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# Supranationalism between the nation-state and international cooperation

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On one hand, supranationalism is a level of international cooperation while on the other hand it is a model of institutional structure present in the European studies, or, in a broader view, in international relationships, as well as a method of cooperation, or integration rather, which depends on positioning the international interactions on the supranational level. The purpose of this article is to examine supranational level higher than inter-state level in the European integration. Particular focus is given to models of supranationalism and its mechanics of creation in several stages: establishing of international institutions, delegating national competences and emancipation of delegated powers. Author adopts the “deliberative” model of supranationalism. Since supranationalism is a third dimension between the national state and international cooperation and more importantly, it is intentionally and voluntarily created (as a result of tests, experiments and research) by national states, it means that it offers better, that is, more effective instruments to execute the state’s preferences than the ones that are traditionally used by national states. At last supranational community is a project that is more challenging than “unity”, but it is also more ambiguous. It is more challenging because it redefines the notion of borders among nations and between the nation and the state, or even within the nation itself. The project is more radical because, on one hand, it demands more from the actors of such community but, on the other hand, it imposes more limitations on them.

**Key words:** International relations, theory of international relations, European integration, supranationalism, theory of European integration.

## Models of supranationalism

Semantically the latin prefix supra used in compound words should be translated not only as “beyond” (Galster, 1985) but also, or, most accurately perhaps, as “above” as opposite in meaning to the prefix sub denoting “under” or “below”. Therefore the notion of supranationalism (or supranationality) means that something happens above nations and sometimes above the states (Not always supranationality means supra-state since in multinational countries problems that need to be dealt with in a supranational way are solved within the authority of one country) and that its importance is recognized by all people (such as ideas, values, etc.).

Thus a shared set of values can be an important feature of the supranational system. Feliks Gross observed that when common values are broadly accepted, people establish relationships of different reach: local, regional, national or supranational, that is, universal. (Gros and warty ciach, 1961). Sociologists see supranational

values as characteristic of the whole mankind, while for the scientists dealing with European or international studies they have an extra-governmental character. What meaning does the term “supranationalism” have in the European studies?

According to Weiler (1995) supranationalism is astonishingly entangled in the value system of the European ethnically national liberalism originating from the 19th century and as such, can be a source of comfort for those who are worried by vanishing values and virtues of a nation-state. There are 2 concepts of accomplishing supranationalism by the community: the idea of “the unity” or “the statehood” spread by the supporters of the concept of the United States of Europe and the more subtle vision of “the community”. These two, obviously overlapping, concepts are still co-existing. “Yet,” says Weiler (1995), “when I look at our historical map (the rejection of the European defence community and the

European political community in the 1950s, formulating the idea of supranationalism – particularly in the treaty of Rome – as well as its implementation), I come to the conclusion that the “community” concept had already won when the European community was being built” (Weiler, 2005).

Thus, the concept of supranationalism is closely linked to the idea of networks, since the cooperation on this level must result in the establishment of community, which is a type of a network.

A unique approach applied when dealing with supranationalism is an attempt to control on the social level the uncontrollable national interest impulses happening on the international level. In the supranational structure, with its free flow of rules and regulations that do not allow to restrict other national cultures’ influence as well as with its strict limitations imposed on nationality or citizenship based on discrimination, national differences cannot be simply defined as resulting from artificial boundaries set by governments (Weiler, 1995).

So, the values that supranationalism appreciates most include: non-discrimination of nations, free transfer of regulations, permeability of borders, control over the otherwise uncontrollable outbreak of national interests, etc.

### **Historical models of supranationalism**

Schuman (2004) considered utopian all the historic (including the medieval) plans of the European unity based on various models of theocracy or federalism. The only concept that he accepted was the supranational approach. (Price, 2004).

What can be successfully constructed as supranational will become a new and unique approach to the anarchised international system. As early as 1949 Schuman used the term “supranational associations” and he defined the “supranational cooperation” as a new step in the human development, even a new era in the history of the world, a century of supranationalism which followed the century of nationalisms. (Schuman, 2004) For Schuman (2004) the adjective supranational was the equivalent of scientific discovery. Therefore it is not surprising that in his numerous discussions preceding the announcement of the declaration of 9 May 1950 he used the scientific term of experiment in relation to that deductive and pragmatic process that rearranged Europe. (Schuman, 1949). Schuman described supranationalism as an experiment also in his Brussels speech. The German question (And the European Experiment), Brussels, 18 December 1949, [in:] (Schuman, 1949). Moreover, Schuman strongly believed that supranationalism guarantees the existence of true democracy and that bureaucracy is a threat to supranationalism.

In 1950 while speaking to the French national assembly Schuman attempted to define “supranationality”. According to him the term meant supranational authority esta-

blished beyond the national sovereignties that is joined by all the participating countries and that is the expression of partnership and mutual help among these countries. Such authority takes advantage of their partially joined national sovereignties (Price, 2004). In Schuman’s concept 2 complimentary processes can be found. First, some elements of national sovereignty are transferred onto the institutionalised supranational level; then, they are combined into some kind of cumulated supranational sovereignty.

In 1955 Monnet, the president of the high authority of the ECSC, enchanted by the idea of supranationalism, pointed out the nature of this type of cooperation: “Ordinary cooperation among governments will soon become insufficient. It is absolutely necessary that individual countries delegate part of their authority to the European federal institutions mandated by all the member states understood as an entity” (Williams et al., 1997) . In his memoirs Monnet (1978) stressed the essence of the supranational breakthrough. He believed that “European nations must make room for a higher form of organisation and learn how to cohabitate under the aegis of common law and common institutions. Sovereign nations from the past are no longer able to solve the problems of today. They are not able to secure their development or the control over their own future. The community is merely a step on the way to the organised world of the future”. (Monnet, 1978) the model constructed by Monnet apparently competed with American federalism, but it referred to it at the same time. (For example Monnet used the comparison of the European parliament to the American congress. Monnet (1978) founded the action committee for the United States of Europe – ACUSE), also known as Monnet committee).

So, for Robert Schuman (2004) and Monnet (1978) the European authority placed above the nation offered the solution to the problems resulting from the egoisms of national states.

### **Academic models of supranationalism**

According to Koenig-Archibugi (2004) supranationalism can occur in 2 alternative combinations which are the derivatives of 2 different analyses. According to the first, fuzzy set analysis supranationalism is a combination of a regional government with the political adjustment (the accordance and harmonisation). It can be presented as an equation: regionalism + policy of harmonisation (adjustment) = supranationalism.

According to the second, so called regressive, analysis supranationality is a combination of regionalism (regional regime) with the European identity and smaller, more limited material capacity. (Koenig-Archibugi, 2004). Thus there are 2 ways leading to supranationalism: either a regional regime will be correlated with harmonisation and accordance, which will be sufficient for supranationalism to occur, or the combination of the regional regime,

strong European identity and limited material capacity will take place. Better material capacity does not stimulate supranational initiatives. (Suchocka, 1998) Both of these combinations assume the participation of regional government, so its existence is extremely important and according to both Koenig-Archibugi's approaches, supranationalism cannot occur when such government is absent.

Renata Suchocka uses the term of "supranational community" as a structure within the scope of which national communities and countries exist. There are, however, spheres reserved for the individuality of these communities as well as the spheres of activities, goals and values of supranational character. It is not the situation [...] where the states and national entities remain totally independent from the emerging structures. It is rather a situation where different levels of social reality and the structures corresponding to these levels reserve certain range of common goals, tasks, norms, cultural patterns, aspirations and activities for the structures of higher level, which is reflected in social consciousness. At the same time the structures on the lower level shape "the community scope" by means of grassroot movements. (Suchocka, 1998)

Supranational integration is based on plenty of actors (also nongovernmental) so it is more dynamic than the international cooperation which is more state-centred and therefore more static. According to Sandholtz and Zysman (1998) "the initiative of supranational bodies is an indispensable condition of integration because it transforms certain structural premises into a common European interest" (Trzaskowski, 2005).

Apparently, in the integration process the initiative should be shown by both parties, that is, on the state level and on the supranational level.

Christian Joerges distinguishes 2 types of supranationalism: the orthodox (ortodoxe Supranationalismus) and the deliberative one (deliberativer Supranationalismus). The first type that takes advantage of the power of stronger arguments features the hierarchic concept of supremacy which is particularly clear in the community law. The orthodox type is rather reluctant to cooperate in finding a *modus vivendi* since it is more inclined to impose it. The second type of deliberative supranationalism is based on communication and cooperation and it depends on them. If the EU competence and resources are situated on different, relatively autonomic levels (regional, national, supranational), the success in solving functionally complex problems is more and more dependant on the communication and cooperation of its (also transnational) actors operating on these levels. Therefore such rules and principles should be negotiated that will lead to communication and then, to the problems being successfully solved (Joerges, 2003). In his typology Joerges used the deliberative approach to the multilevel management system in the EU applied by Neyer (2003). While explaining the phenomenon of deliberation the

deliberative theory of democracy should be used that „also assumes that deliberation is not only the essence of democracy because it creates a public area that is necessary for the democracy to function, but also because of the thesis that it limits the political subjects' inclination to make decisions with their particular interests in mind. Therefore the deliberation transforms particular decisions into the decisions made for the sake of common benefits (Karolewski, 2005). So, the deliberative supranationalism is a synthesis of intergovernmental activity and supranational decision-making. Weiler (1995) calls such supranationalism an infranationalism. (Joerges, 2001)

That is why, on one hand, supranationalism is a level of international cooperation while on the other hand it is a model of institutional structure present in the European studies, or, in a broader view, in international relationships, as well as a method of cooperation, or integration rather, which depends on positioning the international interactions on the supranational level.

### **Mechanics of the creation of supranationalism**

Supranational cooperation is a higher stage of international cooperation unquestionably based on inter-governmental contacts within a system existing beyond hierarchic supranationalism. So, let us try to define the moment when the international cooperation starts presenting supranational character and exceeding the limits of routine agreements among independent countries. The mechanics of establishing supranational cooperation consists of several identifiable phases.

### **Establishment of international organisations**

It is typical of traditional inter-governmental (international) cooperation to have a horizontal structure which positions countries on "one axis" as sovereign and equal actors. The countries can e.g. communicate through negotiations or actions performing them on inter-governmental level and recognising the results of such negotiations (let us call them the direct negotiations). When the negotiations are carried out on behalf of these countries by experts, or when the countries employ e.g. "wisemen committees" or other international collective organisations being under control and with the participation of the representatives of these countries' governments and when these organisations do not act as hierarchic structure bodies being a tool to delegate their sovereign authority, then the countries remaining in the horizontal structure accept the negotiation results more easily. Such institutions have inter-governmental character and are constantly controlled by the governments of the participating countries. Therefore the effects of direct negotiations are more acceptable in the horizontal (international) structure of countries who make use of special organisations or experts, but who keep controlling the process of negotia-

tions and who have not agreed to delegate their national powers. Such institutions operate under the pressure of consensus, but the unitarian factor, that is, the state is still present.

Thus the countries establish international institutions in order to satisfy their own interests. Therefore we can say that such institutions are created in order to support cooperation and to help egoistically motivated actors achieve their national goals.

### **Delegating national powers**

International institutions negotiating and acting on behalf of the participating countries (let us call these endeavours indirect actions) can be delegated by these countries to take over the powers and certain national functions, which lets them act without the participation of these countries. (There are analogies between delegating authorities by states to the level of international organisations and the delegation of political decisions by politicians to bureaucrats or expert committees) Thanks to these countries' consent to such solution, they will more eagerly accept the results of negotiations or actions undertaken by these institutions. The institutions operating within the hierarchical system in the absence of the representatives of the participating countries and above them and which have received specific national powers, are given a supranational status. Such delegation of authority can be called external, in contrast to the internal delegation that takes place when e.g. the council of the European union transfers its powers to the European commission. (According to article 202 of the treaty of the European community „The council shall [...] confer on the commission, in the acts which the council adopts, powers for the implementation of the rules which the council lays down. The council may impose certain requirements in respect of the exercise of these powers. The council may also reserve the right, in specific cases, to exercise directly implementing powers itself. [...]”) In this study we are interested mainly in the external delegation.

“I accept” – said Schuman – “the principle of voluntary concession of sovereign rights neither for its own values nor as a goal as such, but rather as the necessity. It is a basis that means overcoming, with our consent, national egoisms, antagonisms and xenophobias which finally kill us” (Schuman, 1949; Price, 2004) So, together with the emergence of “external” collective bodies of over-state (supranational) character participating (helping out the countries) in negotiations or actions we can observe the birth of a vertical system in which more or less institutionalised collective factors replace the countries and their governments. The results of actions or negotiations carried out by the supranational organisations can be accepted within the vertical (hierarchical) structure of supranational nature because the countries have primarily consented to such solution.

Consequently, with the establishment of supranational institutions acting on behalf of the countries or their governments through delegation of national powers the horizontal (intergovernmental) system transforms into the vertical and supranational one. The supranational institutions take over the initiative because, while acting under the pressure of compromise, they have to come to a decision in the situation when the unitarian factor (that is, the state) is absent.

When the external supranational institutions can negotiate or act on behalf of the member states' governments, it is necessary to legitimise such actions by delegating some of these countries' national powers to these institutions. Such powers authorise the supranational bodies to take action. Mark Pollack believes that founding supranational organisations and then delegating national powers to their level is caused first of all by lower costs of decision-making and by the opportunity to have access to experts' opinions of great political importance supplied by supranational actors. Moreover, the states hope that the supranational institutions will independently monitor negotiated contracts and prevent countries from resigning from such collective agreements and that they will help solve problems resulting from the lack of adequate provisions in the Treaty (Pollack, 2003). Studying the process of delegating national states' function onto the supranational level M. Pollack applied the principal/agent theory - PAT. It is basically a research method used in analysis but, although known in economy since 1976, its application in the European studies is innovative. The theory is based on the examination of the relation between the constitutor (principal, boss, etc.) and the representative (agent, contractor) who are bound by a contract (hierarchical dependency) with all possible consequences of so called information asymmetry on the principal/agent axis. According to this method the supranational institutions play the role of representatives (agents) and the EU member states – the role of principals. The principals decide to delegate some of their powers to the agents if the potential benefits resulting from such procedure outweigh the costs).

In order to delegate some of their powers to international organisations and, at the same time, to act without prejudice to their local law the countries often have to make certain amendments in their national constitutions (e.g. Ireland, Poland (See: Article 90 pos. 1. of the Constitution of the Republic of Poland.), Germany, France etc.). Władysław Czapli ski commented on the integration within the community that “transferring powers to the community resulted in [...] the creation of the new law which binds the community, the member states and the individuals” (Czapli ski, 2000). In conclusion, the delegation of national powers to the international institutions is sanctioned not only on the way of the optional approval of the states, but it is also a procedure that requires an adequate constitutional sanction on the level of national states.

## Emancipation of delegated powers

The powers delegated to supranational institutions by the countries for some time can be executed jointly, that is, by both the states and the institutions, which results in the countries maintaining their influence and control over the execution of the transferred powers. However, in the process of creating the supranationality there is one more crucial moment that is worth pointing out. When a certain area of operation of the international institution (e.g. based on delegated authority) gets out of the member states' control (or new areas emerge beyond their control) then such institution can expand or change the range of its authority in this specific emancipated area independently from the member states. The emancipation from the member states' control can first relate to the delegated powers which are initially executed by both the states and international institutions, but later are totally taken over by those institutions. Then, on the subsequent stage of emancipation the international institution can single-handedly start creating its own areas of exclusive authority. Thus such supranational organisation is getting even more independent. "Moreover, the institutions that states set up to help them manage this world of complex interdependence tend to develop a life of their own, so that bodies such as the international monetary fund (IMF) or the world trade organization (WTO) end up out of the control of even the strongest of the states that originally made them. Frequently, states are obliged to engage in a form of diplomacy with these actors, recognizing them as real players in the game rather than simply as instrument or as part of the stakes for which the game is played" (Brown, 2001).

At the same time Etzioni (1965) applies the term of „internationalisation of power" (Etzioni, 1965). Which can be referred to the process of assuming control by international institutions within a certain system of cooperation of states? So, the power is internationalised, that is, it is transferred from the national level to the international one with the free-will consent of all the national states. These technocratic processes are accompanied by such supranational values present in democracy, justice, impartiality and science that cross national borders and are acknowledged by all the states participating in the system. Each country contributes their own solutions to the supranational community of goals and values that has been established on mutual consent. Therefore, one of the most vital elements of supranationalism is the technocratic method of majority vote as well as the ability of neighbouring countries to communicate in the same way as people do it within their own countries. As a result all the nations and all the citizens have equal rights and responsibilities. (Price, 2004)

So, it is not surprising that the Benelux countries considered supranationalism as the means of protection against the larger member states of the European communities since supranational integration strengthens the security of smaller countries by expanding the scope of

their external impact and by limiting the potential sources of unrest and upheaval. (Of course not all member states are equal within the EU. For example qualified majority voting (QMV), the method, "where the votes are weighted according to the size of a member state's population and an oversized majority is required for legislation to be passed" (Hix, 2005).

Consequently, powerful governments will more reluctantly support supranational integration in foreign affairs and defence areas than the governments who have less power and possibilities at their disposal. (Koenig-Archibugi, 2004)

Thus the supranationalisation process begins with the delegation of some powers by the member states to an international institution, which, acting independently (without the participation of the states' representatives) obtains the character of a supranational organisation and after a while, assumes an exclusive authority.

The monetary policy within the framework of the European monetary union (EMU) is a good example of this emancipation process. Initially it was the responsibility of the national states, but with the adoption of the single currency of euro and establishing the euro area and the European central bank it has become the community's exclusive authority (but only in relation to the euro area mentioned above). Another example of the member states' emancipation from the initially optional treaty provisions is the community law which, in the course of jurisdiction of the European court of justice, have been transformed into an autonomic legal system. So, the European community law presents now the supranational nature and responds to everything that can be defined as the extraterritorial effects of normative integration. Thus, in the simplified version, the mechanics of the emergence of the supranational integrative system could look as in Figure 1.

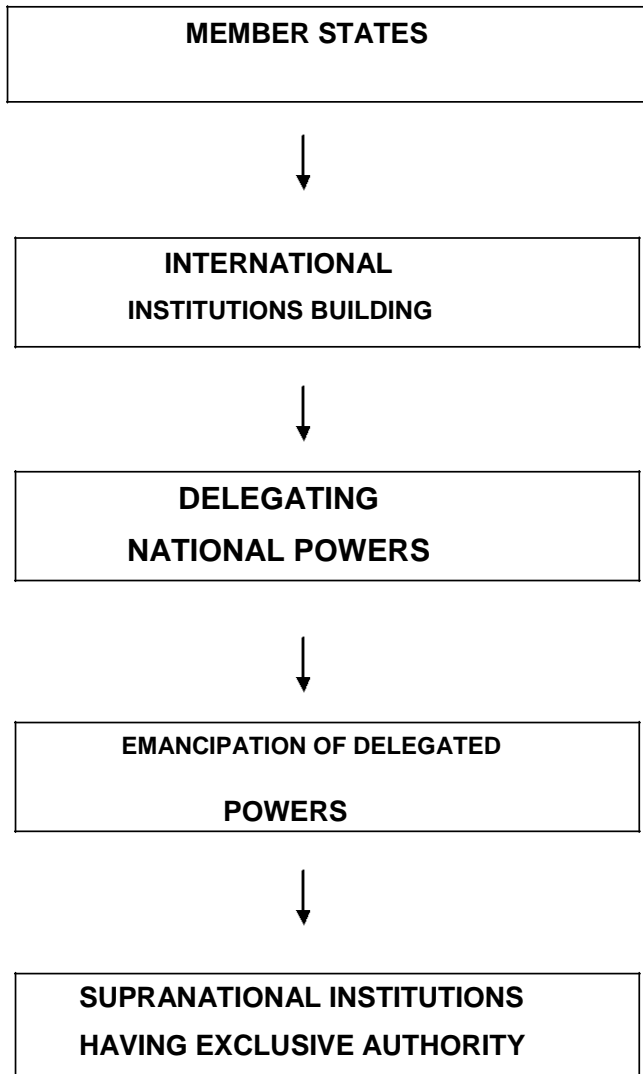
## How does emancipation of powers translate into exclusive authority?

### The first instance

The EU is only competent to act within the scope of the powers allocated to it by a member states (exclusive powers). Therefore member states cannot exercise competences that have conferred on the EU (competences out of control the member states, for example common trade policy).

### The second instance

In area of shared powers between the EU and members states, any provisions laid down by the EU may limit the action of member states and they cannot implement measures that are not in accordance with the union's provisions. In this case the competences can gradually exercise only by the EU and out of control of member states



**Figure 1.** The formation of a supranational system.

(for example asylum policy in the process of this emancipation).

We can apply a fuzzy set method to explain the dynamic rules of the supranationalism creation. It seems that in an anarchic (difficult to control and unclear) international system (being a specific set of states as its main actors) there are two levels of the states' presence: the national level [egoistic (It is important to note, that egoistic national aspect plays itself out also on the international system) and uncompromising, based on its own national interest and preferences] and the international level based on the cooperation or conflict among the governments of independent and sovereign states, that is also called the intergovernmental level. Both of these levels were often unwelcome and what is a more important, not always effective solution for the actors (states) themselves as well as for their international environment. However, it has recently turned out that there is the third

level of supranational interactions. It appeared as an experiment which started with slight modifications of the mode of contacts among the countries of western Europe. Along the traditional mutual relations and beyond their national interest the member states decided to establish institutions in order to support those relations and to accomplish the goals that could not be reached by those countries neither on the national nor on the intergovernmental level. Additionally those institutions were gradually given the competencies, the part of which have become their exclusive area of authority, escaping the control of the states and assuming the supranational character. So, in between the recognised levels large potential was found. Accordingly, if the supranational institutions belong neither to the set of national institutions nor to the intergovernmental ones, they are a part of a fuzzy set.

Since the supranationalism is a third dimension (fuzzy set logic is the logic of three or more dimensions) between the national state and the international cooperation and more importantly, it is intentionally and voluntarily created (as a result of tests, experiments and research) by national states, it means that it offers much better, that is, more effective instruments to execute the state's preferences than the ones that are traditionally used by national states. The cost of improving this kind of effectiveness, that is, the transfer of specific functions performed by the state onto the supranational level, is compensated by the occurrence and expansion of new possibilities and by the fact that the supranational level gives the states new instruments of impact.

### Conclusion

The Europeans hope that supranationalism is a future instrument of altruistic nature (solidarity) that can help address many problems which have been unsolvable until now. In this respect Europe differs much from the USA where the rational power of a sovereign country, its interest, prestige and egoism are all that matters. From this point of view, the differences between Europe and the USA could be seen as the differences between the European altruism and the American egoism.

The present model of administering the European union is described as the multi-level governance or, in a more narrow sense, the supranational governance. The supranational level of administration is the highest, with the national and regional being the lower ones. Sweet and Sandholtz (1998) claim that the supranational governance appears when the European communities have their own jurisdiction and when the community regulations are strictly observed all over the community territory (Sweet and Sandholtz, 1998).

The discussion on the supranational governance in relation to the European union proves that the supranational solutions pose a real challenge that the EU must face in the globalized world. Increasingly dynamic debate on the more universal term of global governance also

supports this opinion. But the comparison of these 2 phenomena requires a separate analysis.

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