Legal comparison and European law: or the paradigm shift from a territorial to a spatial viewpoint, in the prospect of an open and cohesive society based on European citizenship as model of plural and inclusive citizenship[*]

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La presentazione si articola in due parti distinte, ma strettamente collegate. La prima (§§ 1-2) si concentra sulla relazione tra la comparazione basata sui sistemi giuridici nazionali e il diritto europeo come esempio maggiore di un diritto senza stato, una sorta di nuovo ius commune Europaeum, *argomentando come questa relazione implichi un cambio di paradigma nella concezione del diritto, consistente nel passaggio da un punto vista territoriale a uno spaziale. La parte seguente (§ 3) mette in rilievo l'importanza di una nuova idea di cittadinanza, post-nazionale, plurale e inclusiva, capace di completare, la cittadinanza nazionale, attraverso l'innesto diretto con i diritti fondamentali della persona, nella forma precisamente della cittadinanza europea senza stato, come principale parametro di tale cambio di paradigma, in funzione di una convivenza politica e sociale mirata alla costruzione di uno spazio europeo commune, fondato sulla democrazia e solidarietà transnazionale, nel quale la soggettività individuale, senza necessariamente implicare una mobiltà transfrontaliera e conseguente allontanamento da un proprio territorio, inteso come territorio di appartenenza nazionale, oppure come territorio di residenza relativamente a una condizione di vita e lavoro in una comunità locale, può diventare centrale per l'obiettivo primario della formazione di un'Europa veramente unita attraverso non solo i suoi sati membri, ma anche i loro popoli e, più in generale, la gente come persone singole, viste nella loro dimensione relazionale di convivenza civica a vari livelli, locale, nazionale ed europeo.*

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The presentation is articulated in two distinct but strictly connected sections. The first one (§§ 1-2) focuses on the relationship between comparison based on national legal systems and European law as a major example of stateless law, a new kind of ius commune Europaeum, *arguing how such relationship implies a paradigm shift in the conception of the law, consisting in passing from a territorial point of view to a spatial one. The following section (§ 3) highlights the importance of a new idea of citizenship, post-national, plural*

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and inclusive, capable of completing the national citizenship, through its grafting directly with fundamental rights, precisely in the stateless form of the European citizenship, as the main parameter of that paradigm shift, in function of a political and social coexistence aimed at the building of a common European space, grounded on transnational democracy and solidarity, within which individual subjectivity, without necessarily disengaging from one's own territory, thus understood as territory of national membership, or as residential territory in relation to a living and working condition in a local community, may become central to the overall objective of the formation of a Europe truly united through not only member states but also their peoples, and more generally the people as individuals seen in their relational dimension of civic coexistence at various levels, local, national and European.

1. Some introductory points

Let me start with a quote: «The development of comparative law was the logical and inevitable consequence of the nationalisation of the conception of law that took place in the nineteenth century»[1]. Altough written with the intention of magnifying the role and success of comparative legal studies in response to the need to restore, after the season of legal positivism, a universal spirit of law, this sentence testifies instead, contrary to what one may imagine at first sight, that legal comparison is not only based on but also conditioned by a bordered world.

Indeed legal comparison, such as developed with regard to the measurement and classification of differences between legal systems, has been so far and still is, basically, a work of taxonomy, looking at them as defined, determined, and territorially established systems. Indeed, the idea of law as a system refers to a self-contained body of rules, bound in itself. Not by chance, one of the major dogma of the positivist legal science is the dogma of the legal order completeness. The established legal order does not admit cases with no rule; a rule should always be found from within the system, for the sake of the certainty of law.

Thus, legal comparison postulates a bordered legal system or, in a wider perspective, a world panorama of national bordered legal systems.

But we are living nowadays in times of "global law" or "trans-national law," affecting the idea of law beyond borders and nation-states. This is the case of "European law", as a major example of stateless law, being established in the form either of European Union (EU) law, as an autonomous

[1] R. David, *Les grands systèmes de droit contemporains*, 7ème ed., Paris, 1978, p. 4: «Le développement du droit comparé a été la conséquence logique, inévitable, de la nationalisation qui s'est produite dans la conception du droit au XIXe siècle».

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body of law emanating from non-state institutions and addressed both to states and individual citizens in order to integrate directly/indirectly national legal systems, or in the form of "general principles of the Union's law" resulting from the constitutional traditions common to the member states.

When one comes to this idea of European law, referred not only to EU law as a kind of supra-national, trans-border law system, but, in a wider meaning, as a legal experience involving the relationship of member states with the Union and among them, whereby such experience becomes relevant in many ways, from the practice of law to legal theory and legal education, the first thing to be noticed is that European law reflects the idea of legal *integration* more than legal *comparison* between national systems.

In this sense, *European law* calls for a *legal comparison that goes beyond borders*, in search for similarities rather more than differences between national legal systems and with the aim however to integrate among them national legal systems, by inventing and finding out common rules and principles.

Such kind of comparison is not conceptually new. It recalls, historically, the more traditional scenario, spanning from medieval to modern times, represented by European common law (*ius commune Europaeum*), as a *non-territorial law*, common to Continental Europe (but including England too), having the nature and value of a *subsidiary or complementary source of law*, which could and should be applied to integrate, supplement or replace national laws and rules.[2]

I don't want here to enter into details. I wish only to carry out a general argument about the relationship between comparative law and European law which implies a *paradigm shift* in the conception of the law, from a *territorial* point of view to a *spatial* one.

To figure out this paradigm shift, a suggestive argument, useful to describe the condition of comparative law as a stateless or borderless law, can be found in the image of the bridge. The argument is well expressed by this quote:

[2] On this topic, following the path-breaking studies of Gino Gorla collected in *Diritto comparato e diritto comune europeo*, Milano, 1981, pp, 543ff., see also G. Gorla - L. Moccia, *A Short Historical Account of Comparative Law in Europe and in Italy During Modern Times (16th to 19th Century)*, in "Italian National Reports to the XIIth International Congress of Comparative Law", Milano, 1986, and L. Moccia, *Comparazione giuridica e diritto europeo*, Milano, 2005, pp. 705ff., partly translated in Id*., La formación del derecho europeo. Una perspectiva historico-comparada*, Madrid, 2012.

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> I spent my life in Istanbul, on the European bank […] Being close to the water, looking at the opposite bank, the other continent, always reminded me of my place in the world, and that was good. Then, one day, a bridge was built, a bridge that linked the two banks of the Bosphorus. When I went up onto the bridge and looked at the landscape, I understood that it was even better, even more beautiful to see the two banks together. I understood that the best thing was to be a bridge between two banks. To turn to the two banks without belonging[3].

2. From national territories to European space

There are two points worth mentioning.

One, is about the position of the observer looking at two different and opposite sides together. Another, and connected one, is the condition of the same observer living this experience "without belonging".

To me this seems to be a good metaphor of our times of ever growing connectivity, complexity and conflictuality of today's global world: "the bridge metaphor", so to say, raising the point of view from local or national territory to the surrounding world space, keeping together different and contrasting sides of the landscape around us.

In our age of uncertainty, mostly due to the ongoing globalisation process, many things at institutional, socio-political, cultural and even spiritual level, have become unsettled, undetermined and unfinished. In our times of change and resistance to innovation, transformation and resilience, generating a sort of open-end circle of "no longer"/ "not yet", it seems that there is nothing more than *being beyond*, that *being in between*: to be "without belonging".

In this sense, legal comparison becomes an exercise of *mediumship*, the *art of being in between*, so to say, trying to keep together different and even contrastive views, according to the logic of "complementary nature of opposites"; a concept also referred to as the "logic of correlative duality".[4]

[3] O. Pamuk, *Istanbul: Memories of a City*, London, 2005.

[4] I am using here a terminology coined having regard to culture-specific characteristics of Chinese thought confronted with Western cultural forms of thinking, on which see R. J. Smith, *China's Cultural Heritage. The Qing Dinasty, 1644-1912*, 2nd ed., Westview Press, Boulder-San Francisco-Oxford, 1994 (1st ed. 1983), at 119, and D. Hall and R. T. Ames, *Chinese philosophy*, in E. Craig (ed.), "Routledge Encyclopedia of Philosophy", London, 1998, available at *http://www.rep.routledge.com/article/G001SECT2*. These last authors, after the introductory section on "Chinese thinking as *ars contextualis*" (where one reads: «The art of contextualizing seeks to understand and appreciate the manner in which particular things […] are, or may be, most harmoniously correlated»), speak of «dominance of cor-

To be sure, the idea of being in between is not to be confused with the Aristotelian concept of the "golden mean", as the desirable middle between two extremes, one of excess and the other of deficiency. But it sounds more like the Confucian doctrine of the Mean, as a virtuous exercise of harmonisation of two or more extremes.

Not by chance, to quote the title of a well-known comparative law book by Patrick Glenn "Legal Traditions of the World: Sustainable Diversity in Law"[5], legal comparison becomes a way of looking from a global viewpoint to legal diversity, praising its value, in view of a possible, though problematic, commensurability and sustainability of the world legal panorama.

This way of being in between is what takes shape in common parlance with sentences like "think global and act local"; but always with the implied symmetric opposite of a circular reasoning possibility, *i.e.* "think local and act global", which in our case can be expressed as "think European and act national or local" (or vice versa). In any case shifting from territorial to spatial dimension, on the backdrop of phenomena such as legal pluralism, multilevel constitutionalism, and so on.

Basically, what is implied in this argument is a twofold characterisation of both method and merit in the comparative study of the law.

From a methodological viewpoint, to the extent to which the adverb "beyond" refers not so much to a changing of position but to a position changed, and therefore relates to a static condition which makes real this change, the meaning of being "between" refers instead to a dynamic, evolutionary condition or situation in which law has to be looked not only as a self-contained body of rules, but as a living experience in its inter-relationship with other normative experiences and the world space around them.

From the point of view of the merit of the matter concerning the relationship of legal comparison with European law, the argument focuses on the need to combine *unity with diversity* or, according to EU motto, how to be "united in diversity".

The embryonic, evolutionary condition of the Union emphasizes its "un-

relative thinking» in such terms: «The relative indifference of correlative thinking to logical analysis means that the ambiguity, vagueness and incoherence associable with images and metaphors are carried over into the more formal elements of thought. […] In contradistinction to the rational mode of thinking which privileges univocity, correlative thinking involves the association of significances into clustered images which are treated as meaning complexes ultimately unanalyzable into any more basic components».

[5] H.P. Glenn, *Legal Traditions of the World: Sustainable Diversity in Law*, 5th ed., Oxford, 2014.

finished" state, whereby the question is not so much ontological or definitional, *i.e.* "what the Union is", but much more functional or pragmatic, "what the Union is for" (especially as regards its input and output legitimacy).

The answer to this question is, for the time being, that the Union is a function of nation-states, in the sense that it has not expressed yet the full potentiality of its objectives as a polity of its own (a federation), but remains in a transitional yet uncertain position of "an ever closer union among the peoples of Europe" (as stated in the treaties).

It should be observed that this *sui generis*, original or special (*Sonderweg*) nature of the EU[6], is not so much a characteristic state of its politico-institutional structure, but a real and realistic (even desirable) middle-way condition of its politico-institutional functioning "in between" nation-states, presenting two opposite sides. The international-diplomatic-intergovernmental (or confederal) side, and the constitutional-democratic (federal) side.

A condition that can be otherwise expressed with the formula of *a polity in between* member states, on one side, and citizens, on the other side, splitting "sovereignty" at European level between these two sides. Namely, in between the "conferral principle" and the "democratic rule" as a double basis of the Union legitimacy.

The *dual sense* in which one may talk about Europe from a politico-institutional and legal point of view, as either an association of sovereign states and a potential or rather embryonic federation, with regard to a variety of aspects involved by the integration process, makes the idea of Europe a *borderline idea*, more dubious than doubtful, more tentative than unsecure, more hesitant than eccentric.

According to a famous saying by Jacques Delors, Europe continue to be a UPO (Unidentified Political Object)[7]. Something so much original that cannot be spelt out in traditional terms, but that requires instead to be conceptualised in new terms and categories which, in turn, are difficult to be disentangled from classic lineages of politico-institutional or legal thought.

But, as already observed, one should avoid falling into the misleading illusion of looking at the originality and complexity of the Union as a new formula of political aggregation, given for established once and for all, when

[6] J. Weiler, *Federalism and Constitutionalism: Europe's Sonderweg*, in "Harvard Jean Monnet working paper", 2001.

[7] «Europe will constitute a UPO-a sort of unidentified political object-unless we weld it into an entity enabling each of our countries to benefit from the European dimension and to prosper internally as well as hold its own externally»: speech by Jacques Delors, Luxembourg, 9 September 1985.

it is, in the light of its inspiration, motivation and objectives, still an "unfinished work" which, as such, appears complex and original[8].

Indeed, if one consider some historical evidence, like the Schuman declaration of 1950, at the very start of the integration project, one may feel a "frontier spirit" emanating from it, in view of the final destination of the process there envisaged: the European federation.

Nowadays, such spirit seems to have lost its visionary strength along the way always uphill of a long and exhausting step by step process, aimed to accommodate all the time opposing interests, conflicting forces and different goals through compromise. With resulting uncertainties, ambiguities and contradictions that keep Europe suspended in between that originally idealistic project and its realistic implementation process.

This borderline Europe, with its conceptual and structural ambivalences and contradictions, has entered into an "existential crisis" (as declared by the President of the European Commission, Claude Junker, in his annual speech on the State of the Union, delivered on September 2016)[9]. This means an identity crisis, caused by the condition of being something in between: not a simple association of nation-states anymore, and not quite a federation yet.

All this brings about the problematic relationship of EU with sovereignty, democracy and citizenship, *i.e.* with government, politics, rights and duties of citizenry[10].

Concluding here my first argument, European law as well its more fascinating symbol, European citizenship, can be seen as a case study for a global or holistic approach to legitimacy of Europe and the sustainability of its major challenge of being "united in diversity".

3. Political Union and Social Dimension of the EU Citizenship

I would like to start this reflection on EU citizenship, as the basis of social and political European integration project, recalling Altiero Spinelli's words, when (already in the early 1940s), writing about the idea of European federation, he stated: would be useless to build a building that no

[8] T. Padoa Schioppa, *The Europe of Melancholy*, in "The Federalist", Year XLVIII, 2007, Number 1, pp. 9 ff.

[9] J.C. Junker, *State of the Union 2016. Towards a Better Europe - A Europe that Protects, Empowers and Defends*, p. 6.

[10] See L. Moccia, *Democrazia, sovranità e diritti nella crisi europea: spunti per un discorso su riforme e futuro dell'Unione*, in "La cittadinanza europea", 2/2016, pp. 23 ff.

one would be interested in maintaining, even if, for some favorable situation, there were sufficient forces to build it[11].

Spinelli wanted to warn against an approach too idealistic and somewhat fundamentalist, so to speak, quite suspicious of the elitist perspective of a top-down construction of the European unification.

In his view, in the invention or creation of the European federation was not enough to think and promote it as a good in itself. He critically observed: it is necessary to see whether around it, to his permanent support, there are to be expected "massive vital forces" (*imponenti forze vitali*), not intended to dissolve quickly, that will feel they need it and are therefore willing to act to keep it in place[12].

From this perspective, it is immediately evident that the problem of European unity today is closely linked to the need for having European citizens first, and however in parallel with European institutions and common policies. In other words, the need to have a *new idea of citizenship*, post-national, plural and inclusive: capable of completing and enriching national citizenship, through its grafting directly with fundamental rights (such as those enshrined in the EU Charter, having the same value of the treaties, together with those guaranteed by the European Convention of 1950 and those resulting from the common constitutional traditions of the member states, acknowledged as general principles of EU law); as well as compatible and functional with respect to the progress of the integration process and, generally speaking, with today's global world, both facing the challenge of cultural diversity within societies becoming ever more heterogeneous.

What is at stake, in the still problematic and contradictory experiment and experience of European integration, is not the construction of the identity of a European people (*demos*); neither the belonging to a European state. What is at stake is the possibility of shaping a *European civitas*, as a real community of (co-)citizens.

The problem of a united Europe, still to be done, is precisely in the impasse, in the hesitation to take on the political and social strength of a *community of values* or, if you like, a community of destiny, capable as such of self-recognition, self-legitimacy and self-determination, starting *from* and *with* the belief of the citizens to feel part and foundation of this

[11] «Sarebbe inutile costruire un edificio che nessuno fosse poi interessato a conservare, anche se, per qualche favorevole congiuntura, si trovassero forze sufficienti per costruirlo»: A. Spinelli, *Gli Stati Uniti d'Europa e le varie tendenze politiche*, in A. Spinelli e E. Rossi, *Il Manifesto di Ventotene*, ed. anastatica a cura di S. Pistone, Torino, 2001, p. 61.

[12] *Ibid.*

community, based on the sharing of values, interests, needs and goals, and aimed to create common institutions and develop common policies.

Here the importance of the idea of European citizenship.

From being a pure and simple oxymoron, that one of a citizenship without nation and without state, EU citizenship can and should become the paradigm of an open and cohesive society; projected towards new, yet uncertain, social and political horizons of coexistence between different identities and realities, according to a model characterized by pluralism, non-discrimination, tolerance, justice, solidarity, as it is stated in the Union Treaty.

Indeed, to think of the Union's citizenship as additional or subsidiary, in the sense of completing the national citizenship by integrating its contents of rights and duties, means precisely to re-think citizenship in a dimension of political and social coexistence extended to the common European space, within which individual subjectivity, without necessarily disengaging from one's own territory, thus understood as territory of national membership, or as residential territory in relation to a living and working condition in a local community, may become more aware of its being central to the overall objective of the formation of a Europe truly united through not only member states but also their peoples, and more generally the people as individuals seen in their relational dimension of civic coexistence at various levels, local, national and European.

In this sense, then, it can be assumed that citizens have and must play a leading role in the European construction. But on what terms and in what perspective?

Never as in present times of crisis of European unity, the so-called "ever closer union" seems so necessary as much as controversial. Failure of trust between member states increases the citizens' misgivings in European institutions, associated with widespread state of uncertainty about the future of the Union.

In the year of the 60th anniversary of the Treaty of Rome establishing the European Economic Community, the process of integration not only registers with Brexit a setback, but shows worrying signs of involution. While socio-economic issues of continental relevance, such as unemployment, growth, sovereign debt, security, immigration, energy, pollution and environmental issues, are still lacking appropriate common policies, sustained with appropriate budgetary resources, to promote beneficial outcomes in the interests of the citizens of member states as citizens of the Union.

Reminding of the Spinelli words quoted above, what Europe is experiencing today is a *consensus crisis* which, in addition to undermining its ba-

ses, limits and narrows its ambitions and horizons, diverting it from the interests and needs of people. Against the permissive consensus of the early stages of the integration process, which was the result of a substantial indifference of public opinion, the rising wave of dissent fueled by the increasing incidence of European measures and policies on the daily life of people, has emphasized the unfinished nature of the Union.

If, as Jürgen Habermas warns, it is true that every Europeanist can only be, today more than ever, the first and most severe critic of the present state of affairs in Europe[13], one which it seems destined to transform the dream of a United States of Europe into the nightmare of a much more modest union of States "without Europe", it is true, then, that what is needed is a widespread, informed and mature awareness of the difficulties posed by the European crisis, their causes and the efforts necessary to remove and overcome them.

To this kind of awareness another one must be added, no less important. In the perspective of creating or inventing a European public space for citizens participation, what it is also needed is the awareness of making Europe's dissent a factor of political dialectics, capable of animating and fueling the debate on institutional reforms and the functioning of the Union, and about the political and social goals to carry out along with the project of European unity[14].

In this respect, at least three main issues can be identified that shape a true European polity and contribute to defining the institutional and legal framework within which Union citizenship becomes relevant, particularly as regards the role of citizens in the European construction.

First of all, the government of Europe, concerning the issue of real European decision-making power.

In addition, the issue of the European decision-making process, concerning the effectiveness of the democratic principle as regards representation and participation of both peoples and states at European level.

Finally, the issue of citizens' rights**,** not only civil (free movement) and political rights (active and passive electorate in local elections and to European Parliament), but also economic and social rights of the citizens of the Union as such[15].

[13] J. Habermas, *The Crisis of the European Union. A Response*, Cambridge, 2012.

[14] I argued this point in my introdution, *L'Europa del dissenso: dall'europeismo all'antieuropeismo e ritorno*, to AA.VV., *L'Europa del dissenso. Teorie e analisi sociopolitiche*, Milano, 2016, pp. 9 ff.

[15] On this issue the European Parliament, the Council and the Commission have solemnly proclaimed (at the "Social Summit for Fair Jobs and Growth" held in Göteberg on 17 No-

Leaving aside the issue of the corresponding duties; although, as it has been argued, "a particular weakness of EU citizenship – its exclusive emphasis on rights and lack of individual duties" makes it an "halfway house" in this respect[16].

Of course, all such issues are closely interwoven, but attention should be given to the last one which implies a level of solidarity directly affecting the social dimension of the EU citizenship.

Basically speaking, the importance of European citizenship as a possible paradigm of open and inclusive citizenship, in addition to the closed and discriminatory scheme of citizenship classically understood in terms of nationality (as nation-state membership), has been highlighted by the European Court of Justice, with a formula, repeatedly affirmed as a matter of principle, qualifying the citizenship of the Union as a status intended to be the "fundamental status of the citizens of the Member States".

However it should be noticed here, by contrast, the emergence of obstacles and contradictions, and with the crisis of last years, of strong tensions against the idea of an open and inclusive citizenship moving in the direction of a greater harmonization of welfare protection between national systems, and revealing the structural limit or vice of origin of the integration process.

This structural limit concerns the divergence between national systems of social protection, on one side, and, on the other side, the rights of free movement and residence between and in member states. Especially since when these rights, starting from the Maastricht treaty, have been recognized not just as special rights in favor of certain categories of people (such as migrant workers), but of all European citizens as such.

This is, in short, the defect or contradiction deriving from the functionalist approach that saw in the economic integration through free market the basis on which to build the rest of the European construction. That is to say, the idea of keeping distinct and, indeed, separate, the objective of achieving the common market, on the one hand, and, on the other, the coexistence of national welfare systems, albeit characterized by significant differences. This idea represented, so to speak, the bet on which the European integration process has aimed for its success. In view of the fact that progressive

vember 2017) the so-called "European Pillar of Social Rights" based on 20 key principles, collected in three chapters the last one of which (titled "Social protection and inclusion") spells out in particular the following principles: *Childcare and support to children*; *Social protection*; *Unemployment benefits*; and *Minimum income*.

[16] R. Bauböck, *Still United in Diversity?*, speech delivered at The State of the Union 2017: 'Building a People's Europe', 5 May 2017, Florence.

economic integration would have led to greater harmonization of the national systems of social protection, and more generally to the development of greater solidarity between member states, through the accomplishment of common interests and policies.

But in reality the basic and original gap between the economic dimension and the social vocation of Europe, rather than diminishing, has been heightened, in particular because of the financial crisis and more generally because of the lack of political will, especially by the governments of member states.

What is important here to emphasize is that the above gap shows the real problem concerning the nature of European citizenship as a form of citizenship which, originated in the context of the market and the related freedoms of movement and residence, reflects and suffers from this original characterization, as a main attribute of the status of European citizen, which however does not exhaust its notion and function.

A Europe of the market, so to say, that does not care to set the goal of strengthening the social dimension of the Union, with the aim of developing policies, actions and measures in favor of a balanced basis of solidarity between the citizens of the member states, is a clear contradiction, to the extent that it ends up denying the basic premises for an effective exercise of the market freedoms of movement and residence.

Obviously, in order to develop this idea of open and inclusive citizenship, legislative and judicial interventions are not enough, if they are not backed up by European policies of a redistributive nature, in addition to more traditional contributory logic of access to social security benefits.

In this sense, it is to be assumed, generally speaking, that the social space of common citizenship absorbs within itself the economic space of the market, and not vice versa.

Furthermore, it is to be assumed that European citizenship modeled on the efficiency of the free market, as well as on the competitiveness of national economic systems, in turn based on the rigor of budgetary policies, finds a necessary compensation in European citizenship modeled, instead, on solidarity as a policy goal aimed to integration and social cohesion at local, national level and European level.

Again in this sense, it is to be assumed that the trans-border nature still prevailing today of the notion of European citizenship, reflected in the negative terms of the non-discrimination on the basis of nationality, is to be recast in the positive terms of legal entitlements referred directly to EU citizenship, such as established, in their universality and indivisibility, by the European Charter of Fundamental Rights.

4. A conclusion

It is time to conclude. As stated in the Preamble of the European Charter of Fundamental Rights, the Union «places the individual at the heart of its activities, by establishing the citizenship of the Union and by creating an area of freedom, security and justice».

For this reason the *European area of common citizenship* can only be, above all, a *place of transnational solidarity*, that is, of economic, social and territorial inclusion and cohesion where national borders, still existing in institutional and cultural terms, should be overcome by policies as well as legal rules and principles shared in common between member states, on the base of a community of values between peoples of Europe**.**

For the future of Europe and European citizenship, there is no alternative to this truth, simple and even trivial, as much as essential.