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The Lisbon treaty v the American Constitution

Did Thomas Jefferson provide a model for European unity?

Sir. In comparing the Lisbon treaty unfavourably with the US Constitution of 1787 (["Jefferson: a lesson for Europeans"](#), [June 2](#)), William Rees-Mogg is not comparing like with like. It is true that there are strong parallels, but there are also important differences.

In addition to the simple parallel that they both attempt to unite diverse and sovereign states under a shared rule of law, each of them should also be understood as part of a unification process rather than as a single, one-off event. The US Constitution was the successor to the previous Articles of Confederation and also the New England Confederation of the 17th century. Indeed, it is not the last word on American governance, having been amended 27 times since then. Similarly, in Europe, the Lisbon treaty is a set of amendments to treaties that have already been amended several times, in the Single European Act and the treaties of Maastricht, Amsterdam and Nice.

The crucial difference between the two documents is that they represent different stages in that unification process. The US Constitution is considerably more advanced than the EU treaties, being based on the decisive recognition by its member states of the need to endow the shared institutions with the same standards and principles of democracy as apply within the member states themselves. While the Lisbon treaty represents progress in that regard compared with the treaties leading up to Nice, there is still some way to go. Wider study of the Federalist Papers might well reassure Europe's political leaders that more democracy at the European level is possible without compromising the diversity of the member states, which is after all what federalism really means.

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Sir, William Rees-Mogg suggests that few European "experts" have read the Federalist Papers. He recalls that Jefferson commended the authority of The Federalist and suggests that the papers should be required reading for the European Court of Justice. In his conclusion he congratulates Ireland on allowing the people to vote on the Lisbon treaty.

If he were to re-read paper No 10, he would find that the federalists concluded that "pure democracy" — exemplified by referendums — "can admit of no cure for the mischiefs of faction". Madison, the author, considered that "a government in which a scheme of representation takes place . . . promises the cure for which we are all seeking". Certainly required reading for experts and columnists.

W. Nicoll
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Sir, It is strange that a Eurosceptic such as William Rees-Mogg should cite the US Constitution so favourably. Anti-federalists opposed the Constitution on remarkably similar lines to Eurosceptic attitudes to the Treaty of Lisbon — namely, that it created a consolidated federal government that unacceptably infringed the rights of individual states. Indeed, many considered the wording of "we the people" as fiction — delegates at Philadelphia were the representatives of their states, and ratification was not achieved by referendum, but rather by the assent of nine specially elected state conventions of questionable legal standing. The genius of The Federalist was certainly not recognised by all at the time.

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