

European identity: roots and scope

Carlos Espaliú Berdud

Investigador Principal del Grupo de Investigación en Seguridad,
Gestión de Riesgos y Conflictos (SEGERICO)
Universidad Nebrija

doi: <http://dx.doi.org/10.18543/ced-02-2019pp27-34>

Abstract: The current landscape of Europe requires an urgent reflection on whether a European identity exists or not, and on the consequences the answers to this question may hold. For two years, we members of the *Research Group on critical issues of contemporary international society* of the Faculty of Law of the *International University of Catalonia*, together with a number of professors from other Spanish and international universities, have attempted to provide answers to these questions. This special issue of *Cuadernos Europeos de Deusto* is the result of this research project. We have approached the topic from a multidisciplinary perspective, and more specifically Philosophy, History and Law. In particular, we have focused on the roots and scope of the European identity, which, once determined, can shed light on the relations between people and groups of different races, religions, cultures, etc. in Europe. Several of the authors have addressed the issue of human rights, a key element of that European identity.

Keywords: European identity, peaceful coexistence in Europe, human rights.

After many years of relative stability in Europe and continuous growth in the number of European Union member states, we are now observing various phenomena that have altered the reality of our continent. Firstly, the recent Jihadist terrorist attacks have raised serious problems with regards to security and intercultural coexistence. Furthermore, the Brexit announcement gives, for the first time, a clear message that regression in Europe is possible and will partly deprive the Union of the richness of the British culture. And lastly, the refugee crisis in Europe has been a major blow to our collective conscience and put into question the validity of the values on which the European Union is based.

This landscape calls for urgent reflection on whether such a thing as a European identity really exists and on the consequences the answers to

* Recibido el 2 de julio de 2018, aceptado el 5 de septiembre de 2018.

this question may hold. This difficult task was assigned to the members of the *Research Group on critical issues of contemporary international society* of the Faculty of Law of the *International University of Catalonia* — UIC — (Reference 2017 SGR 593), which brings together researchers from various legal, philosophical and historical disciplines from several European universities, most of which are also researchers of the Charlemagne Institute of European Studies of the UIC.

In particular, we sought to elaborate on, *inter alia*, the following questions: What is the meaning of the term “identity”? What is Europe? What are its geographic boundaries? Can we speak about a real European history or is it the sum of the history of the States and peoples that make up Europe? Can we speak about a real European identity? How has the European identity influenced the main legal texts that have built European cooperation and integration? What role have human rights played in shaping the European identity? Can we demand that non-Europeans in our territory respect the European identity?

In order to answer the above-mentioned questions and others that could shed light on the issue of European identity, we invited a number of experts from Spain and other countries, and we organized various academic meetings throughout the 2017-2018 biennium, in order to set out and feed our thinking. The result of this research is now published as a special monographic issue of *Cuadernos Europeos de Deusto*, which is undoubtedly the best platform in Spain to present our work, due to its quality and its multidisciplinary nature. This special issue of the Journal is also the second workbook of the Charlemagne Institute of European Studies of the UIC.

The contributions of this special monographic issue address the questions posed from four different perspectives. Therefore, we have divided this publication into four parts, which are though presented in two blocks: the **roots** of the European identity and its **scope**. Within the first block of “roots”, we have first discussed the problem of definition of a European identity, so as to lay the conceptual and theoretical foundations on which we base the rest of the research. We have called this first part: **“European identity: in search of a definition”**. Secondly, several researchers have approached the issue of the historical origin of the European identity. This second part is entitled **“Forging the European identity”**. Thirdly, and moving to the block of “scope” of the European identity, we have questioned the implications of the identity on diverse branches of law, naming this part: **“European identity: legal impact”**. Fourthly and finally, we have reflected on the impact of European identity on the rest of the world, with this part being called: **“European identity: global reach”**.

In the part dedicated to the definition of European identity, Dr. Carles José I Mestre, Professor of Philosophy at the University of Barcelona, presents a study called: **“European identity or European identities?”**, in which he attempts to find out to what extent it is pertinent to speak of “a European identity” or whether it is more appropriate to talk about “European identities” based on the notion of «people». Dr. Albert Moya Ruiz, professor of Philosophy at the International University of Catalonia, explains the Hegelian thought on the issue at hand in an article entitled: **“Hegel and the idea of Europe.”** According to the author, Hegel favors a dynamic vision of Europe, containing the tension between the particular and the universal, and calls for the building of a Europe that would be capable of reconciling diversity in unity, thanks to its ability to think of itself as an ongoing project. In their article **“Rethinking Cosmopolitanism: Political and Metapolitical Identities”**, Dr. Bernat Torres, professor of Philosophy at the International University of Catalonia and Dr. Josep Monserrat Molas, professor of Philosophy of the University of Barcelona, claim that cosmopolitanism is an important source for thinking of political identities, a source which, nevertheless has to be renewed. They defend the need for a new cosmopolitanism (in the line of proposals, such as those of Hans Jonas or Yves Charles Zarka), which should respect politics (but not without steering it) as well as the different national or supranational identities, since cosmopolitanism itself could, in fact, be considered as a meta-identity for the man like a citizen of the world.

The historical part starts with an article with the title **“Europe from the border: the end of Socialism in the Balkans (1980-1990)”** written by Dr. Xavier Baró i Queralt, professor of History at the International University of Catalonia. The article focuses on the Balkans as the eastern boundary of Europe and analyzes the complex combination of identities in the region, characterized, among others, by its own cultural and religious diversity in which the Christian and Muslim faiths coexist. Next to that, we have the article of Dr. Eduard Martí Fraga, professor of History at the International University of Catalonia, entitled **“The right not to obey the mandates of princes. The republican values in Modern Europe (S. XVI-XVIII)”**. In this article he states that, during the Modern Age, republican values were much more widespread than is often thought, so subsequently he raises the question of whether these values should be regarded as part of the European identity. Finally, Dr. Conrad Vilanou Torrano, Professor of Pedagogy at the University of Barcelona, in his article: **“Europe, pedagogical route: the viability of Humanism in the postmodern period”**, presents Europe as a narrated story which has used pedagogy to transmit its values. According to him, the recent economic crisis has negatively affected those values, thus ensuring the viability of humanism — i.e, the defense of human dignity —,

should be a priority, despite the uncertainties threatening the European project in a postmodern world.

In the third part, where the legal impact of European identity is analyzed, Dr. Covadonga Ballesteros Panizo, Professor of Law at the Francisco de Vitoria University, presents in her article **“Social State and European Identity”** the model of social state as a distinctive feature of Europe’s identity. In her article, she analyzes the origins of social State, the fundamental values underpinning this social state, as well as the reforms that this model is currently undergoing. Next, Dr. Humberto Gosálbez Pequeño, professor of Law at the University of Córdoba, in his article: **“The Community Law of public contracts: an infra-valored pillar of the overcoming of nationalism and of the construction of the European identity”**, argues that there is a European law on public contracts which indicates the existence of a European identity, or in other words a ‘European nationality’ of the national contractors of the Member States. He then claims that the Law 9/2017 on Public Sector Contracts consolidates this historical process of adapting the Spanish legislation on public contracts to Community regulations. In the following contribution: **“The concept of person as a key element of European identity: the case of gestational surrogacy”**, Dr. Carmen Lázaro Palau, lecturer of Law at the International University of Catalonia, affirms that the concept of ‘person’ is a key element of the European identity, despite its controversial nature stemming from differing views on bioethical issues. This controversy is reflected in the case of surrogacy, where there is no uniform regulation among European countries and the situation is further exacerbated by the inconsistent —on these aspects— jurisprudence of the European Court of Human Rights. In the same vein, Dr. Natalia Ochoa Ruiz, professor of Law at the Camilo José Cela University, in her article: **“Human dignity as the basis of the European identity: the role of the European Court of Human Rights on the definition of the concept of human dignity”**, asserts that, among the principles and values that shape European identity, human dignity is of prime importance, and that the European Court of Human Rights, through its jurisprudence, has made an important contribution to the recognition and safeguarding of human dignity.

The fourth part begins with an article by Maria Chochorelou, researcher of the Charlemagne Institute of European Studies of the International University of Catalonia. In her article, entitled **“The European identity rationale in the EU Free Trade Agreements: Economic rather than cultural objectives?”**, the author examines the truthfulness of the arguments used by the Union to defend the European identity language included in the EU Free Trade Agreements. Next, the

article of Dr. Carlos Espaliú Berdud, Professor of Law at the Nebrija University, with the title **“The compulsory character of human rights norms as a trait of European identity”** also analyzes the relevance and truthfulness of the protection of human rights policy as an integral element of the European identity. Then, Dr. Arantza Gómez Arana, professor at the Birmingham City University, in her article named **“EU Identity in a Westphalian and Multicultural context”**, argues that a multicultural society could facilitate the creation of an EU identity and, as a consequence, of a society and policies at the Union level, which would, in turn, help to avoid future crises such as the one linked to Brexit. We continue the series with a work by Dr. Maria Julià Barceló, Professor of Law at the Open University of Catalonia: **“The external projection of European identity: Common Commercial Policy and conditionality in the matter of Human Rights”**. According to the author, one of the distinctive aspects of the current EU is the protection and promotion of human rights in its external action. Professor Julià Barcelò analyzes the reality of this promotion as reflected in the EU’s Common Commercial Policy, one of the main pillars of the external action of the Union. Finally, Dr. María Mut Bosque, lecturer of Law at the International University of Catalonia, in her article **“British values and principles as part of the European identity through the Council of Europe”**, puts forward the idea that, despite the fact that the United Kingdom decided to leave the EU, especially at the end of World War II, the country was deeply committed to the European unity and institutionalization, particularly within the framework of the Council of Europe.

In a nutshell, we do believe that there is a true European identity, which overlaps with the national and local identities. It is very clear to all of us that our fellow citizens, besides being from a particular town or city, are also from a particular nation and, at the same time, Europeans. We believe, therefore, that José Ortega y Gasset was absolutely right when he stated that „[...] the unity of Europe is not a fantasy; on the contrary Europe is the very reality and fantasy is precisely the opposite, the belief that France, Germany, Italy or Spain are substantive and independent realities [...]”.¹

The idea of Europe is so strong that one could argue that the continent has soul, a spirit whose identity could be summarized in the high ideals of humanism, as Rob Riemen² affirms, following the footsteps of Thomas Mann. That identity, composed of political and cultural elements, has been

¹ José Ortega y Gasset, *La rebelión de las masas* (Santiago de Chile: Editorial Andrés Bello, 1996), 26.

² Rob Riemen, *Nobility of Spirit. A forgotten ideal* (New Haven: Yale University Press, 2008), 18.

molded through many centuries, due to the contributions of various peoples, civilizations and political forms that have come and gone. From the philosophies of ancient Greece and the so-called Enlightenment, to Roman and Anglo-Saxon law, via the Judeo-Christian ethics and the science of universities, all peoples that have lived in this continent have contributed to illuminate, strengthen and expand the soul of Europe. Using the words of the Cultural Committee's Declaration on the pilot project on the search of a New Narrative for Europe, commissioned by the EU: "*Europe is a state of mind, formed and fostered by its spiritual, philosophical, artistic and scientific inheritance, and driven by the lessons of history*"³

Being European means that you inherit a rich legacy, a treasure formed by centuries of legal, cultural, economic, political and spiritual contributions of uncommon value. However, this treasure is also stained with the blood spilled in the too many wars and with the blood of the slaves, which were, among other things, dark chapters of our history.

In fact, in spite of everything, as Mario Vargas Llosa said, Europe is the only ambitious internationalist and democratic project of today's world, with all the limitations that it might have.³

I believe that, today, the features of the European identity are summarized in Article 2 of the Treaty on European Union: „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“. There is no one better placed than the President of the European Parliament, Mr. Antonio Tajani, to confirm this. Indeed, in a letter that he sent to us in order to confirm the European Parliament's sponsorship of one of the academic activities focused on this discussion, he explicitly pointed out: „I am convinced that the European identity, which has been forged over a long common history, is founded upon our shared values, the European unity in the direction of human rights and against the death penalty, upon the defense of democracy and the rule of law, as well as the promotion of freedom and solidarity. Awareness of European identity serves as a good basis for a strong and open Europe, and it is of paramount importance that these core values are highlighted and passed on to future generations.”⁴

³ Mario Vargas Llosa, *Una idea de Europa, Prologo al libro de George Steiner, La idea de Europa* (Madrid: Editorial Siruela, 2025), 15.

⁴ Antonio Tajani, Presidente del Parlamento Europeo, *Carta de concesión del patrocinio del Parlamento Europeo*, D 303445, 1 de marzo de 2018.

Many of the researchers that have contributed to this project believe that one of the most important elements of this identity is the protection of human rights, which are today, as always, threatened. Furthermore, I, in fact, understand that respect for and protection of human rights is a key element of our discussion on the roots and scope of the European identity. In my opinion, respect for human rights is not only a feature of the European identity, but also the key for all people in Europe to live in harmony, including those who live on our soil without having the fortune of being Europeans. In my understanding, respect for human rights must be demanded by any person who wants to live in our society, regardless of their origin, race, religion, sex, economic status, etc. I agree with José María Pozuelo Yvancos that being European is to be a free thinker; we all have the obligation to respect others' way of thinking, but we also have the right to respect our own."⁵

About the author

Professor Espaliú got a scholarship from the Spanish Ministry of Education (1995-1998), he has been Lecturer in the University of Navarre (Spain) (1998-2000), Legal Officer of the International Court of Justice (2000-2006), Ramón y Cajal Researcher in the University of Córdoba (Spain) (2007-2012), Associate Professor in Public International Law and European Union Law at the International University of Catalonia and Director of the Charlemagne Institute of European Studies (UIC, Barcelona) (Spain) (2012-2018); Vice-Dean for Academic Affairs at the Faculty of Law (UIC, Barcelona) (2017-2018). He coordinated a research group recognized by the Government of Catalonia. He obtained the accreditation as Associate Professor (ANECA) in 2011 and as Full Professor (AQU) in 2015. At present, he is the Main Researcher of the Research Group on Security, Risks Management and Conflicts at the University

⁵ «Interpretación de los textos (por tal cosa ha sido importante para ella la cultura judía que se ha educado en esa labor). Es una conversación sostenida en el tiempo, porque Europa es como un clásico: el presente del pasado. Hermenéutica implica historia, pensamiento, saber y sabor de las lenguas, interpretación de textos, crítica sobre ellos. Aunque no hay hermenéutica posible sin libertad. Es la libertad de pensar la que lleva a la interpretación y de ella se alimenta. La libertad es hambre de saber, pero también el alimento que lo nutre. Por eso es tan importante un sustantivo-adjetivo que hoy parece casi perdido: europeo es el hombre o mujer, el ser humano que se sabe librepensador. Europa es una condición del espíritu y no una geografía. Cuando no tengamos a gente como Steiner la luz europea se irá apagando» (José María Pozuelo Yvancos, "La idea de Europa", *Mercurio* 195 (2017): 6-7. Accessed 19 June 2018, <http://revistamercurio.es/ediciones/2017/mercurio-195/una-condicion-del-espiritu/>).

of Nebrija, Madrid (Spain). Furthermore, he has been awarded two six-years research periods (CNAI) and two six-years research periods (AQU). Regarding European Law, he has published, among others, the following articles: A Reflection on the Participation of Individuals in the Creation of European Law through the European Citizens' Initiative and its Scope in International Law, *Cuadernos Europeos de Deusto*, N.º 54, 2016, pp. 181-202; The EU response to the Paris terrorist attacks and the reshaping of the rights to self-defence in International Law, *Spanish Yearbook of International Law*, N.º 20, 2016, pp. 183-207.

Derechos de autor

Los derechos de autor (para la distribución, comunicación pública, reproducción e inclusión en bases de datos de indexación y repositorios institucionales) de esta publicación (*Cuadernos Europeos de Deusto, CED*) pertenecen a la editorial Universidad de Deusto. El acceso al contenido digital de cualquier número de *Cuadernos Europeos de Deusto* es gratuito inmediatamente después de su publicación. Los trabajos podrán leerse, descargarse, copiar y difundir en cualquier medio sin fines comerciales y según lo previsto por la ley; sin la previa autorización de la Editorial (Universidad de Deusto) o el autor. Así mismo, los trabajos editados en CED pueden ser publicados con posterioridad en otros medios o revistas, siempre que el autor indique con claridad y en la primera nota a pie de página que el trabajo se publicó por primera vez en CED, con indicación del número, año, páginas y DOI (si procede). Cualquier otro uso de su contenido en cualquier medio o formato, ahora conocido o desarrollado en el futuro, requiere el permiso previo por escrito del titular de los derechos de autor.

Copyright

Copyright (for distribution, public communication, reproduction and inclusion in indexation databases and institutional repositories) of this publication (*Cuadernos Europeos de Deusto, CED*) belongs to the publisher University of Deusto. Access to the digital content of any Issue of *Cuadernos Europeos de Deusto* is free upon its publication. The content can be read, downloaded, copied, and distributed freely in any medium only for non-commercial purposes and in accordance with any applicable copyright legislation, without prior permission from the copyright holder (University of Deusto) or the author. Thus, the content of CED can be subsequently published in other media or journals, as long as the author clearly indicates in the first footnote that the work was published in CED for the first time, indicating the Issue number, year, pages, and DOI (if applicable). Any other use of its content in any medium or format, now known or developed in the future, requires prior written permission of the copyright holder.