

Mikheil Muskhelishvili's Federalist Vision and the British European Dilemma: From the Idea of a Federal Europe to Brexit

მიხეილ მუსხელიშვილის ფედერალისტური ხედვა და ბრიტანეთის ევროპული დილემა: ფედერალური ევროპის იდეიდან ბრექსიტამდე

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Abstract

Introduction: This article examines the federalist thought of the Georgian scholar and international law specialist Mikheil Muskhelishvili (Michel Mouskhely; 1903–1964) within the broader history of European integration and the United Kingdom's evolving relationship with the European project. Particular attention is given to Muskhelishvili's concept of non-dogmatic federalism and to the enduring tension between European political integration, national sovereignty, and political autonomy. **Methods:** The study employs historical-comparative and intellectual-historical approaches. It analyses Muskhelishvili's theoretical writings on federalism, the 1948 Project for a European Constitution prepared jointly with Gaston Stefani, relevant historical documents, and scholarly literature on European integration and British European policy. The analysis compares Muskhelishvili's conception of the distribution of competences between common institutions and constituent states with the historical development of the United Kingdom's position toward European integration. **Results:** The analysis shows that Muskhelishvili understood federalism as a legal and institutional system for distributing political authority among different levels of governance rather than as a mechanism for abolishing constituent states. The 1948 constitutional project translated this principle into a concrete framework designed to reconcile European political unity with national political autonomy. The British experience followed a different trajectory, in which parliamentary sovereignty and national political control remained persistent concerns despite participation in European integration. Brexit brought this long-standing tension between supranational integration and national sovereignty into particularly clear focus. **Conclusion:** Muskhelishvili's federalist thought provides a valuable analytical framework for understanding one of the central problems of European integration: how common political authority can be strengthened while preserving the political autonomy of constituent states. From this perspective, Brexit can be interpreted as part of a longer historical tension between European integration and national sovereignty rather than solely as the consequence of contemporary political circumstances.

Keywords: European federalism; Michel Mouskhely; European integration; British sovereignty; Brexit.

აბსტრაქტი

შესავალი: სტატია განიხილავს ქართველი მეცნიერისა და საერთაშორისო სამართლის სპეციალისტის, მიხეილ მუსხელიშვილის (Michel Mouskhely; 1903–1964) ფედერალისტურ აზროვნებას ევროპული ინტეგრაციის ისტორიისა და გაერთიანებული სამეფოს ევროპულ



პროექტთან ცვალებადი ურთიერთობის ფართო კონტექსტში. განსაკუთრებული ყურადღება ეთმობა მუსხელიშვილის არადოგმატური ფედერალიზმის კონცეფციას და ევროპულ პოლიტიკურ ინტეგრაციას, ეროვნულ სუვერენიტეტსა და პოლიტიკურ ავტონომიას შორის მუდმივ დაძაბულობას. **მეთოდები:** კვლევა ეფუძნება ისტორიულ-შედარებით და ინტელექტუალური ისტორიის მიდგომებს. გაანალიზებულია მუსხელიშვილის თეორიული ნაშრომები ფედერალიზმის შესახებ, გასტონ სტეფანისთან ერთად მომზადებული 1948 წლის ევროპის კონსტიტუციის პროექტი, შესაბამისი ისტორიული დოკუმენტები და სამეცნიერო ლიტერატურა ევროპული ინტეგრაციისა და ბრიტანეთის ევროპული პოლიტიკის შესახებ. ანალიზი ადარებს მუსხელიშვილის ხედვას საერთო ინსტიტუტებსა და შემადგენელ სახელმწიფოებს შორის კომპეტენციების განაწილების შესახებ გაერთიანებული სამეფოს ევროპული ინტეგრაციისადმი დამოკიდებულების ისტორიულ განვითარებას. **შედეგები:** ანალიზმა აჩვენა, რომ მუსხელიშვილი ფედერალიზმს განიხილავდა, როგორც სხვადასხვა მმართველობით დონეს შორის პოლიტიკური უფლებამოსილებისა და კომპეტენციების განაწილების სამართლებრივ და ინსტიტუციურ სისტემას და არა როგორც შემადგენელი სახელმწიფოების გაუქმების მექანიზმს. 1948 წლის კონსტიტუციური პროექტი ამ პრინციპს გარდაქმნიდა კონკრეტულ ინსტიტუციურ ჩარჩოდ, რომლის მიზანი იყო ევროპული პოლიტიკური ერთიანობისა და ეროვნული პოლიტიკური ავტონომიის შეთავსება. ბრიტანეთის გამოცდილება განსხვავებული გზით განვითარდა: ევროპულ ინტეგრაციაში მონაწილეობის მიუხედავად, საპარლამენტო სუვერენიტეტი და ეროვნული პოლიტიკური კონტროლი კვლავ მნიშვნელოვან პრინციპებად რჩებოდა. ბრექსიტმა განსაკუთრებით მკაფიოდ წარმოაჩინა სუპრანაციონალურ ინტეგრაციასა და ეროვნულ სუვერენიტეტს შორის ეს ხანგრძლივი დაძაბულობა. **დასკვნა:** მუსხელიშვილის ფედერალისტური აზროვნება მნიშვნელოვან ანალიტიკურ ჩარჩოს გვთავაზობს ევროპული ინტეგრაციის ერთ-ერთი ცენტრალური პრობლემის გასააზრებლად — როგორ შეიძლება საერთო პოლიტიკური ხელისუფლების გაძლიერება ისე, რომ შენარჩუნდეს შემადგენელი სახელმწიფოების პოლიტიკური ავტონომია. ამ პერსპექტივიდან, ბრექსიტი შეიძლება განვიხილოთ არა მხოლოდ თანამედროვე პოლიტიკური გარემოებების შედეგად, არამედ ევროპულ ინტეგრაციასა და ეროვნულ სუვერენიტეტს შორის ხანგრძლივი ისტორიული დაძაბულობის ნაწილად.

საკვანძო სიტყვები: ევროპული ფედერალიზმი; მიშელ მუსხელი; ევროპული ინტეგრაცია; ბრიტანეთის სუვერენიტეტი; ბრექსიტი.

1. Introduction

The political and institutional reorganization of Europe after the Second World War raised a fundamental question concerning the future organization of the continent: how could European states establish a durable framework of political cooperation while preserving their distinct national identities? The debate extended beyond diplomatic collaboration and concerned the distribution of political authority between national governments and emerging common European institutions. Federalist and intergovernmental approaches offered different answers to this problem, making the relationship between European unity and national political autonomy a central issue in the development of post-war European political thought (Dinan, 2014, pp. 23-52).

Within this intellectual context, the federalist thought of Mikheil Muskhelishvili merits particular attention. A Georgian-born scholar and specialist in international law who pursued his academic career in France, Muskhelishvili developed a legal and institutional conception of federalism centred on the distribution of competences and the organization of political authority among different levels of government. His approach did not envisage federalism as the disappearance of constituent states, but as a framework within which common political institutions and national political communities could coexist. His early theoretical work on the federal state subsequently informed his engagement with the problem of European political organization (Saralidze, 2026, pp. 46-67).

The significance of Muskhelishvili's approach lies particularly in its institutional dimension. His conception of non-dogmatic federalism (*fédéralisme non dogmatique*) sought to avoid both rigid centralization and the preservation of unrestricted state sovereignty, emphasizing instead the flexible distribution of powers according to the requirements of political organization. This perspective provides an important basis for examining his contribution to post-war European federalist thought and its relevance to the broader problem of European integration (Saralidze, 2026, pp. 86-103).

A concrete expression of this approach was the Project for a European Constitution (*Projet de constitution européenne*), prepared by Michel Mouskhély and Gaston Stefani and dated 5 March 1948. The project envisaged a federal political order for Europe and addressed the allocation of powers between common European institutions and constituent states. Its provisions therefore offer an important primary basis for examining how post-war federalists sought to translate the idea of European unity into a legal and institutional framework. Its chronological priority is particularly significant in relation to the constitutional project of François de Menthon. Documentary evidence shows that the Mouskhély-Stefani project had already been completed by 5 March 1948. The collection edited by Walter Lipgens and Wilfried Loth identifies it as a "Draft of a European federal constitution" dated 5 March 1948 and further records that François de Menthon used this project as the basis for a text presented at the Congress of the European Parliamentary Union at Interlaken in September 1948 (Lipgens & Loth, 1988, pp. 57-64). Thus, the Mouskhély-Stefani project preceded de Menthon's constitutional initiative and constitutes an important documented basis for reassessing the chronology of early European constitutional projects (Saralidze, 2026, pp. 134-146).

The broader post-war process subsequently moved from intellectual and political debate toward institutional construction, beginning with initiatives such as the Council of Europe and the European Coal and Steel Community and eventually leading to the European Communities and the European Union. The development of these institutions gave European cooperation an increasingly supranational dimension, while leaving open the question of the appropriate limits of common authority. The tension between integration and national political autonomy consequently remained embedded in the institutional development of the European project.

The British position within this emerging European order was distinctive from an early stage. In his speech at the University of Zurich on 19 September 1946, Winston Churchill called for the creation of "a kind of United States of Europe" and identified Franco-German partnership as the first practical step toward European renewal. At the same time, he envisaged Great Britain, together with the British Commonwealth and the United States, primarily as a "friend and sponsor" of the new Europe rather than as one of its constituent members (Churchill, 1946; Saralidze, 2026, pp. 350-352). This distinction provides an important historical starting point for understanding the subsequent development of British policy toward European integration.

The United Kingdom later signed the Treaty of Accession to the European Communities on 22 January 1972 and formally joined them when the Treaty entered into force on 1 January 1973 (European Communities, 1972). It subsequently participated in the European integration process for several decades. Nevertheless, questions concerning national sovereignty, parliamentary authority, and the scope of supranational decision-making remained important elements of British political debate. These tensions ultimately contributed to the circumstances surrounding the 2016 referendum and the subsequent withdrawal of the United Kingdom from the European Union.

The withdrawal of the United Kingdom from the European Union, known as Brexit (British Exit), was not a single political act but a multi-stage political and legal process that began with the referendum of 23 June 2016. In the referendum, 51.9% of voters supported leaving the European Union, while 48.1% voted to remain (Electoral Commission, 2016). On 29 March 2017, the United Kingdom formally invoked Article 50 of the Treaty on European Union, initiating the withdrawal process (European Union, 2017). The United Kingdom formally left the European Union on 31 January 2020, while the transition period ended on 31 December 2020. Special arrangements subsequently remained applicable to Northern Ireland, particularly concerning the movement of goods and customs regulation (European Commission, 2020). Brexit thus provides a significant contemporary case through which the longer historical relationship between European integration and national political authority can be examined.

Against this background, the article examines the federalist thought of Mikheil Muskhelishvili and its significance for the history of European political integration. It first analyses the theoretical foundations of his federalism, with particular attention to his concept of non-dogmatic federalism, and then examines the

1948 Project for a European Constitution within the wider context of post-war federalist thought. The study subsequently considers the development of European integration and the distinctive trajectory of British policy toward the European project, culminating in Brexit. By connecting these historical and theoretical dimensions, the article seeks to assess the continuing analytical relevance of Muskhelishvili's conception of the relationship between common political institutions and national political autonomy.

2. Methods

This study employs a qualitative historical-comparative and intellectual-historical research design to examine Mikheil Muskhelishvili's federalist thought within the broader development of European integration and the United Kingdom's relationship with the European project. The analysis is based on primary and secondary sources, including Muskhelishvili's theoretical writings on federalism, the 1948 Project for a European Constitution prepared jointly with Gaston Stefani, relevant historical and institutional documents, and scholarly literature on European federalism, European integration, British European policy, and Brexit.

The study proceeds in three stages. First, it analyses the conceptual foundations of Muskhelishvili's federalism, with particular attention to his notion of "non-dogmatic federalism," the distribution of political competences, and the relationship between common institutions and constituent states. Second, it examines the 1948 constitutional project as a practical institutional expression of these principles and situates it within the wider context of post-war European federalist initiatives. Third, it applies a historical-comparative perspective to the development of the United Kingdom's relationship with European integration, focusing on questions of national sovereignty, parliamentary authority, supranational governance, and the political dynamics that ultimately culminated in Brexit.

The sources were analysed thematically and comparatively in order to identify continuities and contrasts between Muskhelishvili's federalist model and the British approach to European integration. Particular attention was given to the recurring tension between the strengthening of common European institutions and the preservation of national political autonomy.

3. Results

The analysis yielded five principal findings. First, Mikheil Muskhelishvili's federalist conception was grounded in the legal and institutional distribution of political authority and competences across different levels of governance. His model did not imply the abolition of constituent states; rather, it sought to define a framework in which common European institutions and national political communities could coexist within an organized system of shared authority.

Second, the 1948 *Project for a European Constitution* translated these principles into a concrete institutional framework. The project demonstrated that Muskhelishvili's federalism was not limited to theoretical reflection but also involved an attempt to formulate a practical constitutional structure capable of reconciling European political unity with the continued existence and autonomy of the constituent states. The analysis also confirms the importance of this project within the chronology of early post-war European constitutional initiatives.

Third, the historical analysis of British policy toward Europe shows that the United Kingdom followed a distinctive trajectory in relation to European integration. Although Britain participated in European cooperation and later became a member of the European Communities, concerns regarding national sovereignty, parliamentary authority, and the limits of supranational decision-making remained persistent features of British political debate and policy.

Fourth, the Brexit process brought these long-standing tensions into particularly sharp relief. The United Kingdom's withdrawal from the European Union highlighted the constitutional and political difficulties involved in reconciling participation in supranational institutions with the preservation of domestic political control and parliamentary sovereignty.

Finally, the comparison between Muskhelishvili's federalist model and the British experience demonstrates that the relationship between integration and sovereignty has remained a central and unresolved issue throughout the development of the European project. Muskhelishvili's approach suggests that the key problem is not simply whether sovereignty should be retained or transferred, but how political competences should be distributed between common European institutions and national authorities. From this perspective, the study identifies institutional balance and competence allocation as central elements in understanding both the historical development and the continuing challenges of European integration.

4. Discussion

The findings highlight a distinctive feature of Mikheil Muskhelishvili’s federalist thought: his rejection of the assumption that political unity and state autonomy were inherently incompatible. Rather than treating sovereignty as an indivisible and absolute principle, Muskhelishvili approached it as a legal and institutional problem of organizing political authority across different levels of governance. In this sense, federalism in his thought did not imply the abolition of the national state; instead, it offered a framework through which common political institutions and constituent states could coexist within a structured division of competences (Saralidze, 2026, pp. 46–67, 86–103).

The 1948 *Project for a European Constitution* provides the clearest institutional expression of this approach. By translating federalist principles into a concrete constitutional framework, the project demonstrated that post-war European federalism was not merely an abstract political ideal but also a practical attempt to define the legal foundations of a new European political order. Considered alongside other federalist initiatives of the period, including François de Menthon’s proposal, the Mouskhély–Stefani project reveals that early European federalist thinking encompassed different models for reconciling common European authority with the continued political existence of constituent states (Saralidze, 2026, pp. 118–146; Lipgens & Loth, 1988, pp. 57–64).

The chronology of these constitutional initiatives is particularly significant. The Mouskhély–Stefani project was completed on 5 March 1948, several months before de Menthon presented his proposal at the Congress of the European Parliamentary Union in September 1948. Documentary evidence further indicates that de Menthon used the Mouskhély–Stefani project as a basis for his own constitutional initiative (Lipgens & Loth, 1988, pp. 57–64). This chronological priority strengthens the argument that Muskhelishvili should be regarded not only as a participant in post-war European federalist debates but also as an important contributor to the early constitutional thinking that sought to give institutional form to the idea of European political unity.

The British experience developed along a markedly different path. From the early post-war period, Britain’s relationship with European integration was shaped by an enduring preference for national political autonomy and parliamentary authority. Although the United Kingdom participated in European cooperation and ultimately joined the European Communities, concerns regarding the transfer of competences to supranational institutions remained central to British political debate. This tension was already visible in the 1960s, when French President Charles de Gaulle rejected British applications for membership in 1963 and 1967, reflecting broader disagreements over the political direction, institutional structure, and geopolitical orientation of European integration (Dinan, 2014, pp. 123–156).

Brexit should therefore be understood within this longer historical trajectory rather than interpreted solely as a contemporary reaction against European integration. The 2016 referendum resulted from a complex interaction of political, social, economic, and constitutional factors. Nevertheless, it brought into particularly sharp focus the longstanding tension between participation in supranational institutions and the preservation of parliamentary sovereignty and national political control (Gordon, 2016, pp. 409–444; Hobolt, 2016, pp. 1259–1277). In this respect, Brexit can be viewed as the culmination of a historically persistent dilemma within British European policy rather than as an isolated political rupture.

Against this historical background, Muskhelishvili’s concept of “non-dogmatic federalism” acquires particular analytical value. Its importance lies in its rejection of rigid alternatives between complete national sovereignty and centralized supranational authority. Instead, the concept emphasizes flexibility in the allocation of competences and institutional responsibilities, allowing common political authority and national autonomy to coexist within the same constitutional order (Saralidze, 2026, pp. 86–103). This perspective is especially relevant to the European context, where integration has continually involved negotiations over the appropriate balance between shared authority and national political control.

The comparison between Muskhelishvili’s federalist vision and the British experience therefore gives his thought a broader significance. Its value does not lie in anticipating the institutional architecture of the contemporary European Union or in providing a direct constitutional model for it. Rather, Muskhelishvili’s contribution lies in framing European integration as a problem of institutional balance, competence allocation, and shared political authority. From this perspective, the central issue is not whether sovereignty should simply be preserved or transferred, but how it can be organized across multiple levels of governance in a manner that sustains both effective common institutions and meaningful national autonomy.

This interpretation also helps clarify the continuing relevance of Muskhelishvili's intellectual legacy. The tension between integration and sovereignty remains embedded in debates over the political development of Europe, the scope of supranational decision-making, and the autonomy of member states. Muskhelishvili's federalist thought therefore provides not only a historically significant contribution to post-war European political thought but also a useful conceptual lens for understanding one of the most persistent institutional dilemmas of European integration.

5. Conclusions

This study demonstrates that the significance of Mikheil Muskhelishvili's federalist thought lies in the coherence of its legal and institutional foundations. For Muskhelishvili, European political unity did not require the disappearance of national states. Rather, it depended on a carefully structured distribution of competences and political authority capable of reconciling the effective functioning of common European institutions with the continued political autonomy of the constituent states.

The 1948 *Project for a European Constitution* provides a concrete institutional expression of this vision. Its analysis shows that Muskhelishvili's federalism was not merely a theoretical reflection on European unity, but also a practical constitutional attempt to define the legal foundations of a European political order based on shared authority and differentiated competences.

A central conclusion of the study is that Muskhelishvili's conception should not be interpreted as a direct institutional blueprint for the contemporary European Union. Its importance is primarily analytical and conceptual. It offers a framework for understanding European integration as an ongoing problem of competence allocation, institutional balance, and the distribution of political authority between common European institutions and national governments.

The comparison with the British experience further reinforces the continuing relevance of this perspective. The tensions that shaped the United Kingdom's relationship with European integration, and that became particularly visible in the Brexit process, illustrate the persistent difficulty of reconciling supranational cooperation with national sovereignty and parliamentary authority.

Muskhelishvili's intellectual legacy therefore extends well beyond the historical context in which his ideas were developed. His federalist thought represents an important contribution to the history of European political and constitutional thought and remains relevant to contemporary debates over the institutional future of Europe. Its enduring value lies in framing European integration not as a choice between unity and sovereignty, but as a question of how political authority can be shared and organized across multiple levels of governance while preserving meaningful national autonomy.

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