



The voice of Maria Dolens

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Environment and Defence

The association may seem unusual, especially as it comes from the head of the Foundation which, in a broad sense, has the aim of spreading the values of peace and harmonious coexistence between peoples and nations, but if today I were asked to identify two themes to which the future destinies of Europe are closely linked, my choice would be "environment" and "defence".

With regard to the first issue, the objective is to eliminate the so-called greenhouse gas emissions by 2050, thus fulfilling the commitments undertaken with the historic Agreement signed in 2015 in Paris and thereby

guaranteeing climate neutrality ("net zero"), through the perfect balance between new emissions and the absorption of existing ones.

The second, however, is a question of achieving operational autonomy on a military level, without acting prematurely but at the same time without excessive delays. This would allow the governments of the Old Continent to effectively protect their borders (and, what matters most, the existence and material and value-based acquis of its citizens) without necessarily having to depend on external aid (obviously except for the member states guaranteed an "umbrella" by NATO).

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PROTECTION OF FUNDAMENTAL RIGHTS IN EUROPE

A shared responsibility

Last March 26, a conference on the Protection of Fundamental Rights in Europe was held at the Campana dei Caduti Foundation, conducted by Roberto Toniatti, Emeritus Professor of Comparative Constitutional Law at the University of Trento. Here follow some excerpts from his speech.

The definition and protection of fundamental rights in Europe and in the world were born in the era of modernization and date back, theoretically, to the development of Enlightenment thought and, historically, to the great English, American and French revolutions. It is a long and gradual process, most likely still ongoing, which developed in the context of the recognition of religious freedom as an exclusive function of the nation state and - since the Treaty of Westphalia (1648) - has become the model for the organization of public power which progressively acquires the form of a liberal state of law.

In particular, given the supremacy of Parliament as an elective and representative body and the primacy of the law over any other manifestation of the will of the State, the judge is portrayed, according to Montesquieu's well-known definition, as "the mouth that pronounces the word of the law", and, therefore, judicial interpretation is conceived as syllogistic reasoning, strictly non-evaluative, expressive exclusively according to the will of the legislator.

In summary, the founding principles of the protection of fundamental rights consist, firstly, in the close relationship between fundamental

rights and the national sovereignty of the State and, secondly, in the outline of the role of the judge as strict enforcer of the law.

In Europe, both original principles have experienced a decisive evolution, also in relation to the planetary developments promoted by the United Nations Organization, without however acquiring an authentically shared conception of human rights and without providing support for protection against violations of the fundamental rights of individuals. In fact, also due to the horrors suffered during the Second World War, Europe made its own fundamental and alternative choices.

The Council of Europe was established in 1949, with its headquarters in Strasbourg and already in 1950 the Convention for the Protection of Human Rights and Fundamental Freedoms was concluded, the Preamble of which states, among other things, «The governments signatory hereto, being members of the Council of Europe (...) are like-minded and have a common heritage of political traditions, ideals, freedom and the rule of law». The European Convention on Human Rights therefore expresses a declaration of the existence, in the present and the now, of a common conception. Furthermore, it establishes a permanent jurisdiction - the European Court of Human Rights - for the protection of individual cases and for the adoption of sentences for the restoration of violated rights and the sanction of the Member States responsible for such violations. An individual right of access to the Court is recognized for each and every human being regardless of citizenship of any particular Member State.

A second perspective relative to the protection of fundamental rights in Europe concerns the system in



force in the European Union. This is an even more interesting and paradigmatic perspective of European liberal civilization.

The treaties through which the European Communities were established, were actually not intended to actuate any procedures for the protection of fundamental rights: the focus of supranational integration was in fact limited to the functional scope of market integration and, in that context, the formal expression of "fundamental rights" referred exclusively to the four fundamental freedoms of movement of people, capital, goods and services. With the progressive consolidation of the exercise of government function and of legislative and administrative powers, so too the need for a corresponding identification of limits to the public action of the community institutions progressed. Such limits must include, first and foremost, the protection of the fundamental rights of individuals.

In the absence of explicit rules within the pages of the founding treaties, the Court of Justice, based in Luxembourg, found itself in the difficult situation of having to choose between a lack of protection of fundamental rights or between the guarantee of protection but upon establishing relevant legislative grounds. The Court identified these grounds both in the common constitutional traditions of the member states, by which it declared it was compelled to abide, and in the obligations of the European Convention to which all the member states were contracting parties. Both sources were valid, in the silence of text, as "general principles" of the European community, now the European Union. Only in 2000 was the Charter of Fundamental Rights of the European Union adopted in Nice, which came into force as a source of constitutional law with the Treaty of Lisbon in 2007.

Based on this, it should be noted that the protection of fundamental rights in Europe is divided into three institutions: first, the system of the Member States, based on their respective Constitution and national laws, under the guarantee of their respective jurisdiction and with the guarantee of the respective supreme courts and the control of the constitutional legitimacy of the laws exercised by the respective constitutional courts; secondly, by the regulations pertaining to the European Convention and with the guarantee of the European Court, regarding violations committed by the contracting States; thirdly, by the European Union legal system, with the guarantee of the Court of Justice, against violations carried out by EU institutions and member states within the scope of application of EU law.

It is, therefore, an arrangement of the sources of "constitutional pluralism" and "jurisdictional pluralism", i.e. the jurisdictional guarantee articulated on three orders of Courts, each supreme in its own respective system. This leads to a problem of "definition of the relationship" between these three orders of sources of law and jurisdictional guarantee. It is a relationship without a formal hierarchical structure where each system and above all each jurisdiction claim its own primacy.

The relationship between sources and jurisdictions is only ensured in actual fact by a practice that has been referred to as "judicial dialogue", i.e. on the "good will" of national judges, who are oriented towards giving the sources of written law an interpretation compliant with European sources, and also by European judges who take national law into account when interpreting European law. The method of dialogue between judges (which can lead to a sort of interpretative ping pong between one court and the other) leads to a case-by-case revision.

In conclusion, it can be stated that the protection of fundamental rights is a «shared responsibility» between European and national institutions and that this arrangement creates a sophisticated form of «European constitutional democracy».



STORIES OF TRENTO PEOPLE IN THE WORLD

From Trento to Toronto

LUCIA LARENTIS FLAIM'S EXPERIENCE AMONG EMIGRANT WOMEN

We asked various descendants of Trentino emigrants to tell their stories firsthand, emphasizing how their origins have guided and influenced them in life. This would not have been possible without the active and cordial collaboration of the "Trentini nel Mondo" Association, founded in 1957, working for social solidarity and as support for aggregation and assistance for Trentino migrants and their descendants. This month's figure is the social activist from Trentino Lucia Larentis Flaim, in Canada since 1970.

I discovered emigration by verifying firsthand the truth in the popular saying «where there is Gigi there is Paris». In August 1969, at the age of 25, as best man at the wedding of a dear friend in Revò, I met a cousin of hers who was on holiday in his hometown after six years in Canada. That I fell head over heels is an understatement! He returned to Toronto starting a daily correspondence which lasted until the following April when he returned to Trentino: I married Thomas Flaim on 24 May 1970. We arrived in Toronto after a honeymoon tour around Italy, which my husband did not know at all.

I was then "discovered" by the Trentini in Toronto in the summer of 1972 when the then archbishop of Trento, Monsignor Alessandro Maria Gottardi, came to Canada on a pastoral visit and stopped off in Toronto at COSTI (Centro Organizzativo Scuole Tecniche Italiano), the place where I worked, and which had been co-founded by a Trentino engineer Lino Magagna.

The group which accompanied him recognized the Trentino origins of the Flaim surname and after some correspondence I began to collaborate with them. In this way, I also helped my husband to get to know the Trentino community, unknown to him because he was completely immersed in Canadian circles due to his work as a chef.

Moral of the story? I was the first woman to join the Board of Directors of the "Trentino Club of Toronto" where I changed roles according to necessity and based on what I was able to do: from secretary taking minutes for external relations to correspondence with the autonomous Province of Trento and "Trentini in the World" as well as public relations and so on. I was also president



Lucia Larentis Flaim

of the Club from 2004 to 2012. And from 1984 to 2018 I was part of the *Consulta provinciale dell'emigrazione* (Trentino emigration council).

In the meantime, I had started working at Ryerson University and the family had grown with Roger, Nadia and Eric who, although born in Toronto, were taken to Trento – my birthplace - to be baptized in the church of San Pietro, the same where I had been married.

In 1982, it was Toronto's turn to host the Ittona Convention (the federation that brings various Trentino associations in the United States and Canada together), an event that takes place every two years. After overcoming the initial doubts of those who considered my ideas to be too new, progressive and innovative, I convinced the organizers that it would be appropriate to make the Convention an opportunity to take a dive into contemporary Trentino, which had changed since the days of emigration to North America. In the program of the initiative, alongside the traditional moments of celebration and conviviality, we included exhibitions of Trentino books, craftsmanship, photographs by Flavio Faganello and a performance by the Sat Choir, all proposals that the then president of the Autonomous Province of Trento, Flavio Mengoni, approved and supported.

Each of us did everything we could to alleviate the suffering of those in need

I became a good Canadian because I had been a good Trentino

In those same days there was also an event that I remember with great joy: the SAT Choir performed in Ottawa, in the presence of the Canadian Prime Minister of the time, Pierre Elliott Trudeau, who expressed great appreciation for how the Canadian national anthem was performed.

Two years later, at the Ittona Convention in Chicago the same formula was proposed, as in subsequent meetings. When the Convention returned to Toronto in 2010, the writer Alberto Folgheraiter presented his book in English, "Beyond the Threshold of Time" and there were various workshops. The one that stood out was on volunteering, enriched by the enthusiasm of the new generations to learn of the Trentino culture and roots.

Meanwhile, I was contemplating what to do for the women of Trentino so, supported by Gino Osti, president of the Club at that time and teased by those same women when we met on different occasions, I founded the Trentino Women's Group in November 1983. This initiative led women to be aware of their value and their past and future abilities, to care about others and to understand that every experience, however negative it may be, was a life lesson and was something to learn from. Their minds opened to the view of the motto «one for all and all for one» which made them appreciate the value of being part of a group. So, we organized meetings with experts, social gatherings, bingo games, theatrical performances, quilting get-togethers (to sew typical Canadian quilted blankets), potluck dinners where everyone brought food to share with the other participants and trips to discover Ontario and Toronto plus a memorable trip to Trento. These, and our various acts of charity, not only livened up the Trentino community but brought a certain prestige to our Group. We started by supporting an Argentinian student in his four years of university. Then there



Lucia Larentis Flaim with her family



The Trentino Women's Group in 2012

was the construction of houses and wells for a village in Kerala, India and subsequently support of the Kidney Foundation of Canada for the summer camp for children with kidney diseases and for children suffering from heart problems at the Sick Kids Hospital in Toronto.

I don't have a complete list of what we did, which would be very long, I only know that each of us did the best we could to alleviate the suffering of those in need.

At the same time my motto was "help you to help yourself" and I felt happy to see how much we had all grown together in maturity, confidence and awareness. Furthermore, we have always preferred to "give" aiming to make a difference and consequently feel satisfied, avoiding contributing only with money, with the risk that it would only end up in the customary pot. Among the many episodes, I remember one with great tenderness. The earthquake in Abruzzo caused great emotion and we noticed that the Fire Brigade of Trento and its province were among the first to rush to help and so our contribution went to support their summer camp in Trentino, in which some young girls from Abruzzo also took part.

Now we, Trentino Women in Toronto, may only be two dozen, some with walking sticks, others unable to get around but we continue to do our duty for the Kidney Foundation and the Sick Kids Hospital, meeting in the afternoon instead of in the evening, because it is easier to drive the car during the day. Probably the Group, and I say this with great serenity, will die a natural death since I was unable to make the generational transition, for society, science and technology have indeed made giant strides, but sometimes leaving those who might have needed interpersonal and community relationships without guidance.

I will finish up by saying that in what I have written so far, I have only referred to things that have happened and not about feelings, defeats, conquests, sensations, dreams, doubts, but with the deepest conviction that I became a good Canadian because I had been a good Trentino.



To be continued from page 1...

Again, in the opinion of the writer, if the objectives seem clear, namely those necessary to pass down living conditions at least equivalent to ours to future generations, what appears decidedly more complex is pinpointing the “dosage” of public measures capable of guaranteeing their achievement. This holds true in particular, with regard to how they may be accepted by the community and relevant interest groups.

Let's take the fight against global warming: the so-called green deal cannot be substantially achieved without the imposition of restrictions on categories of companies whose production derives from highly “polluting” processes. And it is no coincidence that the European Parliament, not insensitive to the mood of its electoral body and least of all on the eve of a fundamental appointment with the polls, has recently relaxed community rules (regarding for example pesticides, breeding and packaging) whose original greater severity was precisely intended to accelerate the green transition. It was then discovered, perhaps somewhat belatedly, that once put into practice they would have caused very serious consequences in terms of employment in the vast majority of countries. Just as it is not surprising that the President of the European Commission, Ursula von der Leyen, although a convinced supporter of the green deal, has in recent weeks publicly recognised the need to proceed on the matter gradually and with greater caution, in the name of Realpolitik that is difficult to set aside.

Moving on to European defence, the main obstacle to the indispensable streamlining of policies is represented by the lack of cooperation among its 27 EU members, each of which persists in favouring a national course of action, regardless of the perverse effects caused by very expensive and often redundant duplications. Nor does it seem to cause too much worry to those who govern us that 90 per cent of the resources assigned to the research and development of new military technologies continue to be managed by the individual capitals, while the European Defence Fund, established in 2021, is allocated very limited funding. Bearing this in mind, the very recent announcement by the President of the Commission in favour of the creation of a European Ministry of Defence, in the event of her re-election, could constitute a turning point in the right direction.

The undoubted objective difficulties outlined so far must not, however, lead the current European leaders to relinquish goals that cannot be postponed, otherwise the authority of the Old Continent on the international stage might be substantially reduced.

It is significant that the leadership in office is able to draw the political courage necessary for the above-mentioned reforms (essentially the green deal and the European army) from the proven existence of ample margins of support among their citizens. If their plebiscitarian support for measures in favour of the environment has no need for comment, the result of the Eurobarometer findings (an agency linked to the Brussels Commission) most likely brings some

element of surprise as they indicate that 4 European citizens out of 5 have remained in favour of the creation of a common European defence and security policy for some years, which can only be achieved in fact, through close coordination between the 27 EU countries.

This broad support is also undeniably affected by the effects of the current, dramatic international situation, characterized by the simultaneous progression of two large-scale conflicts (as well as the uncertain duration), by the extreme aggressiveness of a regime (that of Russia) which reminds us of the disturbing decades of the “cold war” and the ever-looming threats of fundamentalist terrorism (the very recent, criminal attack on a concert hall in Moscow constitutes tragic proof of this). To these factors of concern could be added, in the coming months, the change of tenant in the White House (see previous issue of the «Voice»), most likely accompanied by a profound revision of Uncle Sam’s international priorities, with the Indo-Pacific region surpassing the Euro-Atlantic side in terms of relevance.

In conclusion, today there is more than enough concrete evidence on the table as well as crisis scenarios that for the moment are under control, but which could eventually get out of hand (Taiwan for instance). Also, within the context of the crucial June meeting, Europe would therefore be well advised to promote a serious examination of conscience, in order to clearly identify its priorities (two of which we have briefly discussed above) and to find not only the courage (let us remember the need to innovate in relation to the current system of unanimity in defence decisions) but also the political ambition to implement major reforms. As should be the case, these must be respectful of the rights and consolidated interests of citizens. They should also be immovable in rejecting attempts at conditioning in a “conservative” sense that the influential and deep-rooted power lobbies active within the Union would contrive without any doubt.

Reggente Marco Marsilli, Foundation President



FOR WHOM THE BELL TOLLS - P7

The first stroke

The inauguration had taken place, but the celebrations were not over. It had not been easy to bring the Bell to the tower, which seemed to be its permanent location, but now it was necessary to think about the last rite, set for 4 October 1925. Among the guests was also the King of Italy, Vittorio Emanuele III, who a few days earlier had asked to postpone the commitment. «I set the date in honour of St. Francis, the Saint of universal brotherhood, I prefer to renounce... rather than move this highly significant date» replied Don Rossaro to Prefetto Guadagnini, an administrative official who had made the request on behalf of the sovereign. The king was upset but kept his word. The episode remained confidential and did not affect the welcome received by the sovereign, who was awaited in the city by representatives of foreign nations, by all the sponsors, by members of the civil and military institutions and by a large group of fascists. After Don Rossaro's speech, which summarized the arduous path that had led to that moment, a representative of the «Austrian Black Cross» intervened, praying for eternal



Peace over all the fallen, whose «opposing duties had one day made them enemies in the field but today a pious brotherhood of arms embraces them together in a Christian, Italian way». It seemed that this reconciliation on the part of Don Rossaro, which took place in the Capuchin Crypt in Vienna, was now to be followed by that of the centuries-old enemy.

Maybe something was happening, maybe Maria Dolens was starting to bear fruit. Also, because the statute of the Bell (the Magna Carta, as Don Rossaro was to call it) was clear. The text had been drawn up a few days earlier, while the men were preparing the tower. The preamble outlined the humanitarian aims behind the initiative. The first article specified that Maria Dolens was dedicated to «all» the fallen of the Great War while the second established the procedure: «The Bell of the Fallen will be rung every evening at the Hour of Night, an ancient and benevolent Italian custom intended for the daily cult of those who have passed away».

Now everything was ready, the most solemn moment had arrived. At the first stroke the king stiffened in his military salute, General Pecori Giraldi turned to Minister Celesia asking that Don Rossaro be made commendatore. But the priest was not happy: «Frankly the sound was not good, - he wrote in his diary - each stroke passed my heart like a poisoned blade. Not one joy in life was spared me by the poison. This too must have been poisoned. And serene but troubled, dejected but strong I thought, while everyone applauded: "I will recast it"».

