

EU i europski identitet

Curman, Amalija

Master's thesis / Diplomski rad

2023

Degree Grantor / Ustanova koja je dodijelila akademski / stručni stupanj: **University of Zagreb, The Faculty of Political Science / Sveučilište u Zagrebu, Fakultet političkih znanosti**

Permanent link / Trajna poveznica: <https://um.nsk.hr/um:nbn:hr:114:503529>

Rights / Prava: [In copyright](#)/[Zaštićeno autorskim pravom.](#)

Download date / Datum preuzimanja: **2025-02-21**



Repository / Repozitorij:

[FPSZG repository - master's thesis of students of political science and journalism / postgraduate specialist studies / dissertations](#)



University of Zagreb
Faculty of Political Science
Master of European Studies

Amalija Curman

EU and European identity

Master thesis

Zagreb, 2023

University of Zagreb
Faculty of Political Science
Master of European Studies

Amalija Curman

EU and European identity

Master thesis

Mentor: prof. dr. sc Zoran Kurelić

Student: Amalija Curman

Zagreb

September, 2023

I, **Amalija Curman**, declare that master thesis *EU and European identity* which I submitted for evaluation to the mentor prof. dr. sc. Zoran Kurelić is written independently and that it is entirely my own work.

Also, I declare that the work in question has not been published or used for the purpose of fulfilling teaching obligations at is or some other university, and that I did not acquire ECTS credits based on it.

Furthermore, I declare that in my work I have respected the ethical rules of scientific and academic work, and especially Articles 16-19. Code of Ethics of the University of Zagreb.

Amalija Curman

TITLE: EU and European identity

ABSTRACT

This paper explores the intricate relationship between the legal framework of the European Union (EU) and the concept of European identity. The EU's legal structure is widely recognized as not only crucial for the stability and preservation of the Union but also as a key element influencing how citizens identify themselves as Europeans, according to some researchers. The thesis comprises six chapters, drawing upon the works of various authors who delve into the intersections of EU legality and identity. The paper's structure begins with an introduction that introduces the link between European identity and the EU's legal framework. It elucidates how the issue of European identity has gained prominence over the past four decades, and it demonstrates that, based on the EU's legal order, this identity is crafted as a supranational identity. The second chapter delves into the EU's legal structure, its autonomy vis-à-vis its member states, and the obligations assumed by member states upon integration. In the third chapter, the paper explores how identity is rooted in the EU's constitutional aspects, while also examining the significance of EU symbols in reinforcing this identity. Chapter four briefly addresses the concept of a European public sphere as the arena where this identity is practically realized. Chapter five delves into European identity from a political perspective. Finally, the concluding chapter underscores the EU as an ever-evolving political project, with a vision that the EU's identity will progressively permeate the consciousness and daily lives of its citizens

KEY WORDS: European Union, European identity, supranationality, political identity, national identity

Contents

1. INTRODUCTION	1
2. SUPRANATIONALITY – INTEGRATION OF THE EUROPEAN UNION.....	4
2.1 Autonomy of the Union	7
2.2 Obligations of the Member States	9
3. CONSTITUTIONAL AND NATIONAL IDENTITY OF THE STATE WITHIN THE EUROPEAN UNION.....	11
3.1 Factors of identity	12
3.2 Symbolism of EU political identity	15
4. EUROPEAN PUBLIC SPHERE	17
4.1. About public sphere	18
5. EVIDENCE OF EUROPEAN IDENTITY	20
5.1 Political identity within the EU.....	20
5.2 Approaches to European political identity	22
5.3 European political identity	26
5.4 National and post-national identity	28
6. CONCLUSION.....	31
LITERATURE.....	33

1. INTRODUCTION

The concept of a European identity has arisen within the past four decades among the European Union member states. The formation of the Union during that period aimed to highlight both the endurance of their coexistence and the establishment of a shared identity within their unique diversities. The initial notion behind this newly established legal entity was to forge a European identity, effectively functioning as a novel national identity that would unite member states through aspects of monetary, legal, and economic sovereignty. Nevertheless, because it clashed with the pre-existing national and cultural identities of their populations, this notion transformed it into the formation of a supranational identity. This identity is envisioned to be established by harmonizing the citizens of member states, even in the presence of diverse national identities.

Due to its novel and distinctive structure, the European Union faces numerous challenges in defining its own identity. Consequently, there exists a confusion regarding to its true nature and operational mechanisms. This confusion directly contributes to a lack of clarity about the European identity and how it takes root in the minds of its citizens. The notion of European identity as perceived through the perspective of European Union citizens remains an important topic in contemporary public discourse as well as intellectual debates. This idea of European identity, distinguished by its rather enigmatic conceptual framework, raises critical questions about its origins, methods of cultivation, and problems.

Guided by these questions, it is impossible to separate the creation of Union from everyday life communication. Is it structured, or is it created historically through traditions of its citizens and their acceptance of their own European identity? The questions raised are the foundation upon which this paper will attempt to explain the genesis of the notion of European identity in the European public sphere.

The constitutionality of the legal order of an individual state is a fundamental element of social and legal civilization in the modern era. However, the European Union violates three fundamental constitutional principles: the principle of separation of powers, the democratic principle, and the principle of subsidiarity. Subsidiarity requires incentive-compatible solutions for the European Court of Justice and the European fiscal system. It is possible to argue that the

financial strength is the most important pillar of the European Union, and undoubtedly the most enticing factor for nations in transition, such as Croatia, to join the Union. It is precisely Eurozone that becomes a 'playground' in which certain legitimacy has been appropriately changed and adapted.

For a country to become part of the Eurozone, it must meet a whole series of criteria. In order to enter the single monetary area, it is necessary to meet the Maastricht criteria, specifically four of them: price stability, state finances, exchange rate, long-term interest rates. The financial balance of a particular country is what gives it the ability to have a greater or lesser voice within the EU and the adjustment of rights.

The essence of an individual's, a citizen, and even an entire nation's identity is, among other factors, deeply rooted in the established body of a positive law. Legal frameworks provide solidity to both the state and the established unity, serving as the binding link connecting citizens with the state or community. Political identity finds its cornerstone in legal statutes that govern interpersonal interactions, international relations, financial affairs, commerce, and the rights of all entities within the collective Union. Thus, it becomes imperative to dissect the technical components that form the bedrock for diverse facets of political identity, encompassing ideology and morality inherent within that very identity.

The core nexus of this research revolves around the Union's identity, both at the collective and state levels, along with the constitutionality of the legal framework governing the European Union. The inquiry delves into the significance of legal coherence, democratic principles, the impact of the monetary union, the Union's influence on member states and their citizens, as well as an exploration of the pros and cons inherent in the EU. Additionally, scrutiny extends to the behaviour of the eurozone amidst the backdrop of restrictions and market upheaval.

This study's focal point rests upon the perpetuation of the European identity (understood as identity of member states and citizens of European Union), the constitutional integrity of the Union, and a comparative analysis of the Union's legal structure. The research quandary lies in comprehending the merits and demerits of contemporary legal coherence within the Union, and how this cohesion reverberates within the Union itself.

The research in the paper is aimed at providing scientifically sound answers to the following research questions:

1. How did the process of legal integration of the European Union take place?
2. What are the main criteria that the country must fulfill in order to join the EU and the Eurozone?
3. In what ways can membership affect the state, its citizens, and their perception of identity?
4. How does membership affect the formation of political and national identity?
5. Does the autonomy of the Union affect the shaping of the European identity?
6. How important is the presence of a European identity for the efficient operation of the European Union??

These are determined in accordance with the topic and the basic focus of the work. These theses are:

1. The establishment of the European Union is intertwined with the development of a European identity.
2. European identity is shaped in alignment with the autonomy of the Union and the responsibilities of its member states within the alliance.
3. European identity develops in correlation with the public and political sphere of the European Union.
4. Political identity has an exceptional influence on national identity, and European identity cannot be separated from political and national identity.
5. The constitutionality and nationality of individual states within the Union are guaranteed as an element of the modern EU.

2. SUPRANATIONALITY – INTEGRATION OF THE EUROPEAN UNION

In the recent years, the decisions of the leading institutions of the European Union increasingly affect the daily life of the citizens of the member states, and the political elite of the Union decided that Europe cannot be reduced to the market, but that its institutions should be accepted by European citizens. In addition, the problems of political system legitimacy and European identity creation are shown to be mutually reinforcing. Namely, it is considered that without the formation of a European identity, there can be no valid legitimation of the European Union's policy (Risse, 2010).

Since the 1980s, alongside the concepts of conflict, interest, and power, identity has emerged as one of the foremost categories in the field of political science. It is becoming more and more obvious that even when dwelled into research into the process of European integration, this term has an unavoidable analytical application (Case, 2008, in: Checkel, Katzenstein, 2009: 111-131). To understand the political identity of EU, one must understand the legal foundation of that same Union.

In this chapter, I will present that legal structure as understood by Ondrej Hamulak and Václav Stehlík, Czech law professors. They have provided their perspective on the legal structure of the European Union (EU) in their book titled *"European Union Constitutional Law: Revealing the Complex Constitutional System of the European Union."* Their work, like many other scholars in the field of EU law, seeks to analyze and explain the complex legal framework of the EU.

Firstly, Hamulak and Stehlik agree that "the European Union has become a supranational entity that enjoys legal personality. It implements the powers granted to it by the member states in order to promote peace, fundamental European values, and the welfare of the people" (Hamulak, Stehlik, 2013: 9). The founders of the EU built the cooperation of the founding Western European countries, which made up the so- called "six", based on the principle of supranationalism. This concept and its definitions have become the major distinguishing aspects of the European Community, and later the European Union. They have also accelerated European integration and the growth of EU law. (Hamulak, Stehlik, 2013: 9).

Secondly, Hamulak and Stehlik (2013) argue that the supranational approach to cooperation involves transferring some of the original sovereign powers from Member States to an

independent organization. They believe that this preference for supranationalism reflects a utilitarian and functionalist view of European integration, emphasizing efficiency in achieving cooperation goals. Entrusting decision-making and regulation to an independent body is seen as more expedient, allowing for quicker and more efficient responses to various problems and shared needs among participating entities. This shift of responsibility from repeated negotiations by political representatives to partially independent institutions centralizes the capacity for effective action. (Hamulak, Stehlik, 2013: 9).

What is more, they argue that by establishing the Union on a supranational foundation, member states may handle their own problems and common requirements more quickly and effectively than they could do on their own. Additionally, it serves as a form of protection and an instrument against the difficulties brought on by globalization. It is also highlighted how a decision to take a supranational approach to integration in post-World War II Europe signified a fundamental shift from the long-standing international legal norm of sovereign equality among states. This ruling particularly questioned this principle, which serves as the cornerstone of all international collaboration within the framework of the United Nations (Hamulak, Stehlik, 2013: 9).

According to the principle of sovereign equality of states, Hamulak and Stehlik agree that these subjects of international law are equal and there is no supremacy over them. No state may be forced to comply with the legal rules of international law that have been enacted without its participation or consent. Supranational cooperation refrains from this classic principle of public international law, especially by introducing binding legal force and direct effect of EU legal acts, all in connection with qualified majority voting done within the Council. Collectively, these fundamental structural aspects of supranationalism can result in a scenario where a member state becomes obligated by decisions it did not support through its vote, and in some cases, it may even find itself subject to decisions it has openly opposed.. Therefore, the very supranational basis of European integration brings an inevitable difference between this movement and the classic international cooperation of equal partners (Hamulak, Stehlik, 2013: 10).

To conclude, we can observe that "the European Union is a self-sufficient entity" (Hamulak, Stehlik, 2013: 10). Independently and autonomously manages assigned tasks and powers as a certain type of sovereign. A significant amount of autonomy and power to manage its given tasks without excessive interference from Member States has been accorded to the European

Community, and later the European Union as the one that succeeded it. A supranational body with legal standing functions freely and autonomously in this situation, to some extent exceeding the authority of individual Member States. This is the fundamental result of supranationalism. This increased authority is noticeable during every stage of enacting and applying EU law. The key points of this 'superior' position are (Hamulak, Stehlik, 2013: 10):

- existence of independent legislative institutions and their autonomous decision-making power
- independent application of individual decisions
- the ability to create legal effects on the legal status of natural and legal persons (transfer of rights or determination of obligations directly based on supranational rules).

The issue of guardianship over the constitution within the community of states gains significance solely when these states relinquish the option of disregarding the collectively established rules. During European integration, particularly in its early stages, states were divested of the ability to selectively construe their responsibilities under Community law (Kovačević, 2013).

2.1 Autonomy of the Union

Hamulak and Stehlik (2013) emphasize the fundamental idea that European integration is built upon the creation and functioning of an entity that is separate from the states that originally established it. "This entity holds the mandate to autonomously administer the amalgamation of powers that Member States have ceded to it. The circumstances for a gradual interaction between Member States and the Union, as well as between EU legislation and national law, are created by the independence encompassing this entity's legal, governing, and budgetary aspects" (Hamulak, Stehlik, 2013: 12). The European Union holds legal personhood, being an acknowledged participant in the international arena, characterized by an independent legal framework that dictates its domestic implications and holds precedence over member states' legislation. Additionally, as per the Court's perspective, the primary law (Treaties) constitutes the Union's constitutional foundation. (Hamulak, Stehlik, 2013)

What is more, for Hamulak and Stehlik "the supranational impulse relates to discussions about the character of the European Union from the point of view of legal theory and the theory of the state and politics" (Hamulak, Stehlik, 2013: 12). Authors listed distinct characteristics of a supranational organization which possesses authority and jurisdiction to govern certain aspects of social relations within Member States through its unique legal system. Those include: "the division of powers between individual Member States and the Union as a collective entity, the contractual foundation of the Union, its legal identity, and an independent institutional structure" (Hamulak, Stehlik, 2013: 12). All of these elements collectively contribute to the perception of the Union as a blended organization, one that blurs the lines with the traditional definition of international organizations.

European integration is a phenomenon that not only transforms the traditional roles and positions of states but also reshapes the relationships between states and their citizens. Integration introduces a new participant, the Union itself, which, with its independent legal system, has an impact on the status of individuals and legal entities, to some extent supplanting the authority of member states. Given this reality, it's reasonable to question whether there exists a distinct regulatory framework for such a structure. The European Union possesses a cohesive institutional, political, and legal system akin to a system of state governance, making it a unique constitutional framework. The European Union combines elements of federal and confederal systems of government, and as such, can be characterized as a quasi-federal system.

All this leads to the acceptance of a special supranational (European) constitutional right. The establishment of the European Union does not stem from a conventional constitutional authority. Nonetheless, this does not negate the observation that the integration entities exhibit features of an independent constitutional system. According to Hamulak and Stehlik (2013), proof of such a system's existence can be identified in the unique structural components that set the European Union apart from traditional international organizations. They propose that the Union can be conceptualized as a legal community, comparable to a nation governed by the rule of law. It represents a constitutional framework that operates, conducts itself, and is internally governed by a set of democratic principles. (Hamulak, Stehlik, 2013: 12 -13).

The basis for recognizing the presence of a tangible constitution for the Union, as demonstrated by authors, begins with the real internal structure of interactions among the EU and its member states, among the Union's institutions, and between the Union and individuals, including its citizens. Additionally, this pertains to the Union's capacity to articulate its intentions through the enactment of laws and the issuance of administrative rulings. The Union has its own legal framework that determines the rules for adopting binding provisions. These provisions delineate the authority of the Union on the international stage and are also enforceable within the domestic affairs of the Member States. (Hamulak, Stehlik, 2013).

2.2 Obligations of the Member States

Among other things, Hamulak and Stehlik have also addressed the responsibilities held by the Member States. It is important to briefly cover them in order to have a better grasp of what countries must respect and what membership in the EU entails. There are numerous obligations arising from membership in the EU towards the Member States.

“The primary overarching duty of Member States is to uphold the core EU principles outlined in Article 2 of the Treaty on the European Union, commonly known as the Maastricht Treaty. These principles encompass human dignity, freedom, democracy, equality, the rule of law, and the respect for human rights” (Hamulak, Stehlik, 2013: 16). In situations where a Member State substantially and continuously breaches these values, the Council can employ the suspension mechanism, as outlined in Article 7. This entails a decision to suspend specific rights of the Member State, including their voting rights within European Union institutions.

Another overall responsibility arising from the Treaty is the principle commonly referred to as loyalty, or the obligation of solidarity, which is outlined in Article 4, paragraph 3. This principle has a dual nature: a proactive aspect where Member States are expected to take all necessary actions to fulfill their membership obligations, and a reactive aspect where Member States are required to refrain from any acts that would jeopardize the Union's aims being achieved (Hamulak, Stehlik, 2013: 17).

In all areas where they are governed by the Treaties or by laws based on the Treaties, Member States shall continue to uphold their responsibilities. These obligations may be explicitly stated (for example, under Article 37, states will modify their state monopolies to ensure that there is no discrimination regarding the circumstances in which goods are acquired and placed on the market among citizens of member states) or they may result implicitly (for example, it may deal with obligations arising from rights whose owners are entities other than states, such as Article 20, which stipulates the right to the protection of property).

Authors also pointed out that “the Union's expansion process takes into account the interests of both the Union and the Member States, resulting in participation from both supranational and national bodies” (Hamulak, Stehlik, 2013: 17). The Council receives a membership application from a prospective candidate nation and notifies the national and European parliaments. After

consulting with the Commission and the European Parliament (which decide by a majority of all members of the Parliament), the Council makes the first decision at the Union level (unanimously) on the request for membership. If a decision is made favorably, talks will begin, and the Accession Agreement will then be approved. Parties to the agreement include the Union's current member states and the aspirant nation. After the agreement is adopted (signed), the ratification process is carried out in accordance with each contractual party's national laws. The Treaty of Accession becomes effective if it has been successfully ratified by all parties. (Hamulak, Stehlik, 2013: 17).

Despite being a supranational organization, the European Union does not absorb its Member States. The European Union, which is still their "product," remains dependent on them, and they remain sovereign nations. The principle of sincere cooperation (principle of loyalty) contained in Article 4, paragraph 3 forms the basis of the functioning of the Union. This is due to the fact that, in accordance with this principle, the Union and its member states cooperate to complete integration responsibilities. The Member States' roles in the Treaty revision processes are a crucial component in determining their viewpoint. Without a doubt, Member State agreements form the basis of primary EU legislation. Its modifications and updates are primarily the responsibility of Member States. They are frequently referred to as "masters of contracts" in light of this fact. Article 48 of the UEU governs the basic legislation's revision process. There are two revision processes that both member states must follow in order to change or add to the Treaty's wording. (Hamulak, Stehlik, 2013).

3. CONSTITUTIONAL AND NATIONAL IDENTITY OF THE STATE WITHIN THE EUROPEAN UNION

Defining identity is a problem that many theorists deal with in various spectrums of social sciences. The definition of identity multidimensionally encompasses the psychophysical characteristics of an individual reflected in the community. The history of the very concept of identity originates from the Latin word *identitas*, which means the sameness or equality of an entity (Höjelid, 2001). However, the scientific discourse on identity claims that its most fundamental characteristic shapes this concept in the contradiction of uniqueness and sameness (Stanić and Langston, 2013: 50). Thus, everyone is unique in their comparison with others, but they also belong to a group by existing identities with other individuals of that group. Furthermore, in every identification with an individual or group, there exists latently what distinguishes individuals and groups. If identity is understood on these two levels, the individual is thus at the same time completely unique compared to other individuals, but due to the genetic predisposition and environmental influences, everyone identifies as a part of it.

Important dilemmas that preoccupy social scientists in discussions about identity is the moment in which these claims arise, and in which they are moulded into the individual's understanding of his own belonging to a certain group. Contemporary theories categorically discuss the levels and definitions of identity. James D. Fearon, in his 1999 paper titled "*What is identity (as we currently use the term)?*" (Fearon, 1999) delves into the contemporary perspective on identity. Fearon's work involves a methodical examination of multiple conceptions of identity, with an emphasis on how people and groups describe themselves and view their relationships with one another. Most of the time, these classifications centre on issues like race, ethnicity, religion, language, and culture. Researcher emphasizes the fact that identity has two distinct components, one originating from the social domain and the other from the personal one. But he draws attention to the underlying ambiguity in these characteristics, suggesting that both can ultimately be reduced to a social category.

This is so because personal identity is also reduced to comparison with others, and in its definition, it includes the pride of an individual who sees some of his recognizable characteristics as socially consequential and unchangeable. As a set of personalized labels and various defined

rules, it emphasizes belonging to a certain group. The social category of identity definition is therefore inseparable from the personal one, because as such it takes place in socialization with others.

3.1 Factors of identity

One of the main factors that shape the identity and affiliation of citizens within the EU is certainly the constitution. Positivist legal theorists agree that the constitution, in its essence, is a regulative ordinance like all others. Members of the school of historical law believe that the constitution is an element that gives a certain nation generational and natural rights. It is precisely because of this that the nation gets its legally guaranteed specificities and freedoms (Faraguna, Drinóczi, 2022).

Professors of Law Pietro Faraguna and Timea Drinóczi wrote about how "assuring the maintenance of national constitutional identities is one of the EU's primary responsibilities (Faraguna, Drinóczi, 2022)" in their online article "*Constitutional Identity in and on EU Terms*". According to them, national unconstitutional identities do not enjoy EU protection. Faraguna and Drinóczi (2022) start by presenting decision issued in February 2022 by ECJ pertaining to Hungary and Poland's legal challenges regarding the rule of law conditionality mechanism, where the constitutional nature of the state was called into question, the European Court of Justice reinforced this notion. Consequently, they claim, constitutional identity now stands as a pivotal element of public law and one of the fundamental elements within the European Union. What is more, any alterations to member state constitutions that would undermine the EU's constitutional identity are prohibited. (Faraguna, Drinóczi, 2022)

The authors of the article underscore an essential development within the European Court of Justice. They point out that the Court has rejected prevailing viewpoints in contemporary legal literature and advocated for the abandonment of the concept of constitutional identity. This shift is primarily driven by recent instances of negative and inappropriate utilization of this concept by certain countries. As a response, the European Court has provided a precise definition of 'constitutional identity' within the EU context. (Faraguna, Drinóczi, 2022)

This is deemed a pivotal advancement in the current jurisprudence of the European Court of Justice, as it addresses a historic task and challenge. It aims to deter individual member states

from using the European concept of national identity in a negative manner, which some have done in an attempt to establish a constitutional justification for their illiberal and undemocratic actions.

Professors highlight the European Union's consistent commitment to respecting national identities in the course of its operations. They also point out that this commitment aligns with a foundational principle initially expressed in the Maastricht Treaty as a political declaration. The significance of this principle was further underscored by the Treaty of Lisbon, which not only brought the identity clause within the purview of the Court of Justice but also placed special emphasis on the constitutional dimension of national identities. (Faraguna, Drinóczi, 2022)

However, the authors go on to note that the extreme importance attached to this approach has led to its heightened misuse and abuse by political and judicial figures. Consequently, in response to these developments, some legal experts have begun advocating for the abandonment of the concept of constitutional identity, deeming it inherently perilous. (Faraguna, Drinóczi, 2022)

Professors interpreting court decisions examined how the Court of the European Union has chosen to determine the constitutional identity of the EU. They emphasize that the values articulated in Article 2 of the Treaty on European Union are not only recognized but also shared by the member states. These values are viewed as intrinsic to the fundamental identity of the European Union as an integral part of a unified legal framework. Consequently, the European Union is tasked with safeguarding these values within the confines of its authority, as established by the Treaties. Article 2 of the TEU is not seen merely as a set of political principles or intentions; rather, it is seen as embodying values that constitute an integral aspect of the essential identity of the European Union as a unified legal system. These values are explicitly enshrined in principles that carry legally binding obligations for the member states. (Faraguna, Drinóczi, 2022)

While recognizing that the European Union respects the national identities of its member states, which are deeply rooted in their core political and constitutional structures, professors note that this respect allows member states some flexibility in implementing the principles of the rule of law. However, it is underscored that this flexibility should not lead to varying interpretations or implementations of the rule of law across different Member States. Despite having distinct national identities embedded in their foundational political and constitutional frameworks, member states are expected to adhere to the shared concept of the 'rule of law,' which is viewed as a set of values common to their constitutional traditions and is consistently expected to be

respected by all. (Faraguna, Drinóczi, 2022)

According to Faraguna and Drinóczi (2022), there are two rationales behind this decision; the first one is "shaping the conceptualization and application of the legal notion of constitutional identity". This rationale stems from the recognition that democracy, the rule of law, and human rights, as integral elements of the legal framework, constitute part of the EU's identity. Authors are of opinion "that these decisions also suggest the presence of a shared understanding of the rule of law within the EU, which can prove valuable when evaluating instances of the erosion of the rule of law in member states" (Faraguna and Drinóczi, 2022). The second rationale is that "this decision establishes a firm foundation for arguing that national constitutional identities, including those of individual member states, should not come into conflict with the overarching EU identity. Article 2 and Article 4(2) are considered to be on equal footing; thus, any assertion that Article 4(2) protects a national measure that contravenes Article 2 TEU would be viewed as an exploitation of the identity clause" (Faraguna and Drinóczi, 2022).

The national constitution in any form of interstate association represents the last guarantee for the preservation of a certain identity of the nation, and this is precisely the condition under which any international integration is approached. The issue of constitutional identity is a topic whose relevance in contemporary constitutional democracies arises in the context of constitutional changes. It has already attracted multi-layered approaches in psychological, sociopsychological and socio-scientific studies, or as a phenomenon that is formed and interpreted in political processes. Its legal conceptualization from the perspective of positive law or European integration is still insufficiently exposed. This shortcoming needs to be resolved, especially because "constitutional i.e., a national identity" has become a legal phenomenon based on positive law - specifically in Article 4 paragraph 2 of the Treaty on European Union (Article 4 paragraph 2) - that has already been applied. According to the provisions of Article 19 of the Treaty of Lisbon, the European Court, at the request of courts and other bodies of member states, previously (preliminarily) decides on issues of interpretation of European Union law, as well as on issues of competence of its bodies, and the decisions are binding on the courts of member states. This mechanism should ensure timely prevention of most disputes of a constitutional nature between Union bodies and member states. However, in certain forms of more complex relations and crises between states, this mechanism may not be sufficient (Faraguna, Drinóczi, 2022).

3.2 Symbolism of EU political identity

"European identity is a shared sense of identity primarily characterized by a political and cultural affiliation with the European Union. Establishing a European identity is widely regarded as a crucial aspect of European integration. In practical terms, it is manifested through symbolic representations like the European flag, anthem, the concept of European citizenship, and the Euro as a common currency. European identity has evolved into an integral component of nearly every effective interaction within the European Union, thus featuring prominently in various political, educational narratives, and official documents of the European Union" (Risse, 2010).

The conflict between "new" and "old" Europe, which persisted for a while, hid fundamental disagreements over the value systems that make up what is typically referred to as the "essence of Europe." The French endorse particular sets of social standards as acceptable, but the Germans hold radically divergent perspectives. These talks have shown enormous differences in how societies are formed. Building a common identity that should arise from fundamentally different concepts of social construction (be it the relationship with socially sensitive and marginalized groups, family values, or something else) turned out to be almost impossible (Case, 2008, in: Checkel, Katzenstein, 2009).

The European Union, faced with these problems, and realizing that its further maintenance and stronger integration requires the consent of the citizens, embarked on a kind of *ad hoc* construction of a common identity, for introducing a series of measures that were supposed to bring the idea of integration closer to the citizens and thereby legitimize it in their eyes. These are measures such as strengthening the communication strategy, which would show the advantages of the integration project, the introduction of exchange programs at all levels of the educational and scientific process, up to the adoption of the concept of European citizenship, which would be a superstructure of the national citizenships of the member states, but which would encourage creating a spirit of belonging to a common political and social system.

Shown by the Thomas Risse, the introduction of common symbols (anthem, flag, and currency) is also an important element in the effort to build a common (political) identity, whereby one should move away from the legal or economic reality of these symbols and concentrate on their value as factors that point to joint action and building of a common history (Risse, 2010).

With the aim of a more functional and successful integration, above all, of the economies of the member states by creating a common market, the Commission and the Parliament proposed strengthening European public policies focused on cultural issues, stressing that a sense of cultural belonging is a prerequisite for building a stable and functioning internal market. This cultural belonging essentially meant the need to emphasize the common heritage, in the same way that the common heritage of a collective would be emphasized as an element of building a nation state. Proponents of that idea argued that it is quite possible to form a European identity in this way, because European culture is older than the borders created by the division of the continent into nation states, and that belonging to that cultural circle is what makes EU citizens Europeans. In its interpretation, the European Parliament went one step further, asserting that European cultural identity is the product of interaction between civilizational factors and a multitude of national, regional, and local cultures.

The first attempts to shape a common economic, social, and recently foreign and security policy, show that the European Union is trying to outgrow its original task of forming an effective common market. Although the Union arose primarily from the overlap of the interests of European companies to resist the competition of Japanese and American companies, with the interest of European state elites to restore political sovereignty and regain control over the flow of wealth, information, and power that they were losing due to the process of globalization, at least partially.

It is a complex process that, on the one hand, creates joint sovereignty in the fields of economy, security, and environmental protection, so states have less and less power to act independently. Joint action is therefore imposed as an imperative precisely in order to preserve some kind of independence of the nation-state. On the other hand, joint action often paralyzes them and makes them prisoners of bureaucratized international institutions that pursue their own interests (Risse, 2010).

To conclude, it is also clear that common mythologies, the notion of a single homeland, as well as a shared European culture, are absent from the establishment of a European nation. At the level of interests, the European Union exists and continues to be integrated as a monetary and customs union and through common policies: agrarian, health, social, defence, human rights, etc. However, identities tend to be formed parallel to and together with the realization of different

primarily economic interests (Risse, 2010).

4. EUROPEAN PUBLIC SPHERE

The speed and nature of European integration have been significantly impacted by two variables since the early 1990s. The first contributing element was the breakdown of the then-dominant permissive consensus. The main symptoms of this change have been a steady decline to historically low levels in the sense of popular support for the EU; and events such as the rejection of the European Constitution by most of the French and Dutch voters. Another factor is the division among European leaders regarding future institutional development in the Union of twenty-seven members (Risse, 2010: 56).

The public sphere is well suited to examining political identity projects because, unlike treaties, like the European Constitution, it offers access to the diversity of elite positions on which these treaties rest. Discourse in the public sphere is the real interface between elite views and citizens' reactions to those views, thus enabling a better interpretation of phenomena such as the French and Dutch Votes against the European Constitution and the crisis that followed. The emergence and characteristics of the European public sphere have attracted the attention of scholars in the last fifteen years almost as much as the topic of European identity. In fact, for Risse (2010), the public sphere is not only a prerequisite in the EU's democratic goals, but also a key institution for the development through communication of a common sense of belonging to the European community.

The public sphere is a deliberative political space in which the government and civil society participate. It provides political information to citizens and a channel of communication that citizens can use to influence the government. In modern societies, the public sphere exists when a minimum of freedom of speech allows political discussion through the media. The geographical scope of this public sphere corresponds to the space covered by political or governmental institutions, whether they are municipal, regional, national, European, etc. The EU is a specific form of state organization with multiple levels of governance which include citizens of twenty-seven democratic states. Hence, it is imperative to view political discourse at all levels of governance as an integral component of the European public sphere. Research should merely ascertain whether the proportionate representation of local, national, and European elements

aligns with the respective significance of each governance level in individuals' lives.

"The public sphere is not only a prerequisite in an EU that wants to be democratic, but also a key institution for the development, through communication, of shared sense of belonging to a European community" (Risse, 2010: 88).

It is noticeable that within the European Union, one of the significant arenas for political self-identification is the European public sphere. Its expansion is directed towards fostering stronger connections between citizens and the institutions of the European Union. According to Risse, "the objective is to nurture a European political identity, enhance awareness of European politics, and cultivate a sense of belonging to the European Union, where citizens can coexist as free and equal members among fellow citizens from any EU member state" (Risse, 2010: 89). The Union was created as a supranational political community, and one of the necessities is to conduct the life of community in practice; and by practice it is meant public deliberation and discussion, so that the democratic reforms of the EU can be legitimized. In the next paragraph, European public sphere will be briefly introduced - how this concept developed, how the public sphere of the Union is realized and why it is important for European political identity.

4.1. About public sphere

In the literature, the term "public sphere" is defined as *"deliberative political space in which both government and civil society participate"* (Katzenstein&Checkel, 2010: 91). Moreover, Thomas Risse sees public sphere as a tool which provides the communicative spaces where collective identities are constructed, as an arena where Europe happens and as a contribution to psychological existence of Europe (Risse, 2010: 107). One can notice that the public space is a place where democracy is happening.

Historically, the public sphere has its roots in Ancient Greece, where citizens were directly involved in political discussions and decisions. The place of such talks was the Agora. Moving on to a few centuries later, in the time of European Monarchies, the Royal court was the public sphere and the king was the key figure that influenced public opinion. In the late 17th and early 18th centuries, salons where aristocracy and members of the middle class gathered was a public sphere; the emergence of the newspaper marked that time. In the 2010s the public sphere

according to Risse was mostly tied to a mass media, whilst Internet was playing a prominent role (Risse, 2010: 115). Currently, as EU institutions and its citizens are facing digital revolution and before that global pandemic, it seems that the internet is becoming premier space for public deliberation.

The main elements of the contemporary public sphere are constitutionally guaranteed civil liberties like freedom of expression, opinion, and assembly; then independent media system; access to public information (culture of transparency and openness); civil society; and sites of everyday talk about public affairs where people come together and discuss politics (coffee shops, schools, work place, Internet). These elements can be summed up in *“two normative requirements for a public sphere in liberal democracies: (1) openness to participation and (2) the possibility of challenging public authorities to legitimate their decisions.”* (Risse, 2010: 115).

Hence, one can deduce that the public sphere comprises individuals engaged in discourse and the location or framework through which these discussions occur. Today, public sphere is at the core of participatory democracy and it is necessary for democratic legitimation and accountability of government actions. It is a space where citizens come together to discuss public affairs and form a public opinion which is really a product of public sphere. It is a space between the state and the private sphere.

5. EVIDENCE OF EUROPEAN IDENTITY

The European identity policy is articulated within the Treaty on European Union, signed on February 7, 1992, in Maastricht. In the treaty's preamble, specifically addressing the common foreign and security policy, it is asserted that the governing bodies "shall conduct a unified foreign and security policy." Additionally, Article 17 addresses the imperative of outlining measures for the establishment of a common defense policy, citing its role in strengthening Europe's identity and independence to promote peace, progress, security in Europe, and worldwide. Similarly, Article 2, which delineates the EU's objectives, underscores the significance of "asserting its identity at the international level."

Furthermore, the Treaty on European Union safeguards the defense of its members' identities. The necessity to shape a European identity is underscored in Article 191 of the EU Treaty, which emphasizes that political parties, defined as institutions expressing the political will of Union citizens, should "contribute to the development of European awareness." Notably, identity is regarded as a form of the European Union's common foreign policy, akin to various other policies that are perceived externally as recognizable and distinct political activities of the Union. There is a particularly strong emphasis on developing a common security policy, complete with a unified European defense system and joint military units.

5.1 Political identity within the EU

The concept of political identity and its relationship with political culture is formed based on understanding the dynamics between citizens and the political community, particularly in the context of the European Union (EU). This paragraph explores various perspectives on political identity and its constituents, shedding light on the necessary conditions for its emergence and maintenance. The works of Flavio Cerutti and Thomas Risse are analysed and each offer valuable insights into the nature of political identity. By exploring their perspectives, more profound comprehension of how political unity is being formed.

To begin with, Cerutti sees political identity as a complex form, because it often includes other types of identities such as cultural, social, economic, or otherwise. More clearly, political identity is a synthesis of personal and collective identities which the individual achieves in practice. It

rests on a tense and unstable relationship that arises between the normative identity and the socio-psychological one. If such political identity is considered as a declarative statement, there will be a mixture of political and cultural determinants associated with value judgments. Cultural and political uniqueness is also manifested in language, spiritual uniqueness (characteristic, often stereotypical mentalities), political institutions and statutes (Cerutti, 2006: 36). Moreover, political identity is linked to a degree of homogeneity in the political culture. As individuals come together and share, modify, and reinterpret values and principles, they recognize themselves as belonging to a collective marked as "we."

Hence, the identity in question, political legitimation and political trust collectively forms the concept of political culture (Vujčić, 1999). That means when questioning political identity of EU and its citizens, it is necessary to question their political culture¹, or a political culture of member states from where such citizens have come. Roughly, it can be said that political culture is that what is common to the majority in terms of different patterns of attitudes, beliefs, and behaviours regarding politics within a society whose identity requires joint political decision-making and political action aimed at majority (Risse, 2010). Therefore, political culture within the EU is a complex amalgamation of the diverse political cultures of its member states, with a common commitment to democratic principles and shared values, underpinning the Union's functioning. In greater detail, the EU aims to advance democratic principles, human rights, and the enforcement of legal standards within its member states. It underscores the importance of citizen engagement, political diversity, and safeguarding individual rights.

Risse showed the distinction between two forms of political identity: one related to individual and collective identification and differentiation through political action and institutions, and the other related to a political allegiance within a community. These forms of political identification can coexist and support each other, allowing individuals to have multiple

¹ Political culture has been studied most intensively in the context of established Western democracies. The classic study of political culture is *The Civic Culture* (1963), by American political scientists Gabriel Almond and Sydney Verba. The authors identify three distinct civic cultures: parochial, subject, and participant. Parochial culture characterizes societies where individuals have limited awareness and engagement in politics. Subject culture involves citizens who are aware of politics but feel dependent on political authorities. Participant culture represents citizens actively involved in political affairs, possessing both knowledge and the desire to participate. Traditional political culture is acknowledged as well, wherein citizens within such societies exhibit a tendency to embrace authority and depend on established customs and traditions. It is important to note that these categories are not mutually exclusive and can overlap or coexist within a society.

political roles and affiliations. Regarding European political identification, it is argued that it can peacefully coexist with national or regional identities within a nested structure, without causing psychological or cognitive dissonance. European identity is seen as having a *positive-sum nature*, meaning it does not require the abandonment or subordination of other forms of identification. "People can identify with both their national or regional identity and a sense of belonging to Europe or the EU" (Risse, 2010: 15).

However, when it comes to political allegiance, the situation according to Castiglione becomes more complex. Political communities that claim legitimate authority over their members require a certain level of allegiance and loyalty. "In the case of the EU, there is a conflict between the historically rooted allegiances toward the nation-state and the emergence of a distinctive European political identity" (Castiglione, 2009; in : Checkel, Katzenstein, 2009: 32), Castiglione advocates. This conflict can be conceptualized as a clash of content, where the EU replaces the nation-state in terms of political allegiances, or as a more radical conceptualization that undermines the principles of its territoriality and sovereignty.

This paragraph introduced the concept of political identity and its relationship with political culture, specifically within the framework of the European Union (EU). The synthesis of personal and collective identities shape political identity, which is influenced by cultural and political determinants. Political identity is also tied to the degree of homogeneity in political culture, as individuals recognize themselves as part of a collective through shared values and principles. The political culture of the EU is a blend of the various political cultures found among its member states, with a strong focus on democratic principles, human rights, and the rule of law. In addition, two types of political identity were identified: one founded on the identification and differentiation of individuals and collectives through political action and institutions, while the other revolves around loyalty and commitment to a community.

5.2 Approaches to European political identity

The concept of European identity, whether concerning all of Europe or specifically the European Union, is intricate and ever-evolving. In the subsequent chapter, three distinct dimensions will be explored through which one could construct the European political identity:

the objective dimension, the subjective dimension, and interpretive models of constructing European identity.

5.2.1. Objective dimension

Firstly, the objective aspect of European identity encompasses components rooted in shared economic, political, and legal principles within the European Union that apply uniformly to all its member states. As Vujadinović emphasizes, an integral part of European identity represents fundamental freedoms, the system of values and human rights, the networking of Europeans on different micro levels (economy, culture, education, etc.). As well as being European, an identity is defined in contrast to the traumatic past of imperialism or colonialism, Nazism, fascism, Stalinism, and anti-Semitism. Also, today the European identity is oriented towards tolerance, reflection, and compromise (Vujadinović, 2011: 124).

Of course, objectivity is primarily created through the EU's founding documents. With the establishment of the European Coal and Steel Community, the realization of the idea of the united Europe began, and then the definition of European identity, or the identity of the European Union. "Namely, with the adoption of the *Declaration on European Identity* in 1973, the European Commission began to more systematically address the issue of identity which considers a crucial strategic issue in the process of raising public awareness of the European Community and protecting of its prospects" (Stavrakakis, 2005: 90). With The Declaration, the so-called 'nine' sought to achieve an even clearer definition of mutual relations with other countries, their responsibilities related to international relations, and assumes constructing a European identity for the purpose of advancing of the unification of Europe. Defining European identity according to The Declaration, thus includes three important points: 1) consideration of the common heritage, interests, and special commitment of the 'nine' as well as the achievement of a degree of unity; 2) an assessment of the scope of the joint action of the 'nine' in international relations and the resulting responsibilities; and 3) consideration of the dynamic nature of unification of Europe. When we observe the document in question, European identity is constructed in a sense of foreign policy, rather than the internal prism and self-determination (Declaration, 1973: 48).

The first clearer attempt at self-determination is, of course, seen by transforming European community to European Union with the Treaty of Maastricht (1992). In particular, the Treaty signifies a shift in the European Union's policy direction, introducing novel modes of collaboration among its members and bolstering the Union through the implementation of shared political and economic objectives, including a unified currency. What then follows are "the Treaty of Rome (2004) and the Treaty of Lisbon (2007) where it is written that the EU is based on indivisible and general values of human dignity, freedom, equality, and solidarity and to rely on the principal democracy and the rule of law" (Pech, 2022: 110). Moreover, the symbols of the Union were enlisted in the Treaty of Rome – the flag, the anthem, the currency, and the motto. The latter precedes these two agreements and must not by no means be skipped. Official motto of the Union is – United in diversity (lat., *In varietate concordia*). It was adopted in May 2000 by European Parliament and it represents the embracement of the multiculturalism as a goal of EU. Still, in a way it disables forming of clear and common elements of identity that would represent the common European identity of all member states and citizens. After all, it is important to emphasize that development of European institutions such as European Parliament, European Council, European Commission, European Central Bank, etc. In this way, through the political system or the operation of institutions in one of several ways, an identity is practically has been created, from up-to-below.

5.2.2 Interpretative model

There are three concepts in the context of interpretative model: ethnocultural (ethnonationalist and Eurosceptic), civic (constitutional patriotism) and pluralistic concept (multiculturalism).

The ethno-cultural concept is based on Anthony Smith's placement of European identity among the simultaneous movements of ethno-national revival and global cultural aspirations. There is an assumption that the united Europe can come to the surface through the slow formation of common European memories, traditions, values, myths, and symbols. Civic concept or so-called constitutional patriotism, is represented by Jürgen Habermas. According to Habermas, the civic conception of the nation as a difference from ethnic reflects the real historical trajectory of European nation-states and the fact how is democratic citizenship established as an extract of legally mediated solidarity between foreigners (Vujadinović, 2011: 126). In this sense, "the

Constitution represented a catalytic point in the creation of Europe as a political community (...), helping to put in motion the construction of a European-wide civil society, a common public sphere, and shared public culture” (Katzenstein, 2010: 41). That way, Habermas believed, the citizens consciousness in the process of political integration was activated and their political identity was empowered.

The third, pluralistic, concept comes down to emphasizing the pluralistic nature of Europe political communities. It is represented by Rainer Bauböck. He claims how identities in modern democratic orders (such as the European Union) are shaped towards multiple overlaps and changes connecting different social groups and communities where differences in gender, political and ideological orientation, religious beliefs come to the fore, but also language, ethnic culture, and social class / layer. Furthermore, he states that when faced with such political orders, it is necessary to combine the traditional liberal equality regulations for all citizens with a sensitivity to collective identities. Such implied measures of the so-called. symbolic recognition of a minority or cultural community immigrants and the allocation of resources that would allow them to develop without subjecting themselves to coercion assimilation or by conducting segregation (Vujadinović, 2011: 126).

5.2.3 Subjective dimension

In terms of subjective dimension, Castiglione underpins Weber and his talk about the emotional foundations of communities created through common political struggle. That way the ties of memory are being formed, solidarity between people ensured, and European identity crystallized (Katzenstein, 2010: 49-50). That corresponds to what also Vujadinović had thoroughly explained. Subjective elements are manifested through feelings and belonging to Europe, or to the European Union.

The formation of loyalty and a sense of belonging among Europeans towards the European political community, can be achieved through the four directions: European constitutional patriotism, the European social model, European citizenship, and the European civil society. European constitutional patriotism entails fostering a sense of civic identification on a transnational European scale, in order to establish a feeling of belonging, loyalty, and care. The

European Union, as a community comprised of diverse states, serves as a union of nations that aims to promote economic prosperity and stabilize peace in Europe that is rooted in shared democratic principles and fundamental human rights, as envisioned from its inception (Vujadinović, 2011: 128).

According to Vujadinović, "Anthony Giddens believes that European constitutional patriotism is not a sufficient basis for the attractiveness of the European political community, and presents its ideas through a European social model that is based on investing in human resources, new technologies, improving family life, sexual equality, and protection of children's rights" (Vujadinović, 2011: 128). He also highlights how European citizenship, as outlined in the Maastricht Treaty, encompasses both its legal and political aspects. This includes the entitlement to participate in local elections anywhere in the European Union, the right to vote in European Parliament elections, and the privileges of freedom of movement, consular and diplomatic protection, among others. In addition to the mentioned legal and political dimensions, European citizenship also has its cultural and social dimensions, and as such refers to the issue of participation in political, but also activist actions of civil society (Vujadinović, 2011: 129).

5.3 European political identity

Regarding the matter of European identity – the identification with Europe and identification with the European Union are often confused. Firstly, European identity is a broader concept than the identity of the European Union, because it also includes nations that are not part of the European Union, so it is possible for an individual to feel like a European, but not to feel connected to the European Union. Within this thesis, European identity is regarded in the sense of political allegiance to EU, that is, the European political identity.

At the very beginning of its construction, the European Union was conceived primarily as an international organization that was supposed to ensure peace after the Second World War and was based on the economic and trade cooperation of the member states. At that time, the idea of a common European identity was not considered. Only in the seventies of the twentieth century did the question of European identity appear among European politicians. The Declaration

Concerning European Identity, accepted in 1973, emphasizes the rule of law, respect for human rights and the common market as the basic characteristics of Europe (Božić-Vrbančić, 2008:10).

In those years, the prevailing view was that the European integration processes would legitimize the methods and instruments that should harmonize the different policies of the nation states. However, the problem of lack of European identity is becoming a 'hot topic' of discussion in European circles, and there is a fear that this fact could undermine the progress of a single European market. It was seen that the construction of cultural and political identity cannot rest only on economic integration, but should also lead to connections on wider social levels as well, through the spill-over effect.

Čepo states that "the European Union, faced with such problems, realized that for its survival and stronger integration, the consent of the citizens is needed, and it embarked on *ad hoc* construction of the common identity" (2010: 73). Several measures are being introduced that should bring the idea of integration closer to the citizens, and thereby legitimize it in their eyes. These measures include enhancing the communication strategy to showcase the benefits of the integration project, implementing exchange programs across various levels of education and the scientific process, and even considering the concept of European citizenship as an enhancement to national citizenships within member states. This concept would not only strengthen the sense of belonging to a shared political and social system but also foster it (Čepo, 2010: 73).

Through the idea of using common symbols such as the EU co-flag, the European anthem and the Euro, there was an effort to build a European political identity. This reveals a great focus on symbols intended to strengthen the bond between citizens and the EU. The Charter on European Identity was ratified during the European Union Congress held in Germany. According to this charter, the core ideas of modern democracy, such as the rule of law and civil society, were developed over more than two thousand years in antiquity and Christianity, the origins of the European Union. It implies that the 'European spirit' does exist, albeit hidden beneath a variety of institutionalized economic, administrative, and other frameworks. The European Union should be made more accessible to its citizens, according to the charter. This charter mentions already well-known slogans about freedom, equality, human dignity, equality, the rule of law and the peaceful resolution of disputes.

These core tenets of liberal democracy are not unique to the European Union and can be found in various regions globally. This implies that they may not inherently define the political or cultural distinctiveness of the European Union. It's clear that if Europe possessed distinctive and exclusive principles, it would manifest a unique identity. In 2003, the European Convention convened to draft the Treaty on the Constitution for Europe. The basic features of European cultural and political identity are not directly stated in that contract either. "The preamble once again mentions the cultural, religious, and humanist heritage of Europe, from which the general values of inviolable and inalienable human rights, freedom, democracy, equality, and the rule of law have developed" (Pech, 2022: 110-112). The hope is expressed that the citizens of Europe are determined to overcome their former divisions and shape their common destiny in a closer alliance.

5.4 National and post-national identity

The European Union can be characterized as a community with many faces. Various theoretical conceptualizations of the European Union and doubts about its nature are interwoven in the literature. The European Union is developing a supranational political system created peacefully, by consensus of member states and their peoples (Lončar Mrkoci, 2008: 140). The European Union does not aspire to be formed according to the model of a nation state, or as a federal superstate, but rather as a political community unique in the world, where member states transfer part of their powers to areas under the jurisdiction of the EU institutions. The Maastricht Treaty established political union of the member states and their citizens. Until then, the European Community had a purely economic character, and now it aims to become a union that it is ever closer to its citizens and becomes an important international political actor.

European integration resulted in a product that contains elements of an international organization, federation, confederation, economic and military-security alliance. Such a model of a community appears for the first time in history and makes it a unique creation in many areas. The motto of the European Union is *United in diversity*, and the Preamble of the proposed Constitution of the European Union states that Europe is shaped as a "unity of diversity". This motto signifies the unification of Europeans in a community based on peace, prosperity, and progress, which is made up of many different traditions, cultures, and languages. Based on it, it

can be concluded that the identity of the European Union should be built from the sum of the identities of all member states. All members of individual European nations establish a supranational political identity based on respect for common norms and values, while at the same time, individuals or groups may belong to different identities. On this basis, local, regional, national, and finally supranational identities are formed.

According to the theory of cosmopolitan integration, diversity is not a problem but a solution. "The process of Europeanization should mean the recognition of differences on the one hand, and the integration of different modalities on the other hand. For a creation such as the European Union, it is vitally important to actively deal with a multitude of cultures, traditions, and interests in the intertwining of national societies" (Beck 2006: 134). Cerutti argues that because of the Union's fundamental richness in diversity, the gradual process of integration (rather than unification), and the sheer size of the EU as a political entity, its institutional framework differs significantly from the centralized modernity seen in even federal states alone (Cerutti 2003: 110). Decision-making is carried out at several levels, and is connected by negotiations and competition, and is not subject to a vertical chain of command.

In that sense, Euro-integration does not cancel national peculiarities; on the contrary, they are recognized and thus form a European identity. In the present era, maintaining national sovereignty requires more than just operating within the boundaries of the nation-state; it necessitates systematic collaboration among states within international economic and political organizations. National governments struggle in a national framework with apparently national problems and try to solve them with national actions, but they fail (Beck 2006: 132). It might be better to look for solutions in European or global integration, where national interests can be better realized. The European Union is such a community that, by forming a single European market, has institutionalized cooperation between states, in which these states can collectively develop their political and economic power.

This chapter points to the problems that the European Union faces when building a European identity. The biggest problem is the lack of identity which further causes the democratic deficit, since identity and the legitimacy of institutions are interconnected. Moreover, chapter illustrates that political identity should be distinguished from cultural identity, as there are shared elements across all Union member states. These common elements include values such as freedom,

equality, and solidarity, which have their roots in ancient and Christian culture, and in the 21st century, they are built upon the principles of liberal democracy and the rule of law. Cultural identity is "easier" to develop in a nation-state and according to Cerutti, it is not necessary for the development of European political identity. This type of identity develops from civil society and active citizenship. The new supranational identity can gain power only when citizens see that some decisions, which affect their lives, are now made in Brussels by political leaders who represent them in a democratically responsible manner (Cerutti 2003: 113).

Supranational identity can also gain power when citizens of different member states start to discuss same issues at the same time. It is possible that one *feels* like Europeans do in some issues of general importance, and that one remains Croatian, French, or Flemish, when it comes to national or regional issues.

6. CONCLUSION

The European Union (EU) is a political community that consists of 27 European countries and manages a common economic, social and security policy. Originally limited to Western Europe, the EU undertook a strong expansion into Central and Eastern Europe at the beginning of the 21st century. The EU was created by the Maastricht Treaty which entered into force on 1 November 1993. The Treaty was designed to improve European political and economic integration by creating a single currency (the Euro), a single foreign and security policy and common citizenship rights, and by improving cooperation in the areas of immigration, asylum, and judicial affairs.

In a certain way, the European Union is a project that is realized, changed, and adapted over decades. The Union is affected by a whole series of social, political, historical, and national factors, and the influence of technology and globalization should also not be forgotten. The Union wants to achieve harmony among its member states, although this cohesion comes at a price, both for the Union and for the states. Legality and constitutionality are always hot points for every country, regardless of whether it is a member or a potential candidate that will be part of the Union in some indefinite future. It is a fact that citizens identify the Constitution with national identity, with their own country, history, and culture. Becoming part of the Union implies that the state renounces its own autonomy and individuality to a certain extent because it becomes part of the collective. Being part of a team means not thinking about yourself, and although this "European team" can provide countries with a lot, citizens are always sceptical about joining the Union.

It must be remembered that European nations have a history that has been recorded for many years. It is about a whole series of conflicts, reconciliations, intricate relationships that last for centuries. Joining the EU implies burying certain 'hatchets of war' to accept the thought 'we are all in the same boat, together'. It is understandable that certain nations will find it difficult to accept this attitude because they feel that they are rejecting a part of their national identity.

The EU is developing into a supranational state in which members have a certain autonomy, but must act in accordance with the community regulations. By this alone, it is expected that their identity will be directed more towards "European" trend. The EU has therefore developed the concept of specific legal terminology and regulations that bind members to certain standards. This results in the formation of a European public sphere within which the political identity of citizens and member states is created. Simply put, fertile ground is being created for citizens of various nations to create their identity on a much higher level than the national one. Political identity is often equated with national identity, and then with the individual identity, and it can be said that in recent years the citizens of Europe have begun to truly share that 'European' identity on a larger, cohesive level. Younger generations have a different, more positive attitude towards the EU, and education and information have also helped to create a better attitude towards the formation of a unique, European identity of the EU.

LITERATURE

Beck, U., & Grande, E. (2006). *KOZMOPOLITSKA EUROPA. Društvo i politika u drugoj moderni*. Zagreb: Školska knjiga.

Božić-Vrbančić, S. (2008/2009) Teorije diskursa i pitanje europskog identiteta. *Etnološka tribina*, pp. 9-38.

Cerutti, F. (2006): *Identitet i politika*. Zagreb: Politička kultura.

Checkel, J. T.; Katzenstein, P. J. (2009): *EUROPEAN IDENTITY*. London: Cambridge University Press.

Čepo, D. (2010): Od nacionalnoga k supranacionalnom: europski identitet i Europska unija. *Hrvatski nacionalni identitet u globalizirajućem svijetu*, pp. 67-79.

Fearon, J. (1999): *What is identity (as we now use the word)?* California: Stanford University.

Hamulak, O.; Stehlik, V. (2013): *European Union constitutional law: revealing the complex constitutional system of the European Union*. Olomouc, Palacký University Olomouc.

Höjelijd, S. (2001): *European Integration and The Idea of European Identity. Obstacles and Possibilities*. ECPR Joint Sessions Grenoble, workshop: p. 19.

Kovačević, B. (2013): *Tko je čuvar ustava u Europskoj Uniji?* *Politička misao*, 50, pp. 7-32.

Lončar –Mrkoci, B. (2008). *Je li moguć europski politički narod?* *Politička misao*, pp. 139-158.

Pech, Laurent (2022): The Rule of Law as a Well-Established and Well-Defined Principle of EU Law. *Hague Journal on the Rule of Law*, 14, pp. 107–138.

Petković, K. (2007): Neke dvojbe u vezi s manihejskim mitom: je li europski politički identitet moguć? *Društvena istraživanja*, pp. 805-827.

Risse, T. (2010): A Community of Europeans? Transnational Identities and Public Spheres. New York: Cornell University Press.

Stavrakakis, Y. (2005): Strasti identifikacije: diskurs, užitek i europski identitet. *Politička misao*, pp. 89-115.

Vujadinović, D. (2011): On European Identity. *SYNTHESIS PHILOSOPHICA*, pp. 117-132.

INTERNET SOURCES

- 1) Declaration on European Identity (1973) https://aei.pitt.edu/4545/1/epc_identity_doc.pdf accessed on June 15, 2023.
- 2) Faraguna, P.; Drinóczi, T. (2022): Constitutional Identity in and on EU Terms. 21 February 2022, verfassungsblog.de <https://verfassungsblog.de/constitutional-identity-in-and-on-eu-terms/>; accessed on July 1, 2023.