had already agreed upon in Maastricht⁵²⁰. This is understandable, in the light of the economic situation that was characterising Italy during those years, threatening the image and the credibility of the country at European level, above all in the monetary field, where the Italian lira was one of the weakest currencies of the ERM⁵²¹. In this sense, the economic concerns prevailed in the early phases of the debate regarding the Maastricht Treaty, centring the attention of the political class on the importance for Italy to be able to become full member of the Union envisioned with Maastricht, thus obscuring a potential fruitful debate on the possible need to differentiate integration in the future of the European Union, abandoning the traditional/orthodox path travelled up until that moment.

Italian debate at public level

In order to understand the perceptions and the debate developed around the opt-out provisions of the Maastricht Treaty, another element has to be considered: the public opinion. The public opinion came to play a fundamental role in the democratic dimension, requiring a complete information regarding the inner life of the country, but also an information descriptive of the international reality as well. In this sense the role played by the media, and particularly by newspapers has been pivotal in shaping the public opinion, thus the consensus or the dissent regarding different matters. This is why to fully comprehend the impact followed to Maastricht, some articles from different national newspapers are taken into consideration. All things considered, it has to be recognised that any source of information is characterised according to different levels and intensity to some forms of *partisanship*, in the sense that these are influenced from certain political-social-economic or religious orientation, which inevitably biased the news reported according to those same values and principles⁵²². The newspaper

⁵¹⁹ See P. Daniels. "Italy and the Maastricht Treaty", pp. 178–191.

⁵²⁰ P. Daniels. "Italy and the Maastricht Treaty", pp. 178–191.

⁵²¹ See M. Telò. *Italy's interaction with the European project*, pp. 296–316 and M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

⁵²² For a complete analysis on the media and journalism in Italy see, M. Forno, *Informazione e potere: Storia del giornalismo italiano*, Bari, Gius. Laterza&Figli, 2012.

considered for this analysis are some among the most relevant newspapers during the years of the Maastricht negotiations, thus trying to assess the importance attributed to the specific case of the opt-out clauses by these mediatic means, which influenced the Italian public opinion and its perception of the events, as well as its attitude towards the European integration process.

The articles here reported are taken from the major newspapers of national importance during the phases of Maastricht, so as to provide a general outlook of the kind of information that was reaching the Italian public opinion at that moment. *La Stampa* an Italian historical newspaper of liberal-moderate orientation. It was founded in the second half of 1800, in Turin, passing from being a local newspaper to one of national magnitude at the end of the XX century⁵²³. Another newspaper with a long historical tradition in the country was *Il Corriere della Sera*, founded in 1876 in Milan. During the Maastricht negotiations it was characterised by a moderate orientation, after a more comprehensive approach towards the whole Italian political scenario, including the leftist positions of the Italian Communist Party⁵²⁴. Between the end of the 1980s and the beginning of the 1990s, during an important historical phase both at international and national level, *Il Corriere della Sera* was the major national newspaper of the time⁵²⁵. However, from the second half of the 1970s, another national newspaper came to play a fundamental role in the information field in the country, *La Repubblica*. Although being a more recent newspaper, it gained nationwide recognition and diffusion. It was characterised by a progressive approach, focusing both on the national and the international news⁵²⁶. A party newspaper is also taken into consideration, given its peculiar national relevance for the country: *L'Unità*, which was the newspaper of the Italian Communist Party. It was founded in 1924 by Antonio Gramsci and being the PCI official newspaper, it used to report national and international news from a leftist position, paralleling the point of view of the party itself. This newspaper was the fundamental media support to the PCI up until 1991, when the Party dissolved itself and the newspaper came to support the newly born Democratic Party of the Left, gaining increasingly independence from the authority of the party through time⁵²⁷.

⁵²³ *La Stampa*, in Treccani, Enciclopedia on line, available at <http://www.treccani.it/enciclopedia/la-stampa/>, last accessed 06/09/2020.

⁵²⁴ *Corriere della Sera* in Treccani, Enciclopedia on line, available at <http://www.treccani.it/enciclopedia/corriere-della-sera>, last accessed 06/09/2020.

⁵²⁵ *Corriere della Sera* in Treccani, available at <http://www.treccani.it/enciclopedia/corriere-della-sera>, last accessed 06/09/2020.

⁵²⁶ *La Repubblica* in Treccani, Enciclopedia on line, available at <http://www.treccani.it/enciclopedia/la-repubblica/>, last accessed 06/09/2020.

⁵²⁷ *L'Unità* in Treccani, Enciclopedia on line, available at <http://www.treccani.it/enciclopedia/l-unita>, last accessed 06/09/2020. See G. Mammarella. *L'Italia Contemporanea*, pp. 540-547.

Generally, the first references encountered among newspapers' articles regarding the opt-out clauses of the Maastricht Treaty date back to December 1991. This is emblematic of the fact that the open possibility to negotiate opt-out provisions was debated among the European political elites, only close to the Maastricht negotiations, thus delivering the information of such possibility also at public level, spreading the debate also at European public level⁵²⁸.

La Stampa in an article of December 3, 1991, described how the opt-out issue still had not found a common agreement among member countries. In particular, the debate reported is among the majority of member countries, that although allowing the specific opt-outs for Maastricht, did not want to grant a generalised opt-out formula as an European legal tenet and, on the other hand, UK and Denmark requiring the generalization of such provisions, available to any country. In reporting the debate, the newspaper stressed the concerned position expressed by Delors, referring to the generalization of opt-out clauses in this way: “*sarebbe come una spada di Damocle sul destino dell'unione monetaria*”⁵²⁹. In this case, the expression *Damocles' sword* was used to refer to the possibility for other countries not to join the monetary union with the Maastricht Treaty, but reserving themselves to postpone or to deny their participation. In this sense, the possibility introduced in the European legal system by general opt-out clauses is reported as a possible threat to the realisation of integration, underlining the threat of fragmentation implied in an orthodox conception of integration⁵³⁰.

In this conception opt-outs are considered as the ultimate sovereignty's assertion and protection when dealing with supranational interference, which can be taken as a possible example to be followed by other member countries in specific situations, in a sort of chain reaction⁵³¹. Therefore, the newspaper reported the possible concerns regarding the introduction of these provisions in the legal system of the European Community, without reporting also the possible advantages that the flexibility introduced by the clauses, could have implied for the Community.

The idea of how the opt-outs might imply negative consequences for the European Union was also veiledly expressed in another article of *La Stampa* on December 12, 1991, when reporting the issue regarding the debate on the Social Chapter of the Maastricht negotiations. “*Una seconda clausola di 'opting-out' metterebbe la Gran Bretagna più fuori che dentro la nuova Europa*”⁵³². However, the judgement expressed by the newspaper in this article should not be considered only under the light of a criticism towards the opt-out provisions as legal instrument, but rather, be framed into the

⁵²⁸ See K. Dyson, and K Featherstone. *The Road to Maastricht*, pp. 649-676.

⁵²⁹ “I Dodici sono ancora spaccati su tutto e la Francia rilancia le «due velocità»”, *LaStampa*, 03/12/1991.

⁵³⁰ A. K. Cianciara, "Does Differentiation Lead to Disintegration", pp. 39-58.

⁵³¹ R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-25 and M. Sion. “The Politics of Opt-Out in the European Union: Voluntary or Involuntary Defection?”, pp. 1-17.

⁵³² S. Lepri, “E alle 2 Major uscì: Good morning”, *LaStampa*, 12/12/1991.

awareness of the longer relationship established since its accession between United Kingdom and the European Community⁵³³. Such consideration, on a future possible outcome for the United Kingdom, is not deepened in the light of the newly created relationship between the British attitude towards Europe and the nature of the clause itself.

During the same days and with a more critical tone, the first references regarding the opt-out clauses also appeared in the articles written in *La Repubblica*. In the article “*One currency, one Europe*”, dated December 6, 1991, the criticism with regards to the British general attitude towards the European integration process and the possibility to recur to the opt-out clause, was openly expressed as follows:

“(...) l'invito inglese a rallentare i tempi e annacquare il processo d' integrazione (...) si tratta di un alibi ipocrita che maschera, invece, la residua reticenza insulare britannica di fronte agli impegni di una unificazione giudicata troppo stringente. (...) la pretesa inglese d' inserire una clausola trabocchetto (la cosiddetta *opting-out*) avrebbe permesso di rimettere in discussione la firma apposta a Maastricht, al momento del varo vero e proprio di una unica Banca centrale e della moneta europea⁵³⁴.”

The criticism towards the opt-out procedure is clearly expressed in these lines, and well encapsulated into the word “*pitfall*”, which openly declares the alleged ill-concealed intent underlying the British request. The same critical meaning and intention can be attributed the visual expression used on an article edited few days later, on December 8, 1991, that referred to the opt-outs in this way:

“E tante piccole-grandi battaglie, ingaggiate o da ingaggiare. Per esempio: il bubbone dell'*opting out*, quella clausola per tirarsi fuori dall' unione monetaria in qualunque momento, che gli inglesi vogliono inserire nel Trattato e l'Italia no. Andreotti darà battaglia, insieme al tedesco Kohl, per studiare delle formule alternative (...)”⁵³⁵.”

While the criticism was implied in a single expression, the term “*bubbone*” was so strong that it seemed to aim at a major flaw of the entire Treaty. Therefore, the images provided to the reader audience in these two articles, both explicitly and implicitly, revealed the criticism towards the

⁵³³ P. Norton. “Opt-Out: Britain’s Unsplendid Isolation”, pp. 252-265.

⁵³⁴ M. Pirani, “Una sola moneta, una sola Europa”, *La Repubblica*, 06/12/1991.

⁵³⁵ E. Polidori, “Andreotti ottimista ‘Non dovremo svalutare la lira’”, *La Repubblica*, 08/12/1991.

possibility to recur to the opt-outs as a possible *modus operandi* to carry on the monetary integration, still bound to an *homogenous integration* ideal for the European dimension although not really providing the reasons why opt-outs had been envisioned and considered in this case⁵³⁶. The hostility towards the possibility to reconsider the integrative dimension, from a different perspective, taking into account the peculiar kind of integration happening at European level, found further expression on another article, published on December 8, 1991, entitled “*Facing the Rubicon*”, where the newspaper under discussion, reported again the opt-out as a problematic aspect for the goals set by the European Community.

“(…) ridurre le riserve e gli equivoci, (…), che ancora ostacolano una vera Unione europea. Dal cosiddetto "opting out", la clausola per la quale si battono soprattutto gli inglesi, che consentirebbe ad uno o più paesi di chiamarsi fuori da quegli accordi che esso (o essi) consideri contrari ai propri interessi nazionali e che farebbe dell'Europa una sorta di porta girevole azionata dai singoli governi. (...) Potrebbero essere altri paesi ancora che decidano di sfruttare la riluttanza della Gran Bretagna per trovare altri e imprevedibili motivi di dissenso⁵³⁷.”

In continuity with the criticisms expressed in the previous article, here the position assumed towards these provisions is even more defined. As a matter of fact, the opt-out clauses in these lines are described as an obstacle, a setback to the accomplishment of the “*real European Union*”. This inevitably led the reader to think that the clauses under discussion did represent an attempt to undermine the realisation of the project in its genuine nature. Once again, the “*real European Union*”, to which the author referred, is the specific kind of Europe which designed the general integration project as happening under one possible single form, in a linear way, and where states’ equal status is not even questioned⁵³⁸.

The ideology behind the references here reported, from *La Repubblica*, is obviously a homogenous or orthodox way to conceive integration. Given the fact that the clauses would give the country the possibility not to join the union in its entirety by subjectively choosing whether to enter or not, the

⁵³⁶ A. K. Cianciara, "Does Differentiation Lead to Disintegration ", pp. 39-58 and S. S. Andersen and N. Sitter, "Differentiated Integration: What is it and How Much Can the EU Accommodate?", *European Integration*, Vol. 28, No. 4, 2006, pp. 313-330.

⁵³⁷ P. Garimberti, “Di fronte al Rubicone”, *La Repubblica*, 08/12/1991.

⁵³⁸ R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-46 and A. K. Cianciara, "Does Differentiation Lead to Disintegration ", pp. 39-58 and S. S. Andersen and N. Sitter, "Differentiated Integration: What is it and How Much Can the EU Accommodate?", pp. 313-330.

Union would become “*a sort of revolving door actioned by individual governments*”⁵³⁹. In this sense, the major concern that came to be expressed in last part of the article is that the decision to grant the UK a similar provision, could lead further countries to renegotiate their position, *actioning the revolving door* of the Union and requesting a similar disposition, exploiting the institutional precedent realised through the British case⁵⁴⁰.

Surprisingly, few months after the Maastricht Council, and after the past articles, the considerations expressed by the newspaper *La Repubblica* regarding the opt-out clauses notably changed. As a matter of fact, in the article “*The currencies’ war*” of January 10, 1992,

“Eppure, a ben vedere, la concessione dell'“opting out” non rappresenta per gli europei un sacrificio oltremodo oneroso. Se la clausola fosse fatta valere, l'uscita del Regno Unito dagli accordi europei si ripercuoterebbe sul valore della sterlina e sull'andamento della piazza di Londra revocando in dubbio la credibilità delle sorti britanniche. (...) Anche il rifiuto di Londra di associarsi alle iniziative europee in campo sociale evidenzia il diverso atteggiamento inglese verso la concezione del “Welfare State” che ancora prevale sul continente⁵⁴¹”.

Differently from the previous considerations regarding the nature of the clause, and the negative effects for the integration of the European Union, here, the message brought to the reader was profoundly different. As a matter of fact, it recognised the fact that such provisions would not necessarily bring a negative impact for the Union, but rather that the British decision in the monetary and social areas would affect the situation and performance of the British country, at first place. The article also reported here that the British requests are the result of a series of national differences in the policy areas concerned by the Maastricht Treaty⁵⁴². Therefore, the previous (quite harsh) criticism had left place to a different standpoint, which envisioned the differences among countries as a possible cause for the necessity to recur to a differentiation of integration when required from specific conditions. The past framework came to be twisted. If previously opt-outs provisions were described to the reading public of *La Repubblica* as an unsafe measure for the integrity of the Union, after that the deal was found in Maastricht, those provisions were no longer presented as a considerable “*onerous sacrifice*”. This could be read, either as a consequence of the intensification and the

⁵³⁹ Personal translation of the expression “*una sorta di porta girevole azionata dai singoli governi*” in “Di fronte al Rubicone”, *La Repubblica*, 08/12/1991.

⁵⁴⁰ P. Garimberti, “Di fronte al Rubicone”, *La Repubblica*, 08/12/1991.

⁵⁴¹ A. Bucci, “La guerra delle monete”, *La Repubblica*, 10/01/1992.

⁵⁴² For more details on the Maastricht Treaty and the British opt-out protocols, see I. Harden, “The Maastricht Agreement on Economic and Monetary Union and the UK Opt-Out Protocol.” *Tilburg Foreign Law Review*, vol. 2, no. 2, 1992, pp. 105-116.

widening of the debate regarding this particular matter among intellectual elites, or as a more general alignment to the major pro-European attitude that still was characterising the Italian political establishment in those moments, siding with the whole treaty structure as it had been conceived in Maastricht, notwithstanding the previously criticised opt-out clauses⁵⁴³.

As far as concern the main national newspaper at the time, *Il Corriere della Sera*, the majority of the articles during the two-year-period surrounding Maastricht, regarding the debate about the opt-out clauses and their institutionalisation, mostly limited themselves to descriptive reports of the provisions under analysis, without really supporting the development of a debate towards this specific matter. All things considered, the newspaper reported the complexity of the issue with regards to the phases of negotiations, but without giving really relevance to this new debatable legal instrument, thus not really underlining the potential problematicity to the reading audience, which was a considerable part of the Italian population⁵⁴⁴. An isolated case is represented by an article published on December 14, 1992, where the tone used to describe the achievements made by the Maastricht Treaty is nothing but critic.

“(…) una certa idea politica dell’Europa è finita. Con un compromesso che ha tutte le fattezze del “mostro giuridico” s’è voluto evitare lo scisma danese e salvare lo spirito di Maastricht. Ma il risultato non deve ingannare. E solamente il trionfo dell’Europa delle contraddizioni. Prima o poi esploderanno e si dovrà cambiare strada. (...) Rinunciando in via definitiva alla moneta unica, la Gran Bretagna e la Danimarca non hanno reso molto più fragile il Sistema monetario, ma hanno reso molto più fragile il Sistema monetario europeo⁵⁴⁵.”

The description of the agreement reached in Maastricht here came to be presented as a “*juridical monster*” referring to the differences implied among member countries at juridical level and their different juridical status. Sure enough, at legal level, with the Maastricht Treaty, not only did the institutionalisation of differentiated integration take place, but also the distinction between subjective and objective differentiation had been defined within a legally binding instrument⁵⁴⁶. Subjective

⁵⁴³ A. K. Cianciara, "Does Differentiation Lead to Disintegration", pp. 39-58 and M. Piermattei, Massimo. *Crisi della Repubblica*, pp. 85-113.

⁵⁴⁴ See as examples, “La grande scommessa dell’unità monetaria”, *Il Corriere della Sera*, 09/12/1991 and “E l’Europa va avanti”, *Il Corriere della Sera*, 11/12/1991 and “Carta Sociale/ Dai salari agli orari di lavoro la Gran Bretagna cerca di difendere la sua “diversità””, *Il Corriere della Sera*, 06/03/1992 and “Danimarca fuori dalla Cee?”, *Il Corriere della Sera*, 10/10/1992.

⁵⁴⁵ A. Guatelli, “Due opposte concezioni”, *Il Corriere della Sera*, 14/12/1992.

⁵⁴⁶ M. Brunazzo. “The Evolution of EU Differentiated Integration between Crises and Dilemmas”, *EUIDEA*, Research Paper No1, Rome, Istituto Affari Internazionali, 2019, pp. 1-30.

differentiation implied that a state was autonomously deciding not to take part to the Union provisions, given to reasons of different nature, in any case, to be found within the sphere of national sovereignty. On the other hand, objective differentiation implied the inability for a member country to meet to specific parameters or criteria set at European level (in the case of Maastricht the criteria established for a convergence of the economies of member countries within the Eurozone). Framing and recognising both these level of differentiation through the Maastricht Treaty was considered in this the afore-reported article, as the victory of the “*Europe of contradictions*” which would have requested a necessary future rearrangement⁵⁴⁷. This consideration might have a sort of prophetic connotation, if related to the recent development of the British exit from the Union. All things considered, the ideological framework in which these reflections have to be considered is still the ideology of the homogeneous integration, which is claimed to have ended with Maastricht⁵⁴⁸.

To complete the general framework newspapers used to provide with the Italian reading audience on the subject of the opt-out clauses, some articles from *L'Unità* will be here considered. Although this newspaper was a party newspaper, fully experiencing the crisis the PCI was living at that moment, the legacy of the Communist tradition in Italy was important, and the newspaper had always a significant diffusion, also compared to the main national newspapers, which makes the analysis of its articles an important part for the understanding of the complete image of the clauses given to the reading public.

As briefly described in the previous chapter the position of the Italian Communist Party towards the European project was surely characterised by an important shift, from the rejection of the European Economic Community, to a rethinking of the European sphere into the formula of Eurocommunism⁵⁴⁹. As a consequence, the point of view and the position reported from the party newspaper *L'Unità* underwent a parallel shift to the changes into the PCI positions. Noticeably, historians recognised that the PCI was the only Italian Party that even supporting the European project, did not retain itself to give its consensus in an acritical way, but rather putting into question the advantages and disadvantages implied for the Italian country in the different Community proposals⁵⁵⁰. Therefore, in continuity with the theoretical description of the PCI attitude towards the

⁵⁴⁷ “Due opposte concezioni”, *Il Corriere della Sera*, 14/12/1992.

⁵⁴⁸ “Due opposte concezioni”, *Il Corriere della Sera*, 14/12/1992 and S. S. Andersen and N. Sitter, “Differentiated Integration: What is it and How Much Can the EU Accommodate?”, pp. 313-330.

⁵⁴⁹ N. Conti. *L'Europa vista dai partiti*, pp. 129-183 and for a detailed account on Eurocommunism see Pons, Silvio. *The Rise and Fall of the Eurocommunism*, in M.P. Leffler and O.A. Westad (eds). *The Cambridge History of the Cold War*, Cambridge University Press, 2010, pp.45-65.

⁵⁵⁰ N. Conti. *L'Europa vista dai partiti*, pp. 129-183 and M. Piermattei. *Le culture politiche italiane e l'integrazione europea (1992-1994)*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020.

European Community, it is possible to consider also the description of the opt-out clauses from *L'Unità* to its audience. As a matter of fact, although being supportive of the Maastricht Treaty and the deepening of integration brought, the newspaper critically assessed certain aspect implied in the structure of the Treaty, and for the analysis here concerned, the opt-out clauses. It called the provisions as two “*way outs*”, underlining the idea of these clauses as a possible exit door for the UK from the European Union⁵⁵¹.

It is emblematic the description of the final structure given to the Treaty, which is compared to a vegetable soup, where certain ingredients are noticeably missing. The article reported, “*In poche parole: a Maastricht è nata l'Europa, forse non quella che si sperava. E il sapore è anche quello di un minestrone dove gli ortaggi sono stati anche buttati a caso o comunque alcuni non sono stati messi perché un commensale non ne gradiva i sapori*”⁵⁵². The image provided to the reader communicated how the result was not optimal, given the lack of certain ingredients, which inevitably affect the final taste of the dish. Other images are reported in the article referring to the structure given to the Treaty: “*three-quarters Europe*”, “*Europe of exemptions*” or “*crippled Europe*”⁵⁵³.

The idea that the European integration process might assume peculiar connotations given by its own nature, based on the fact that regional integration was happening among European countries, but with different traditions and institutions, was not really taken into account⁵⁵⁴. But rather, the early perception communicated to the Italian population is that a compromising in the original nature of the Union was allowed, and that through the opt-outs something “*tasteful*” for the success of the recipe was lacking.

On balance, the idea that emerged from the articles of the newspaper is that not only were the opt-outs a solution invalidating Europe on the plane of ideas, but which also negatively affected the United Kingdom, using the expression *fig leaf*, to refer to the hidden consequences that the clause would have brought at national level:

“la clausola di esenzione non è altro che una «foglia di fico»: star fuori dalla porta comporterebbe alti costi commerciali, indebolirebbe la sterlina e quindi richiederebbe una lunga stretta monetaria per difenderne il valore, emarginerebbe Londra come centro finanziario nel momento in cui l'attenzione degli affari internazionali si sposterà sull'area moneta unica”⁵⁵⁵.

⁵⁵¹ S. Trevisani, “Unione europea a 12, ma con riserva”, *L'Unità*, 11/12/1991.

⁵⁵² S. Trevisani, “Unione europea a 12, ma con riserva”, *L'Unità*, 11/12/1991.

⁵⁵³ S. Trevisani, “Unione europea a 12, ma con riserva”, *L'Unità*, 11/12/1991.

⁵⁵⁴ A. K. Cianciara, "Does Differentiation Lead to Disintegration ", pp. 39-58.

⁵⁵⁵ A. Pollio Salimbeni, “Verso l'Ecu con economie più rigide. Carli: ‘basta la buona amministrazione’”, *L'Unità*, 12/12/1991.

The fact that the potential downsides were registered also for the United Kingdom, diverged from the general criticism according to which the clauses into question would have harmed the sovereignty of the other member countries, looking instead at the downsides for the opting-out country. All things considered, the opt-out as legal instrument used to carry on the integration process, in *L'Unità*, is overall criticised, either implying downsides for the Union, either implying downsides for the opting-out country into question.

The analysis realised among these main national newspapers is emblematic of the relevance that the opt-out clauses raised at that moment at public level. The trends found in reporting the news of the institutionalisation of such measure do generally follow the same line in the different newspaper. Leaving aside the different considerations regarding the Treaty of Maastricht for itself, which are not here specifically matter of reflection, the newspapers considered described the provisions as generally critical arrangements. Some of the articles analysed developed a critical view for the opting-out country itself when recurring to such provisions, but most of the articles do refer the criticality brought by the clauses to the integration process of the Union. After all, the homogeneity or the orthodoxy of the idea of Community integration came to be questioned, in its traditional assumption. From this point of view, the integration structure carried on at Maastricht with the acceptance of the opt-out clauses did represent “*integration gone wrong*”, as demonstrated by the many appellatives attached to the “new” Europe referred to across the different articles⁵⁵⁶.

Of course, the optimal conclusion would have been the simultaneous agreement of all member countries in all the policy fields object of the Treaty, but the rejection of monetary or social integration was not coming as a surprise from the United Kingdom, thus requiring a preventive reflection⁵⁵⁷. From the point of view expressed into the articles analysed the opt-out clauses did effectively represent a threat to the integration paradigm, although this logic was restrained to a sort of ideal concept of integration, when considering the context and the actors involved in the European Community⁵⁵⁸.

The main perception was that the integrity of the *acquis communautaire* was being compromised, thus attempting also to the credibility of the project itself, but the fact that the nature of the European Community might have needed such an arrangement in order to promote further its strengthening as

⁵⁵⁶ A. K. Cianciara, "Does Differentiation Lead to Disintegration", pp. 39-58.

⁵⁵⁷ Different was the episode with Denmark, which although came as a shock for the European Community, after the referendum on June 2, 1992. See, B. Olivi. *L'Europa difficile*, pp. 378-412.

⁵⁵⁸ A. K. Cianciara, "Does Differentiation Lead to Disintegration", pp. 39-58 and L. Hooghe and G. Marks, "Grand theories of European integration in the twenty-first century", *Journal of European Public Policy*, Vol 26, No. 8, 2019, pp. 1113-1133 and A. Kölliker, "Bringing together or driving apart the union?", pp. 125-151 and R. Adler-Nissen. *Opting Out of the European Union*, p. 1-46 and R. Dahrendorf, *A Third Europe?*, Third Jean Monnet Lecture, Firenze, 26 Novembre 1979, available at <http://aci.pitt.edu/11346/>, last accessed 15/06/2020.

new geopolitical entity was never really presented to the reading public. This is because “homogenous integration” enshrined by the expression “*ever closer Union*” of the Rome founding Treaty has been interiorised within the European Community dimension and population, as a *doxa*⁵⁵⁹. The expression *doxa* does refer to an “*undisputed and taken-for-granted premise or ‘truth’*”⁵⁶⁰. The *doxa* necessarily represents something to be defended, in its integrity, in its *orthodoxy* (from Ancient Greek *óρθος* meaning right, fair)⁵⁶¹. On the other hand, the opt-outs came to challenge the orthodoxy, by requiring *heterodoxy* (from the Ancient Greek *héteros*, meaning different, other) namely a differentiation into the *doxic* integration process⁵⁶².

In this sense, the clauses were presented at Italian public level from one main point of view, namely the corruption of the integrity of the integration process, which surely was the most common at the time, but which did not really allow the public to develop a critical assessment of the issue, being presented only with one face of the coin⁵⁶³. The feedback provided to the reading audience is somehow that the opt-outs granted at Maastricht, represented the *failure* of integration policy. By the way, opt-outs did indeed represent a form of failure to conclude integration, but between all member states, and not a failure in itself⁵⁶⁴. As a matter of fact, although being an undeniable form of defection, the positive aspect, which was never stressed among the newspapers considered, is the fact that thanks to these clauses, integration was not blocked through the vetoing power of contrary-member countries, but instead provided a new practicable path to integration⁵⁶⁵.

After all, the development of a theoretical framework with the evaluation of the pros and cons regarding a specific matter might imply time and could not simultaneously happen to the event into question itself. In fact, theorisation regarding the opt-out within the institutional framework of the European Union came to be under analysis in the years following Maastricht, thus critically assessing the issue from different points of view. The criticism realised by newspapers did not address the European integration project *per sé*, but rather the way integration had been carried on, by using this specific

⁵⁵⁹ R. Adler-Nissen. *Opting Out of the European Union*, p. 1-46 and G. Majone, “Is the Community Method Still Viable?”, pp. 16-42.

⁵⁶⁰ R. Adler-Nissen. *Opting Out of the European Union*, p. 57.

⁵⁶¹ *Orthodoxy* in Encyclopædia Britannica, Inc., available at <https://www.britannica.com/topic/orthodox>, last accessed 08/09/2020 and R. Adler-Nissen. *Opting Out of the EU: the UK and Denmark*. Seminar at Norsk utenrikspolitisk institutt NUPI, 19/10/2016, available at <https://www.youtube.com/watch?v=5BMV7g7Fhm4>, last accessed 25/05/2020. See also R. Adler-Nissen. “Opting Out of an Ever Closer Union: The Integration Doxa and the Management of Sovereignty”, *West European Politics*, Vol. 34, No. 5, 2011, pp. 1092-1113.

⁵⁶² *Heterodoxy* in Cambridge Dictionary, available at <https://dictionary.cambridge.org/it/dizionario/inglese/heterodoxy>, last accessed 08/09/2020 and R. Adler-Nissen. *Opting Out of the EU: the UK and Denmark*. Seminar at Norsk utenrikspolitisk institutt NUPI, 19/10/2016, available at <https://www.youtube.com/watch?v=5BMV7g7Fhm4>, last accessed 25/05/2020.

⁵⁶³ B. Olivi. *L'Europa difficile*, pp. 373-381 and R. Adler-Nissen. *Opting Out of the European Union*, pp. 1-46 and T. Winzen, and F. Schimmelfennig. Instrumental and Constitutional Differentiation in the European Union, pp. 354-370.

⁵⁶⁴ M. Sion. “The Politics of Opt-Out in the European Union”, pp. 1-17.

⁵⁶⁵ M. Sion. “The Politics of Opt-Out in the European Union”, pp. 1-17

kind of clauses. Furthermore, this common aspect, might also be read at the light of the general positive attitude towards the European dimension that had characterised the majority of the public opinion during the so-called First Republic, which, notwithstanding the orientation of the different newspapers, showed its criticism towards a new *modus operandi* that was affecting the traditional paradigm of integration, the one usually supported from the majority of the social and political groups in Italy⁵⁶⁶.

As previously concluded for the political debate, it is recognised by historians, how the Maastricht years were a delicate phase in the history of Italy, given the economic status of the country (which indeed was the major concern for Italian politicians), but above all the turmoil in the political sphere⁵⁶⁷. In this sense, the Italian public opinion major concern was directed to its own political class, which was involved into scandals of corruption and the inability to lead effectively the country. This is a reason justifying the absence of an extensive debate regarding the implications of accepting an opt-out clause for the European Union, potentially widening the traditional connotation attributed to the process of European integration.

The fact that the Italian public opinion was concentrating its attention at domestic level, is reported in these emblematic lines of an article published on December 6, 1991 by the newspaper *La Repubblica* that summed up the situation as followed:

“(...) avrà un grande impatto sul nostro futuro, ma per l'opinione pubblica italiana, frastornata dai campanacci della dilagante "commedia dell'arte" che coinvolge ogni giorno di più le istituzioni, l'appuntamento [*the Maastricht Treaty*] rischia di restare quasi inavvertito, avvolto, non solo metaforicamente, nelle nebbie invernali della cittadina olandese⁵⁶⁸.”

At the end of the day, it was not only the debate regarding the Maastricht Treaty to be overshadowed by the Italian domestic events, but definitely also, the debate regarding the opt-out clauses, in a more complex framework on the future line the European project should have followed.

⁵⁶⁶ P. Daniels. “Italy and the Maastricht Treaty”, pp. 178–191.

⁵⁶⁷ N. Conti. *L'Europa vista dai partiti*, pp. 129-183 and A. Varsori, *La Cenerentola d'Europa*, pp. 331-374 and P. Daniels. “Italy and the Maastricht Treaty”, pp. 178–191.

⁵⁶⁸ M. Pirano, “Una sola moneta, una sola Europa”, *La Repubblica*, 06/12/1991.

CONCLUSION

The opt-out clauses were the first legal instrument to establish an institutional differentiation among member countries of the European Community. This happened at the same time the Community was achieving the status of a political Union, with the Maastricht Treaty, establishing an important precedent for the future developments of the new geopolitical actor represented by the EU.

The Treaty has been the subject of several and long discussions, under different respects: the shape given to the political Union, the policy fields regulated, the established timeline, the criteria established for member countries to join the Union, and so on forth. At the same time, a particular debate started characterising the discussions not only at political level, but also at public level. The specific issue was the differentiation of the integration process, thus departing from the traditional method historically adopted by the Community in its first forty years of existence. The reason why differentiated integration came to be discussed simultaneously to the debate of the Maastricht Treaty, was that with the TUE, the phenomenon under discussion came to be comprehended for the first time in a legally binding Community instrument, setting a precedent which would have become a founding feature of the newly-established Union. As a matter of fact, the protocols, containing the opt-out clauses, granted the possibility to the UK and to Denmark not to take part to certain provisions of the Treaty, differentiating the status of these countries with regards to all the other contracting parties of the same Treaty.

It comes quite intuitively today, with the benefits of time, the importance of such moment, and the need to develop an adequate debate on the matter. Sure enough, today the phenomenon of differentiated integration does play an important theme of discussion in European debates, also as a consequence of the results of the British referendum of 2016, with the following exit of the United Kingdom, namely the historical opting-out EU champion, from the Union. The event led the European political class, together with the European public opinion, to question themselves deeper about the already-established process of differentiated integration. In fact, Brexit presented to the Europeans, the possibility that the differentiation in the process of community integration and particularly the opt-out clauses specifically requested by a state, were nothing more than an omen, a premonition, of non-membership of the Europe project in a more general sense, thus requesting a reconsideration of the nature of such phenomenon. Therefore, discussions on the *constructiveness* and *healthiness* of the differentiation of integration for the reality of the European Union were raised, reinvigorating a theme that probably needed a greater consideration and a better exploration of all its implications.

Although the debate has found new relevance after Brexit, discussions regarding this matter have been paralleling the developments of the Union from Maastricht onwards. In particular the theme had been discussed and analysed with increasingly interest and a growing sensitiveness. As a matter of fact, the first widespread reactions to the theme here considered, did happen in the very moment the first institutional recognition of the phenomenon was granted, creating in some ways a debate on an already established decision. The early debates were surely different across the member countries of the Community, according to different domestic situation, as well as, according to different attitudes towards the European integration process. In particular way, the Italian situation was connoted by a high political-economic and social precarity, creating a peculiar context for the discussions on the opt-outs to take place in, although the same kind of analysis here realised could be conduct in the same measure and with the same aim, in any other member country of the European Community at the time, probably leading to different results.

The early reactions to the phenomenon of the opt-out clauses, within the greater framework of differentiated integration, coming from the Italian debates, return us a situation that does not necessarily correspond to the imagery and expectations when thinking about the debate that such an important issue should have created, when first coming into existence. However, it has to be recognised that the importance of a phenomenon, is not always easy to be comprehended by those living that precise phenomenon, although this does not prevent a possible critical assessment of the issue into question. As far as concern the opt-out clauses, the debate that took place in Italy, in an overall evaluation, did not deepen effectively the aspects concerning this particular form of negative integration, nor the implications coming from the first formal concretisation of differentiated integration. Both at political and public level, it is not possible to find an effective debate, analysing the different points of view surrounding this first institutionalisation of the differentiated integration. On the whole, in the Italian context during the two years period considered, there was not a consistent debate which effectively gave voice to the different positions at stake in this debate, but it limited instead to the expression of critical opinions, coming from the political establishment, as well as from the public means of information, still demonstrating an important linkage with the Community heritage's traditional concepts, that had led the developments of the Union up until that moment.

As a matter of fact, the supporting interventions realised to sustain the opt-out clauses, were not realised with the awareness of the major necessity for the future of the Union to embrace such flexibility, but rather, these interventions were part of the traditional consensus of the Italian political establishment and population towards the European dimension. The consciousness that the geopolitical context, in which the European Community was operating, had profoundly changed, after

the end of the Cold War, did not lead the political establishment nor the public opinion of Italy, to concretely conceive the necessity to alter the traditional patterns of integration and of coexistence among sovereign member countries of the Community, in order to substantively create a new international actor, characterised by a new and specific nature, careful to the necessities coming from its different constituents, in a progressist logic, away from the orthodox relations among countries. In this sense, the acritical acceptance of the shape of the Maastricht Treaty, created an important lack in the reflections regarding the future of the Union and the implications brought from the institutionalisation of differentiated integration.

As the rare supportive expressions realised towards the opt-out clauses were based on the orthodox conceptual legacy of the Community, in the same way, it has to be recognised, that also the criticism raised towards the issue were the result of the traditional conceptual framework. This demonstrates, that the general set of concepts upon which the debate was created, did not exulate from those ideas and principles that governed the Community in its early phases essentially of economic integration, without widening in front of the greater scope the EC was trying to achieve. In fact, although the critical references realised to the opt-out clauses, were more frequent, they remained somehow to a superficial level of the issue, without considering the real impacts, although only from their negative perspective, for the future of the Union and of the integration process.

Significant was the fact that the first references realised to the specific matter, happened essentially at the end of 1991, once the Treaty was being finalised. This is relevant, for the fact that, neither the national political establishment, nor the public opinion, did really have the chance to develop an evaluation of the implications and the meaning of the process in advance, but rather discussing things that essentially were already in place.

The criticism was found in equivalent measure among the parliamentary debates, representing the political level, and among the newspaper's articles, as the major mean of information for the public opinion at the time. All things considered, the criticism remained anchored to two main spheres: the national sovereignty of Italy, and the compromise of the traditional integration process through the setting of a dangerous precedent for the future history of the Union. These aspects are immediately relatable to the sphere of the *acquis communautaire* of the Community. With the *acquis* being the fundamental essence of the Community spirit and its evocative aim to promote “*an ever closer Union*” among the European population and European countries, the opt-out clauses were challenging its traditional conceptualisation, together with its founding tenets. In fact, in the very moment an EU country require a differentiated status for itself, departing from the Community common coordination, although in a specific policy area, it inevitable had some consequences on the

uniformity of the *acquis*, putting its integrity at stake. In particular, the major concerns expressed, did address to the break in the orthodoxy of the integration process, accepting to include different statuses, creating different rights and obligations, thus disrupting the integration path in its linear conception part of the traditional *acquis*.

Another element referable to the sphere of the *acquis communautaire* that was being touched from the clauses, was the respect for the equality principle among member countries. It was particularly considered in the Italian debate, and particularly from the Italian critical political establishment, also being one of the core-stone principles part of the Community *acquis*, already enclosed in the founding Treaty of Rome, in 1957. In this sense, the criticism realised claimed indirectly the destruction of the *acquis communautaire* through the violation of the Community method of integration, together with the compromise of the equality principle, on behalf of the opt-out clauses, although no direct reference to the *acquis* itself were ever found in the debates analysed.

All things considered all these aspects were linked to the dogmatic concepts that characterised the European Community in its initial developments. In this sense, the reconsideration and the rethinking of those dogma, traditionally *static*, requires time. Therefore, it is understandable the fact that the Italian community was not really able to reframe the traditional framework simultaneously to the first institutional manifestation of the opt-out clauses, thus developing a complete evaluation of the phenomenon. In addition to this, other elements contributed to obscure the development of a possibly fruitful discussion over the theme under consideration. One major element was the economic situation Italy was finding itself in, which was creating serious concerns, above all within the political class, given the alleged extreme difficulty for Italy to meet the convergence criteria established from the Maastricht Treaty, and with the Italian currency struggling to remain within the parameters of the ERM, thus potentially relegating Italy to a condition of inferiority within the Union context. In addition to this, the social-political situation in Italy during those years, was particularly delicate, creating another element of major concern to be discussed, thus shadowing the Community affairs. The *Tangentopoli* scandal together with the growing intolerance of the population determined the complete crisis of the traditional political class, thus upsetting the established balances and the long-present political protagonists. At the same time, new forces were emerging, bringing new elements in the Italian political panorama, trying to address the general malaise, long lived from the Italian population and institutions.

As a consequence, the debate regarding the particular form of the opt-out clauses in Italy was characterised by a mixture of expression of the traditional acritical support, but also, from the early emergence of a more articulated critical point of view, which would assume a thicker dimension in the following years.

In conclusion, the analysis realised, showed that the impact of the opt-out clauses on the political establishment and the public opinion of the time period, essentially parallel to the signature and the ratification of the Treaty, was very limited if compared to the importance that this fact would have had in the future of the Community, resizing the very importance of the event. The discussion has been overshadowed by various elements characterising the country's domestic situation, preventing a real understanding of the importance that the institutionalisation of the clauses and of differentiated integration had. The conclusive perception is that the debate remained at a superficial level of analysis. With the expression *superficial*, meaning that the debate faced the most evident critical elements, without widening the critical gaze to a more comprehensive approach. Furthermore, at the end of the day, the Treaty was accepted from Italy, in its acritical tradition, without an enough-explored approach towards the implications the opt-out clauses would have determined, not only for Italy, but more generally for the common destiny of the Union.

The heritage of the attitude of the First Republic did effectively affect the perception and the understanding of the Maastricht Treaty, although this happened in a transitional phase for the country. The emergence of new actors, detached from the traditions of the First Republic, would allow in the following years a greater sensitiveness towards the European dimension to emerge, bringing a more fruitful interaction, together with a differentiation in the attitude held towards Europe. Maastricht and its controversial, but common, acceptance, did represent the final act of the Italian *shared rhetorical Europeism*, leading the political class and the public opinion to embrace the shape into which the TUE was conceived, and namely, with the clauses granting a differentiated status for two member countries, although not really questioning all the overtones implied by these opt-outs⁵⁶⁹.

⁵⁶⁹ M. Piermattei. *Le culture politiche italiane*, available at https://www.academia.edu/12306566/Le_culture_politiche_italiane_e_il_Trattato_di_Maastricht, last accessed 20/06/2020

ABSTRACT (versione Italiana)

L'Unione Europea rappresenta una realtà politico-giuridica decisamente innovativa nel panorama internazionale del secondo dopoguerra, che cerca di esemplificare un nuovo modo di intendere le relazioni tra stati sovrani. Se settanta anni fa l'Europa unita era un sogno, un'ideale verso il quale anelare, nel tempo tale progetto ha preso forma raggiungendo importanti risultati, sebbene questi siano lontani dal potersi definire interamente compiuti o definitivi. Il processo di integrazione europeo fu fin da principio un progetto originale, che memore dei drammatici eventi che avevano segnato la storia europea e mondiale nella prima metà del Novecento, cercò di perseguire ideali di pace e cooperazione. Iniziato come una comunità economica, il progetto è andato approfondendosi, arrivando a concepire spazi di integrazione sempre maggiori.

Tuttavia, l'accettazione di una progressiva integrazione da parte dei paesi membri non è sempre avvenuta all'unisono, e simultaneamente. Infatti, ciò a cui si è assistito a partire dal Trattato di Maastricht (7 febbraio 1992), è stata l'istituzionalizzazione formale della differenziazione del processo di integrazione tra gli stati membri della Comunità. La differenziazione del processo di integrazione presuppone una certa flessibilità nella tradizionale concezione dell'idea di integrazione stessa, richiedendone un riadattamento allo specifico contesto in cui nasce e si sviluppa prima la Comunità e successivamente l'Unione Europea.

All'interno di questo processo, possiamo assistere per tanto a forme di integrazione che sfidano le più tradizionali concezioni di Unione tra stati, per assumere invece forme più flessibili, meno rigide, che faticano ad essere etichettate secondo schemi predefiniti. Il principio di flessibilità si prefigura infatti come un importante ed innovativo presupposto nella costruzione dell'Unione. Proprio per cercare di dar vita ad un nuovo tipo di protagonista internazionale, si è cercato di trovare un compromesso tra quelle che sono le esigenze degli stati sovrani membri della Comunità e la crescente necessità e desiderio di cooperazione, in un maggior numero di aree politiche. Nel tentativo di trovare un compromesso tra questi elementi, non sempre concordi l'uno con l'altro, si è andata creando una differenziazione nei livelli di integrazione tra gli stati membri, a seconda della loro specifica e soggettiva volontà.

La prima forma in cui questo fenomeno si manifestò, fu attraverso una forma negativa di differenziazione, ossia le clausole opt-out, basata sul rifiuto da parte di Gran Bretagna e Danimarca di aderire, in primis, all'unione monetaria che si sarebbe dovuta realizzare a Maastricht, garantendo quindi a questi Paesi l'esclusione dall'integrazione sovranazionale in questa particolare area. Attraverso tali clausole il Paese "*opting-out*" viene esentato dall'applicare una determinata norma o un determinato quadro normativo, fin tanto che ciò venga previsto dalla clausola o dalla volontà dello

Stato stesso a seconda delle modalità contrattuali stabilite. Questa modalità di integrazione comporta una serie di diritti e di obblighi per lo Stato in questione, differenti da quelli degli altri stati membri. Conseguentemente, da Maastricht in poi, la possibilità di differenziare l'integrazione tra i paesi membri è stata considerata come il modo migliore per far sì che il perseguimento di obiettivi largamente condivisi non venisse periodicamente ostacolato da interessi particolari, cioè legati alla volontà di un singolo stato o di una minoranza di essi. Ciò ha posto le basi per una proliferazione delle varie forme in cui l'integrazione differenziata si è manifestata nel corso del tempo, portando ad una multiformità del fenomeno, difficile da contenere entro limiti e parametri precisi e definiti, fomentando il dibattito circa la sua accettabilità, nonché la sua vantaggiosità per il rafforzamento dell'Unione. Infatti, essendo tali modalità di differenziazione differenti le une dalle altre, di conseguenza anche le dinamiche relazionali che si instaurano tra i paesi membri sono altrettanto differenti tra loro, a seconda della propria natura specifica, creando un sistema altamente complesso nella sua gestione.

Per tanto, l'istituzione della prima forma attraverso la quale si manifestò l'integrazione differenziata nella realtà comunitaria, si pose come importante momento storico, delineando un aspetto che, è divenuto un tratto peculiare della struttura comunitaria europea. Infatti, ciò che caratterizzò in maniera particolare il momento di Maastricht, fu proprio la necessità di ricorrere ad una tale soluzione, per poter portare avanti quel progetto di unione politica e monetaria per cui si erano poste le basi già da tempo, ma che necessitava di una nuova modalità di concretizzazione per poter realizzarsi. Dal momento di Maastricht in poi si svilupparono non solo molteplici forme di attuazione dell'integrazione differenziata, ma parallelamente crebbe anche il dibattito sul fenomeno in questione, tanto a livello politico quanto a livello pubblico. L'analisi delle reazioni createsi a seguito del Trattato si pone come interessante tematica di studio per comprendere l'iniziale approccio ad un fenomeno che avrebbe caratterizzato l'UE in maniera crescente, e che sarebbe stato largamente discusso negli anni successivi.

Il primo capitolo riassume ed analizza il percorso realizzato dalla Comunità Europea nelle sue fasi più significative per giungere al risultato ottenuto con il Trattato di Maastricht, così da poter comprendere le ragioni che hanno portato alla scelta di comprendere delle clausole di opt-out. Il Trattato di Maastricht, sebbene venga firmato in un momento storico immediatamente successivo alla fine del conflitto bipolare, non può essere considerato come una reazione conseguente da parte della Comunità, ma è invece, il risultato di un lungo percorso realizzato dalla Comunità Europea. Esso risulta essere frutto di compromessi e processi in atto già a partire dall'inizio degli anni Settanta e che

si intensificano soprattutto a partire dalla seconda metà degli anni Ottanta, una volta conclusosi il periodo dell'*Eurosclerosi*.

Il secondo capitolo delinea il contesto storico, dal punto di vista politico-economico e sociale del paese qui scelto di analizzare, come caso di studio particolare, ossia l'Italia. La scelta di analizzare le reazioni emerse alle clausole di opt-out in Italia deriva dalla particolare situazione che il Paese stava attraversando in quel momento. L'Italia infatti, viveva un momento storico di grande precarietà, dovuto alla congiuntura di vari elementi che influenzavano negativamente la situazione domestica in quel periodo. A livello economico, il debito pubblico dello stato continuava a crescere a fronte dell'eccessiva spesa pubblica sostenuta dal governo, per evitare tagli al sistema di welfare italiano. A livello sociale vigeva una forte tensione, data dal radicamento e dalla crescente presenza della mafia nel territorio. A livello politico, il malessere della classe dirigente tradizionale era palesemente manifesto. La classe politica si mostrava incapace di affrontare le nuove sfide che si presentavano, né, riusciva a svolgere un ruolo di rilievo nel contesto comunitario. L'elemento che determinò un radicale cambiamento fu lo scandalo passato alla storia con il nome di Tangentopoli. Una volta scoperta questa rete di corruzione, la classe politica tradizionale si frantumò, lasciando il posto a nuove forze emergenti, che caratterizzeranno il Paese negli anni successivi. Il cambiamento fu talmente importante da portare gli storici a denominare il fenomeno come passaggio dalla *Prima* alla *Seconda Repubblica*.

Il terzo capitolo affronta l'analisi diretta delle reazioni politiche e pubbliche all'istituzionalizzazione delle clausole opt-out nel biennio 1991-1993 nel contesto italiano. L'analisi considera, in primo luogo, il dibattito creatosi in merito al tema considerato in sede politica attraverso le discussioni Parlamentari e gli interventi dei vari esponenti politici espressi circa il tema specifico. Le posizioni che argomentano maggiormente la questione sono sollevate principalmente dal partito di estrema destra dello spettro politico italiano dell'epoca, basando la propria critica maggiormente sul danno convenuto alla sovranità del paese attraverso l'accettazione delle clausole di opt-out. Gli altri (limitati) interventi realizzati da altri esponenti politici, non apportano alcun reale contributo significativo al dibattito, sebbene mostrino una certa preoccupazione circa l'adozione delle clausole per l'integrazione comunitaria. La seconda parte dell'analisi si focalizza invece sulla recezione della notizia da parte dell'opinione pubblica, attraverso un'indagine tra le maggiori testate giornalistiche di portata nazionale. Sebbene anche da questo punto di vista il fenomeno venga presentato in maniera critica, l'aspetto che viene maggiormente sottolineato è la compromissione dell'integrità dell'integrazione, in quella che viene considerata come la "*giusta*" natura integrativa da perseguire.

Tuttavia, in conclusione, ciò che emerge dall'analisi condotta, è che in Italia non venne articolato un dibattito effettivo, che abbia discusso molteplici possibili approcci al fenomeno, ma limitato ad una critica delle clausole in questione, per la loro posizione critica nei confronti di quei concetti tradizionali essenzialmente assunti come dogmi all'interno della Comunità.

Le ragioni dell'assenza di tale dibattito possono essere rinvenute in una serie di fattori concomitanti. Da un lato, la tradizionale fede acritica nei confronti del progetto comunitario che caratterizza i partiti della Prima Repubblica in Italia, portando l'establishment politico ad accettare in un "*atto liturgico*" quanto stabilito a livello europeo, senza effettivamente apportarvi un contributo critico⁵⁷⁰. Altro elemento fondamentale risultò essere il fatto che, l'attenzione della classe politica fosse maggiormente concentrata nel concepire il modo in cui il Paese potesse essere in grado di rispettare i parametri di convergenza, necessari per l'adesione all'Unione monetaria. Infine, a livello teorico, si deve constatare che è necessario intercorra del tempo affinché concetti un tempo percepiti come dogmi, possano essere riconcettualizzati e riadattati a seconda delle esigenze di un dato momento storico. L'insieme di questi elementi determinò l'assenza di un dibattito di ampia portata, che comprendesse ed esprimesse diversi punti di vista, come invece avverrà nelle fasi successive di vita ed integrazione dell'Unione Europea.

⁵⁷⁰ P. Daniels. "Italy and the Maastricht Treaty", pp. 178–191.

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