



Global Public Good

The economic crisis of 2008 has demonstrated the naïve simplicity of the view that, if the economic policies of individual economies are geared towards domestic economic stability, and private actors are allowed to operate freely in such an environment, the global economy would work well. On the contrary, the said event has clearly demonstrated, on the one hand, how the markets' self-correcting power suffers numerous limits and, on the other hand, how the search for economic stability requires a joint effort by states, international and supranational organizations like UE as, due to economic and trade globalization, financial crises such as epidemics no longer know borders.

In the Book *Stabilità economica e sostenibilità* (published by Giuffrè-Lefebvre, Milan, 2020, 432 pp), the conceptual category of economic stability in its different forms (monetary, fiscal and financial) is reconstructed within the regulatory framework of international economic law. It focuses, in particular, on the relative legal nature of global public good for the supply of which a plurality of public and private subjects and actors (states, international economic organizations, rating agencies, sovereign funds, multinational enterprises, hedge funds) are involved, operating on bases, perspectives and aims that do not always coincide and sometimes are even in potential conflict.

A public good^[1] that - because of the properties that characterise it and the

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positive externalities it is able to produce - is in the common interest of all the subjects of international law and its different actors that make up the international economic community to commit themselves to its pursuit and supply. This, thus, ensures its widespread enjoyment for the benefit of all, while at the same time preventing dangerous opportunistic phenomena of free riding and moral hazard, which are at the root of many of the situations of economic instability occurred in recent decades. This is the position clearly expressed in 1999 by United Nations Development Program with its Human Development Report, in which it was highlighted how 'global public good': it is a particular type of public good which share two fundamental characteristics: non-excludability and non-rivalry, differentiating themselves from purely domestic ones in force of three criteria: *geographic* (their positive effects extend over more than one group of countries), *socio-economic* (the effects concern both "rich" and "poor" countries) and *generational*, since they involve the whole Humanity.[\[2\]](#)

But the policies and stabilisation mechanisms adopted both at international and European level to overcome the current serious economic uncertainty and so to restore economic stability have been essentially inspired by a strict conditionality. In other terms, we are in front of solutions that have entailed and still entail significant costs if we consider the social repercussions that those choices have determined. Inevitably (see the Volume *Stabilità...*), many doubts and critical issues have been raised not only about the effective compatibility of those instruments with regard to the protection of economic and social human rights, but also about the limitations they have imposed on States, especially those most in need of economic and financial support in terms of exercising their (economic) sovereignty. This has also raised the question of how to reconcile democratic methods and technocratic solutions, especially when certain choices, that have a decisive impact on the lives of individuals and the various national communities, have been taken - partly because of the urgency of the moment - within *fora* and decision-making centres that lack effective democratic legitimacy.

The burden-sharing which the production of the stability good imposes would require, instead of making recourse to the traditional international method based on multilateral or plurilateral cooperation, to adopt the supranational one, through which the member states of an organization, such as the EU, decide to limit their sovereignty, attributing to the institutions of the organization the power to take binding decisions for all states members. But, the European model represents an *unicum* in the international panorama although there are some legal entities like the International Tribunal for the Law of the Sea (see UN Convention on the Law of the Sea in its part XV), albeit with limitations, defines a system of mandatory jurisdiction, as occurs also in the case of WTO dispute settlement system that seems to go in that direction so as to be considered as "...a body of transition from international law to supranational law, because it obliges countries that are not in agreement to reach a compromise on the basis of a defined process..."[\[3\]](#)

So, at the moment, with the significant exception of EU, the "production" of GPG at global level can essentially take place through cooperative and multilateral strategies above all based on the principle of differential treatment between developed and undeveloped countries, a concept that strongly characterises international economic law and international development law. In fact, as examined in the Book *Stabilità*, it reflects the need to consider not only the different material conditions that characterise the numerous situations involved, through a "gradation" of the obligations incumbent on them or through a better contextualisation of these obligations, but also and it intends to recognise the different level of responsibility of the different countries and economic actors in determining the conditions of economic instability and the direct and consequential damages that can derive from the latter situation for the International Economic Order considered as a whole. A situation that could be partially resolved if there was the will by states to reform the International Monetary Fund or even better to introduce an international agency responsible for the solution of financial crises based on the model of the International Seabed

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Authority (ISA) by which it has been introduced a mechanism for the management and control of activities related to the exploitation of mineral resources in the maritime area (outside national jurisdictions) as considered a global public good which protection is in the common interest of humankind.

Succeeding in implementing this aspect and, at the same time, combining economic reasons - especially those related to the balance of public accounts - with social aspects related to the defence of human rights is a very important challenge for States, for the international community and for the entire humanity. The need to go beyond gross domestic product and other economic variables that work around that figure to measure economic growth, development in general and, above all, the well-being of a society, is becoming increasingly necessary without, however, chasing utopian models of happy de-growth. In fact, the use of new indicators and the achievement of new goals and targets as set out in the UN 2030 Agenda for Sustainable Development go in this direction. For these reasons, as carefully analysed in the Book *Stabilità*, the implementation of the *Principle of Sustainable Development* can represent an opportunity for defining a new method that is used to achieve an effective balance between political and economic interests and social interests, in some cases, as noted, opposed to each other.

The said principle expresses not only a new vision in terms of behaviour and method of action, but, above all, it can be the means of reaching a fair compromise at international legal level between the need to ensure a stable economic and financial system and the defence of the economic and social rights of the person, at least of those rights considered essential. This is, as clarified in Book *Stabilità*, a good way for preventing new crises and above all protecting the interests of future generations, as the *Brundtland Report* - which has given impetus to the *Principle of Sustainable Development* - urges us to do.

[1] A public good is a good that is both non-rivalrous and non-excludable: that is, one's use of a public good does not reduce the availability to others and one cannot effectively prevent the use by others. Consequently, two important features of public goods are that they will not be provided if left solely to the market, and that they tend to be consumed excessively when they are provided at all.

[2] The definition of global public good was then further clarified by the World Bank, with particular regard to issues related to the issue of development for which "global public goods are commodities, resources services and also substantial cross-border externalities that are important for development poverty reduction and can be produced in sufficient supply only through cooperation and collective action by developed and developing countries" and subsequently in 2006 by the International Task Force on Global Public Goods, set up at the Johannesburg World Summit on Sustainable Development in 2002, for which global public goods are "issues that are broadly conceived as important to the international community that for the most part cannot or will not be adequately addressed by individual countries acting alone and that are defined through broad international consensus or a legitimate process of decision making".

[3] See Montani, *Supranational political economy*, New York, 2020, p. 26.



Did it go as we wanted, what are the benefits and how to continue?

CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION^[1]:

“The peoples of Europe, in *creating an ever closer union* among them, are resolved to share a *peaceful* future based on common values.”

What do you think, in pursuing an association treaty with Ukraine, has Europe respected this fundamental right to live in peace? If not, is it only Russia’s fault, or could the EU have prevented this war?

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After the fall of the Berlin Wall, November 1989, conflicts surfaced all over the world that had remained covered until then. In 2014, an armed conflict began around the EU-Ukraine Association Treaty, 110 km from the western border of the Russian Federation, 1500 kilometers east of the EU territory. A consequence of the EU neighborhood policy in the case of the Ukraine is more than 10,000 deaths. This included 298 passengers and crew members of flight MH17, a KLM flight operated by Malaysia Airlines from Amsterdam to Kuala Lumpur. It is only after this war accident that national air traffic control in Kiev closes the airspace. In addition to the dead, there are tens of thousands of injured and disabled, more than a million persons fled. Angela Merkel's first reaction to the bad news was shocked: "We would not have expected to see something like this again in Europe". But the coming decade might see a similar bloody transformation in Belorussia following pro-democracy driven militant action backed by increasing Western political, diplomatic and military and civil society support.

The EU has long and short-term planning departments. They must have known about the likelihood of a civil war, or they did not do a solid and reliable job. The EU supported the demonstration on Maidan Square and strengthened the Association Treaty including military support and cooperation in the area of homeland security and justice.

The armed conflict in South-Eastern Ukraine is an example of a failed implementation of the United Nations Charter. Failure by the North American United States federation, the Eurasian Russian Federation, the old colonial European states, the Ukrainian government and its divided population. Failure by a series of regional organizations as allowed by Chapter VIII of the UN Charter: the European Union, Council of Europe, OSCE, NATO, CIS. Fortunately, as aspiring world citizens, we still have the Red Cross, which actually provides humanitarian aid where governments fail.

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Following the success of 'EuroMaidan' the civil war predicted by experts broke out. The lives of many people in Ukraine have been devastated, immediate living conditions degraded. That cannot be according to European values, is not in line with the lessons learned from the series of German - French wars. That should be done better.

Does the Association Treaty contribute to the development of Ukraine?

The current Ukrainian population lives in three areas: (A) Western Ukraine with Kiev as the undisputed capital, (B) Donbass and Luhansk region and (C) Crimea. A roadmap to peace is not provided by the EU Association Treaty, but crucial to a healthy development and a dignified existence of the citizens.

The EU contributes to positive development through its stabilizing influence, reduction of corruption and slow transformation of a corrupt oligarchy into an integer democracy. The US continues military support, such as the lethal anti-tank weapon "Javelin" in 2018 for Western Ukraine, more than a commercial arms supply^[2].

Kiev and Brussels will normally take further steps in economic, judicial, police and military cooperation. Implementation of the current treaty helps to meet the Copenhagen obligations. EU standards are introduced into legislation and practice. The deep free trade area will make Ukraine more independent from Russia. There is also massive financial support. "Since 2014, the EU has contributed EUR 18 billion in loans and guarantees. We have opened our borders and enabled free trade. Ukraine's exports have increased. That's more than the US has done. " says EU advisor Elmar Brok^[3]. For the time being, these

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advantages apply only to area A.

Area C, Crimea, may present a similar situation to what existed between East and West Germany for decades. Military intervention could trigger a major regional war, taking that risk is unwise. We have seen in Syria what the Russian military was able to do after its Mediterranean base was attacked. There will be more casualties than the one killed commander in the Russian action of 2014 to take back the Crimean peninsula given away in the 1950s. Also, the large Russian-minded majority in Crimea will not change their mind and suddenly opt for the Kiev based regime. Why not respect the right of the majority in Crimea the country of belonging? Do we want to award nationalists and maintain an outdated Westphalian state system in a globalized interdependent world?

Area B, Eastern Ukraine, should be embedded in a new constitution as part of a sustainable peace settlement. This is a necessary step, the current, not really respected, armistice is an insufficiently stable basis to enable healthy and dignified development. Alternatively the Ukraine risks to split into a sort of Belgium, the Netherlands and Luxembourg of Eastern-Europe. If not ongoing low intensity conflict for years to come, devastating living conditions in that European region.

What does Ukraine offer the EU?

The major advantage for the EU is the expansion of the European area ruled from the capital, Brussels. Kharkov's weapons factories no longer produce for the Russians. The trading volume is increasing in size and also in quality. Police and judicial cooperation offers more possibilities for the investigation and trial of offenders. Security cooperation covers partially the NATO military requirements.

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In theory, a corrupt oligarchical society turns into an incorrupt transparent democratic society with a constitutional state incorporating the European values.

In 2014, a greater area of freedom, security and justice was not created while preserving human dignity. Initially, the development of all of the Ukraine has fallen back. The main negative outcome is the unstable situation in Eastern Ukraine and the deterioration in relations with the EU's large neighboring country, Russia. What went wrong is not only due to Russia, EU actions have also played a role in this. Current and future generations have to learn how to better implement the decision of the peoples of Europe to share a peaceful future based on common values by establishing an ever closer union^[4]. As an emerging power, the European Union can draw on a rich history. The experience of the reconciliation between Germany and France in the post-WW II reconstruction phase, including a large civil society of organizations such as Pax Christi and ARTE, can inspire community building on the Eurasian continent . Let us hope the peace negotiations in the Normandy format, with the help of France and Germany, succeed in the short term and are not stalled nor sabotaged by a Ukraine-US refusal to a peaceful settlement of the dispute. This will be good for all citizens, from the Pacific Ocean to the Ural mountains.

^[1] the Charter of Fundamental Rights of the European Union

OJ C 326, 26.10.2012, p. 391-407, first sentence proclaimed

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=OJ:C:2012:326:FULL>

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[&from=EN](#)

[2]
<https://www.atlanticcouncil.org/blogs/ukrainealert/lethal-weapons-to-ukraine-a-primer/>

[3] See:
<https://www.promoteukraine.org/elmar-brok-who-has-done-for-ukraine-more-than-the-eu/>

[4] Similar to the original text in the Charter of Fundamental Rights of the European Union

OJ C 326, 26.10.2012, p. 391-407

<https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:C2012/326/02&from=EN>



POLICY PAPER

Abstract

This paper[\[1\]](#) *addresses two questions:*

- 1. What is the European Union?*
- 2. Did European Philosophy shape the creation of EU? If so, how?*[\[2\]](#)

Despite the paradoxical status of a polity still floating between the ideal status of a Political Union, in the form of a Parliamentary Super-National Democracy, as stated by the Lisbon Treaty now in force, and the present reality of an inter-

*governmental organism which has been governed most of the time by national prevailing interests, the EU disposes of all the institutional means to stop the process of dissolution which has gone on for the last fifteen years or so, and to start a new phase of political integration. **After the Covid19 Crisis we are witnessing rejoicing signals of a turn in the right direction: an opportunity which should definitely not be wasted, but accompanied and supported by all European citizen of good will.** The two levers of this process are the constitutional principles embedded in the Treaty of Lisbon and the principle of participatory democracy, allowing new and compelling forms of citizens' legislative initiative.*

1. What is the European Union?

The Treaty of Rome (1957) is universally recognized as the act of birth of what we now call the European Union, but what is the European Union?

This is a very philosophical question, that requires a very philosophical answer.

“Nobody knows” is one possible (but false) answer. The true (though seemingly nihilistic) answer is that the EU is nothing, for it does not exist.

Understanding this point is important, so let's clarify.

The name “European Union” first became the official name of the thing through the Treaty of Maastricht (1992), which is officially called the “Treaty on European

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Union.” Now, if we read the first article of this Treaty, we immediately come across the *Paradox of the Nonexistent Object*. Let’s call it the *EU Paradox*.

The original text of this treaty, which has since been replaced by a subsequent version and most recently by the Treaty of Lisbon (2007, enacted in 2009), is - with all the others- available on the official EU website: <http://eur-lex.europa.eu/collection/eu-law/treaties/treaties-founding.html>.) The Article reproduced belongs to Title 1, Common Provisions:

Article A

By this Treaty, the High Contracting Parties establish among themselves a European Union, heinafter called ‘the Union’.

This Treaty marks a new stage in the process of creating an ever closer union among the peoples of Europe, in which decisions are taken as closely as possible to the citizen.

The Union shall be founded on the European Communities, supplemented by the policies and forms of cooperation established by this Treaty. Its task shall be to organize, in a manner demonstrating consistency and solidarity, relations between the Member States and between their peoples.

1. Analysis of the opening text of the EU Treaty.

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First paragraph: the performative act, “instituting” the Union – the thing exists!

Second paragraph: a curious setback – this statement leads us back from the created thing to the process of creation. Now, the institution of the Union is only a “new stage” in the process of creating a union!

Third paragraph: this one is really amazing – it dissolves the unity into a plurality: the Union is redefined as just a set of relations among States!

Weird, right?

1.2. The State of the Art: The Treaty of Lisbon

The Treaty of Lisbon (2007) is, of course, a culminating synthesis of the many steps that preceded it in a very long process, so the question, now, is this: half a century after the Treaty of Rome, has the process come to an end? Does the Union exist yet?

Yes and no. It is true that if to have causal powers is to be real: the Treaty of Lisbon (for the first time) clarifies both that the Union has powers and what they are^[3]. It also gives the EU full legal personality. The Union, for example, has the ability to sign international treaties in the areas of its attributed powers and join international organisations.

But the Treaty, once more, does not tell us *what* the Union is.

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As you may know, the Treaty of Lisbon started *as a constitutional project* at the end of 2001 and was followed up in 2002 and 2003 by the European Convention, which drafted the Treaty establishing a Constitution for Europe.

This project was tragically rejected by the negative results of two national referendums in 2005 (two referendums whose necessity was and is utterly questionable, as suggested below). Consequently the thing which should have been born - the *United States of Europe* - was not constituted.

The Lisbon Treaty, however, quite particularly keeps practically all the features of a Constitution.

1. The Axiological Foundations. Differently from the Maastricht Treaty, it does *not* say that the Union is founded on the preceding (economic) communities, but instead:

“The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail”[\[4\]](#).

2. The inclusion of a Charter of Rights, (like the Charter of Nice, approved in 2001), with its admirable table of 6 values articulating the four generations of civil, political, social, and cultural human rights: Dignity, Liberty, Equality, Solidarity, Citizenship and Justice.

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3. The clear definition of the Union not as an inter-government organism, but as a super-national democracy, with a super-national citizenry expressing a super-national Parliament, which nominates a Commission (or an Executive Organ); and with an independent Judiciary Power (The European Court). The Council of the State and Governments Representatives is only one of the decision makers of the Union.

4. The endorsement of the principle of *active citizenship*. In fact, here Citizenship is explicitly mentioned as an independent value for the first time ever on a charter of rights. Compared to the classic values of the XVIII Century, Dignity is also new: but it had already appeared in the German post war Constitution and, of course, in the first Article of the Universal Declaration of Human Rights (1948).

The Treaty of Lisbon expresses, in fact, the three fundamental principles of democratic equality, representative democracy and *participatory democracy*. Participatory democracy takes the new form of a citizens' initiative^[5].

1.3. Conclusions of the Ontological Analysis.

There is no nihilism in saying that the EU does not exist.

It does not (yet) exist as real, because it is (still) an ideal. Rivers of legal science have been spilt on the legal status of the EU, which is way less than a Federation and way more than a Treaty among national States. For the layman, however, a political union – as Altiero Spinelli has emphasized – is a Union only if it has a real sovereignty and a democratic polity only if it represents its citizens i. e., if it has a parliament and institutions of participatory democracy at a super-national level; if

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it is no inter-governmental organism (as the EU de facto is now) but a kind of State - a Federation of States, not necessarily with a common market and a common currency, but certainly with fiscal unity or at least the capacity to mobilize resources for common policy, and the normal institutions of a democratic (legislative, executive, and judiciary) State, plus a common military defence. The whole thing quite evidently does not (yet) exist. The EU does not exist as it should be, as it was born to be: as a Republic (*Res Publica*) or a political subject; a Federation of States or a Federal State.

1.4. Passage to the Second Question

The current state of affairs strikingly reflects the very nature of Europe, as defined by many philosophers, from classical Greece and onward.

Europe is not just a Continent, it is an idea. The Idea of Europe is the very tension between what *is* and what *ought to be*. It is the irreducibility of the Ideal to the Real, of Right to Power, of Values/Norms to Facts.

This irreducibility is definitely not a dogma - for it would be a false dogma, since the ideal has often been reduced to the real and the Right, or the Rule of Law, to actual, arbitrary power, or sheer force - as the tragic first half of the last century proves, as well as so many unbearable but absolute facts from the Near and Middle-East of present-day Europe.

“Irreducible” means “that it *ought not* to be reduced.” It is a moral stance.

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But this “ought (not)” is the central tenet of Philosophy, from its very beginning. It is the moral stance of Socratic Philosophy, which defines itself as a request of reason or justification, questioning arbitrariness wherever it is found. Socrates questions the arbitrariness of power by arguing against Trasimachus or Callias on Justice, he questions the arbitrariness of faith or tradition by arguing against Eutyphro on the Good, he questions the arbitrariness of pure thought by arguing against Gorgias on Truth and Knowledge.

So, if this is Philosophy, a Republic of Europe is a product, an incarnation of Philosophy. (Not of Christianity, or not essentially). But how, concretely? For Ideas do not have any effect but through the will of persons. So Europe, much more than by geography, is defined by a movement of liberty in two main directions:

- A “cognitive” direction: liberation from the bonds of tradition and the roots of inherited culture, towards critical thinking and quest for knowledge;
- A “practical” direction: liberation from arbitrary power toward the rule of law.

Because of these two directions of its constitutive movement, Europe is more than a continent: it is the cradle of both science and democracy.

A short reminder of the axiological contents of the Charter of Fundamental Rights of the European Union, which was ratified in Nice in 2000 and went into effect with the Treaty of Lisbon in 2009, will help us to grasp the very articulated structure of the Idea of Europe. Which, by the way, takes its name from that of a Continent just for historical, hence contingent, reasons: this Idea, and the whole

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of its articulated contents, being by definition *in principle accessible* to human sensibility, reason and experience, quite cross-culturally. In this respect, this Charter should be read side by side with the Universal Declaration of Human Rights (1948).

The Charter is organized around six chapters representing six different values—respectively, Dignity, Freedom, Equality, Solidarity, Citizens' Rights, and Justice.

Between the “alpha” of the equal dignity of persons, the foundation of what is due to each one of them, and the “omega” of justice, what makes it possible for people to live together in society, we find the values of the beginning of the French Revolution: Liberté, Egalité, and Fraternité. Like the Declaration of 1948, the Charter of Fundamental Rights represents an extension of the declarations of the 1700s, which inaugurated what Norberto Bobbio has called the “age of rights,” one that we can now see as perfectly positioned within the arc of exactly two centuries: from the Declaration of the Rights of Man of 1789 to the fall of the Berlin Wall in 1989. An extension, I said, because to the first two generations of civil and political rights that buried the Ancien Régime, the declarations of the twentieth- and twenty-first centuries have added two more generations of rights carrying the weight of the history, the axiological thought, and the battles of the centuries following the French Revolution—that is, the battles for social rights, from the movements of the nineteenth and twentieth centuries, and for cultural rights, with complex issues emerging from our multiethnic, pluralist societies. Thus, the third value from 1789 re-emerges under the name of Solidarity, which brings to mind the long history of European (and not only European) communitarian and solidarity movements. Three values that are, as it were, completed or integrated in the Charter by that of Citoyenneté^[6] (not yet named in the preceding declarations) that most directly leads back to the duties and virtues of active Citizenship and, therefore, to public ethics.

2. Did Europe as an Idea - or a Philosophy - shape the creation of EU, and HOW?

The answer is yes - at all times as the constitutional process toward the United States of Europe gained momentum.

The EU has many fathers, but in this particular respect (its ideal) the very father of the EU is a man who spent his youth in a Fascist jail meditating the greatness and tragedy of the whole European spiritual and political history, specifically the tragedy of “realised” Socialism in the Soviet Union. This man - Altiero Spinelli - came out of prison with an idea of the future of Europe - and the world - which was not only prophetic, but harboured the deepest innovation in modern political philosophy and the theory of democracy since the French Revolution. Or so I will argue.

There are *three* periods in which the federalist idea of Europe (as opposed, and yet complementary, to the functionalistic idea[\[7\]](#) which prevailed then and is prevailing most of the time - but maybe not in this very moment) gained momentum in a spectacular way:

- The very beginning: the direct or indirect influence of Spinelli on the *political* leaders which brought about the steps from the European Community of Coal and Steel (1952) to the Treaty of Rome: Churchill, De Gasperi, Adenauer[\[8\]](#);
- The Midway Period: from the first democratic election of the European Parliament (1980) to the Single European Act (1986) and leading, finally,

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to Maastricht (1992). Spinelli died in 1986, but the constitutional process in view of the creation of a super-national democratic and federal State would not have even begun without the epic effort Spinelli made to have the Draft Treaty for the European Union approved by the Parliament, which happened in 1984. This victory was followed by a famous endorsement by France's President Mitterrand. Spinelli wrote:

"Parliament recalls that the draft adopted is a Treaty in form and should therefore be adopted according to the proper procedure for treaties. *But, in content, it is a Constitution*, a fundamental law and should therefore be adopted according to the rules of the democratic assembly of the political body being created."[\[9\]](#)

- The final push for a Constitution. Spinelli was dead, but nothing better than the European Charter of Rights expresses his philosophy; we have seen that the "Common Provisions" of the Maastricht Treaty reflect the constitutional ideas rooted in his thought, and this is even more true of the Treaty of Lisbon. Not by chance, this part of the legacy of Europe is totally ignored today.

Thus we come to our last and most important point on the contents of Spinelli's vision.

Here is the famous incipit of the *Ventotene Manifesto*:

"Modern civilization has taken as its specific foundation the principle of liberty which says that man is not a mere instrument to be used by others but that every man must be an autonomous life centre. With this definition in hand, all those

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aspects of social life that have not respected this principle have been placed on trial in the grand, historical process that has begun”[\[10\]](#).

This is another passage expressing Socrates’s spirit at its best:

“The permanent value of the spirit of criticism has been asserted against authoritarian dogmatism. Everything affirmed must have reason in itself, or it must disappear. The greatest conquests our society has made in every field are due to the methodicalness of this unbiased attitude. But this spiritual liberty did not survive the crises created by the totalitarian states. New dogmas to be accepted like articles of faith, or to be accepted hypocritically, are taking over all fields of Knowledge”[\[11\]](#).

A brief comment on these two passages will conclude this paper.

Spinelli had the best European intellectuals of his generation on his side. Not only the co-authors of the manifesto and co-founders of the Federalist Mouvement, such as Ernesto Rossi, Eugenio Colorni, Ursula Hirschmann, but also Luigi Einaudi, Albert Camus, Ignazio Silone, Nicola Chiaromonte, Denis de Rougemont, André Malraux, Jeanne Hersch, Czeslaw Milosz, Adriano Olivetti, Guido Calogero, Norberto Bobbio, Mario Dal Pra and many others in all countries.

The roots of his thought, however, go deeper into that same - albeit rare, isolated, and mistreated even today - living stream of European XXth Century Enlightenment, which had its best figure in Edmund Husserl (and his writings on the Idea of Europe[\[12\]](#)) and its basest adversaries in Martin Heidegger and Carl Schmitt.

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Tracing back Spinelli's thought, nourished by his prisoner years, as he delved into the whole legacy of the humanistic tradition is no sheer scholarly worry. Europe has also provided the authoritarian and totalitarian states of the world with ideologies that have been revived, in recent times, by people capable of influencing the Present President of the US, evoking ghosts of a "Pan-European Union" based on traditional values and highly hostile to Modernity, Political Liberalism and Democracy[13]. Neo-Enlightenment, as a subtle thread in Early XXth Century Philosophy, defining itself against that kind of "dark and at times apocalyptic worldview" so popular in pre-Nazi Germany, has its theoretical core in Husserl's thought and the early phenomenological circles dispersed by Nazism.

The Idea of Europe has two Pillars according to Husserl, that constitute the exact opposites to the two principles endorsed by Heidegger in his infamous speech in 1934, the *Fuehrer Prinzip* and the Community-of-Destiny Principle of the German People (the same principles still pervading the newly published *Schwarze Hefte* written until 1948).

Here are Husserl's two neo-Enlightenment principles:

1. The principle of the Individual Person's Moral and Intellectual Autonomy, and more generally of his/her personal value-competence and value calling, source of human Dignity;
 - A Value Universalism resulting not only in Moral and Legal Universalism, but also in the idea of a "task" to embody Practical Reason into Institutions aiming to overcome a sociality based on common roots and cultural identity (including nationality) through a sociality based on face-to-face cognition-based discussion.

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These two ideas are implemented in the subtle, still too-ignored philosophy of democracy that Spinelli -autonomously, but on the same wavelength as Husserl - came to theorize. Democracy, much more than a form of government, is a form of life feeding a civilisation founded on both axiological and scientific research. Where politics and the legitimate exercise of power are essentially subject to critical reason, in which no field of human concern is dispensed from the regime of free rational and value-confrontation and in which the institutions themselves, expanding this regime to all domains of human activity, can only survive if founded on the critical wakefulness and sensible attention of (super-national) "citizens".

No theory can explain the meaning of these principles better than the inexhaustible work with which Spinelli was engaged from 1980-84 in order to have the Draft Treaty for the Constitution of the European Union discussed and approved by the European Parliament, as soon as it had been (for the first time) elected by the peoples of the Member States of the EC. This is the famous "Crocodile Initiative," whose first precious text - a Newsletter published in the first issue of the journal Spinelli founded to this purpose - is now available[\[14\]](#).

The European case is an unprecedented example of a super-national democratically elected Parliament - the Chamber of a non-existing State - managing to write the Constitution of a State yet to be built. Where

"the paradox ...is something which Spinelli feels the majority of parliamentarians do not fully understand: normally parliamentarians try to check the power of the executive, whereas the European Parliament seeks to increase it."[\[15\]](#)

...or so it should. However paradoxical, this is an actual (and difficult) task of Pure

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Practical Reason. A task, so to speak, *inscribed in the Treaty presently in force* (Lisbon) and hence somehow *embodied* in an institution - the EU. Other democracies do not embody Pure Practical Reason. The EU has to - if it wants to survive.

We - the European citizens - do have the legal and institutional means to push in that direction. Are our reasons, and our wills, up to the task?

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The basis of this paper is a draft for a conversation at the conference “The Eu at 60: Europe Since the Treaty of Rome” (European Institute at Columbia University, February 10, 2017). The term I had used in the draft was the more generic “polity”. I wish to thank Prof. Stefan Collignon of St. Anna College (Pisa, Italy) for suggesting the more explicit and classic term “Republic”, as well as the other participants for precious suggestions.

[2] The reader might be interested in consulting one of the sources of this contribution: *Phenomenology and Mind*, 8, 2015, “Philosophy and the Future of Europe”, (Habermas, Ferry, Glyn Morgan, Bauboeck, Bagnai, Bolaffi , Cacciari, Urbinati and Barbara Spinelli), with a reprint of Altiero Spinelli’s 1980 letter to the Members of the European Parliament which launched the Crocodile initiative. The online issue is available here: <https://oaj.fupress.net/index.php/pam/issue/view/517>

[3] The Lisbon Treaty for the first time clarifies the powers of the Union. It distinguishes three types of competences: exclusive competence, where the Union alone can legislate, and Member States only implement; shared competence, where the Member States can legislate and adopt legally binding measures if the Union has not done so; and supporting competence, where the EU adopts measures to support or complement Member States’ policies. Union competences can now be handed back to the Member States in the course of a treaty revision. For more information go back to the online version of the Treaty, or consult one of the numerous websites available, for example <http://www.historiasiglo20.org/europe/index.htm>

[4] http://publications.europa.eu/resource/cellar/688a7a98-3110-4ffe-a6b3-8972d8445325.0007.01/DOC_19

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[5] See the description of the ECI (European Citizens Initiative) act here:
http://www.europarl.europa.eu/ftu/pdf/en/FTU_2.1.5.pdf

[6] The French expression seems more adequate than the English (Citizens' Right), for citizenship involves not only rights, among which that of proposing referendums, but duties as well, as electing one's representatives, and respecting all the EU norms.

[7] The functionalistic approach aims at a gradual integration of European States (and not necessarily only European states) by the adoption of common rules and institutions governing their economic activities. At a global level, it is mainly bound to the work of David Mitrany (1888-1975), who was very influential with his book, *A Working Peace System* (1943), and motivated several generations of "neo-functionalists" in the Seventies and Nineties, when the modern "disregard for constitutions and pacts" through "a spreading web of international activities and agencies," predicted by this book, became evident on a daily basis. Yet the construction of the EU is more directly bound to the thought and activity of Jean Monnet (1888-1979), who - thanks to the unconditional support of the French Foreign Affairs Minister Robert Schuman - is the actual "father" of the first institutions of the EC (European Coal and Steel Community, European Economic Community, EURATOM), and the man who persuaded EC governments to turn their regular summits into The European Council. Differently from Mitrany, Monnet thought that the gradualist approach of functionalism, far from being incompatible with federal institutions, would foster the process of their construction. See J. Monnet (1962), D. Mitrany (2003).

[8] Even in the Treaty of Rome, which essentially institutes a common market (or rather the beginnings of it), the Preambles testify to the presence of Spinelli's thought at least in the last clause:

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“INTENDING to confirm the solidarity which binds Europe and the overseas countries and desiring to ensure the development of their prosperity, in accordance with the principles of Charter of the United Nations,

RESOLVED by thus pooling their resources to preserve and strengthen peace and liberty, and calling upon the other peoples of Europe who share their ideal to join their efforts

HAVE DECIDED to create an European Economic Community” (Nelsen and Stubb 2003, p. 17).

On the other hand, the idea of an European Constituency is quite clear in Spinelli’s printed works already in the early Fifties, not to mention the *Ventotene Manifesto*. Cf. following footnote. On the historical and ideal background of the first Treaties see J.P. Gouzy (2004).

[9] A. Spinelli, Forward to J. Lodge (ed,) 1986, p. xviii, our italics. Cf. A. Spinelli 1957; and Spinelli 1951.

[10] A. Spinelli (1944), p. 2.

[11] Ibid., p. 3.

[12] Especially the series of articles published in 1922-23 on the Japanese Journal « Kaizo » (Husserl 1922-37) and the Prague and Vienna Lectures of 1936, which

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constitute the early parts of his posthumous *Crisis* (Husserl 1976).

[13] “Those trying to divine the roots of Stephen K. Bannon’s dark and at times apocalyptic worldview have repeatedly combed over a speech that Mr. Bannon, President Trump’s ideological guru, made in 2014 to a Vatican conference, where he expounded on Islam, populism and capitalism” (J. Horowitz, “The New York Times”, 02/10/2017, https://www.nytimes.com/2017/02/10/world/europe/bannon-vatican-julius-evola-fascism.html?smprod=nytcore-iphone&smid=nytcore-iphone-share&_r=0). Mr. Bannon typically revives an obsession about civilizations and cultural identities which was typical for early XX century’s best sellers as Oswald Spengler’s *Untergang des Abendlandes*, a book recognized as a source even by S. P. Huntington (1996) - another favourite book of Bannon’s (“The New York Times” 02/02/2017)

[14] A. Spinelli (1980) “[Le Parlement Européen à la Croisée des Chemins](#)”, dans : *Phenomenology and Mind* 8, 2015, « Philosophy and the Future of Europe », pp. 311-320

[15] M. Burgess (1986), in Lodge 1986 p. 183