HUMAN AFFAIRS 27, 3–14, 2017 DOI: 10.1515/humaff-2017-0001

SHOULD A EUROPEAN PROJECT BE UNIVERSALISTIC? THE CASE OF JÜRGEN HABERMAS' CONCEPTION OF EUROPEAN IDENTITY[1]

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Abstract: The emergence of the European Union as an autonomous actor, to some degree independent of its member states, raises the issue of a common European identity. Nowadays, this identity is predominantly understood in universalistic terms. This is evident in Jürgen Habermas' constitutional patriotism, which represents an attempt to integrate the EU on the basis of universal legal-political norms. This universalism is, however, problematic because identity is a relational notion and requires the constitution of a particular boundary. Although Habermas admits the necessity of drawing a distinction between the inside and the outside, his universalistic approach, which ignores cultural aspects, prevents the marking out of a substantive boundary. By contrast, the article asserts the view that European identity can be delineated only in virtue of its being distinct from some concrete out-groups and that, in addition to the normative dimension, redefined as particular, such an identity must also include a value one.

Key words: European identity; constitutional patriotism; Jürgen Habermas; universalism; boundary.

The issue of European identity is closely related to what Richard Bellamy and Dario Castiglione called the "normative turn" in EU studies (Bellamy & Castiglione, 2003). For a long time research on European integration was dominated by empirical approaches that ignored the normative dimension of the European integration process and the European Union's status as an autonomous actor. Neo-functionalism and liberal intergovernmentalism explain the integration process in terms of a "spillover" mechanism or pressure from domestic interest groups and have considered the normative dimension to be something external. Normativity has been reduced to the elementary values of peace and prosperity, and the effective provision of these was to generate acceptance of European integration by national societies (Bellamy & Castiglione, 2003, pp. 15-20).

Yet, it is obvious that the more the EU emerges as an autonomous actor, it becomes increasingly problematic to reduce European integration to a primarily economic process which can do without normative aspects. Institutions such as the European Parliament, the

[1] The article was supported by Charles University, project GA UK No. 400216 ("The Identity and the State in European Integration: Toward Jürgen Habermas' Constitution of Europe").

European Commission, and the European Court of Justice have their own dynamics and are becoming increasingly independent of the member states. Distinguishing and further enhancing the transnational element raises questions in relation to the scope, spheres, and, in particular, the social embeddedness of European politics. At the European level, a new political entity that transcends the current particularities of European *nation* states is being constituted. Not only can this new whole not be rejected, it has to be affirmed. And this cannot be achieved simply by enumerating the beneficial functions the transnational political entity should fulfil but requires the determination of its content. This content, which goes above and beyond particular national contents, enables participants in the new political entity to modify their interests, and make sense of who they are and of what holds them together. Thus, the emergence of a new political whole needs to be accompanied by the emergence of a new social whole. This introduces the issue of a collective identity that generates a sense of belonging, solidarity, and trust.

Within Europe the difficulties regarding identity constitution are obvious. Not only, due to the great degree of cultural diversity, is there no common cultural basis but a prospective European identity also collides with already constituted—and politically relevant—national identities. In comparison to the United States, which is sometimes taken as a model for the EU, the contemporary European Union is not merely a multicultural entity but also a multinational one. It is no wonder then that the way out of this intricacy is found in basing integration on shared political values, or—to be more precise—political norms. This approach, addressing *political* integration, seeks to avoid the cultural aspects, which are, by contrast, understood as pre-political and rather given.

At the theoretical level, this approach is best represented by constitutional patriotism, which endeavors to constitute a non-national, non-ethnic form of civic attachment. In this line of thought, the constitution gains a symbolic role. Instead of being the mere endorsement of an existing political community, based on a pre-existing *demos*, it is regarded as the agent of its self-constitution (integration). Although the idea of constitutional patriotism, which emerged in post-war Germany, initially simply expressed a vision of loyalty to the rule of law, it was revived, remarkably, in the 1990s by the German philosopher Jürgen Habermas as part of his broader conception of post-traditional identity.

Habermas' conception will be examined because it can be seen as a paradigmatic case. Habermas presents a comprehensive vision of the EU, situated within an extensive international order project. Moreover, he develops a line of thought that has asserted itself in practice. The identity discourse of EU elites promotes the Copenhagen criteria of the rule of law, democracy, and human rights.

Many aspects of Habermas' conception will, however, be ignored in this article as they are irrelevant to our purposes. We need not concern ourselves with his theory of the democratic liberal state, the cosmopolitan role of the EU, or its political form. Although Habermas engages with two typical problems of European integration—the reconfiguration of collective identity and of statehood—this article will be confined to the former. The aim is solely to point out some problematic aspects of Habermas' conception of European identity, which are supposed to have more general validity.

Two questions come to the fore: how can a European identity emerge (or differentiate itself) and what could its content be. Habermas links collective identity to (democratic)

legitimacy. The ultimate goal of European integration consists in the idea of civilizing state power by means of *democratic* juridification, shaping both European identity and the political form of the EU. However, although collective identity and legitimacy are related and although legitimacy is a frequent topic of discussions on European identity, it constitutes an independent theme. Hence, it will not be discussed here. What will, by contrast, concern us is the question of universalism—more precisely European universalism. The aim of this article is to show that there are good reasons for the view that if European identity is to be further enhanced, it must be conceived of as particular. For identity is a relational notion and its constitution is conditioned by drawing a concrete boundary. Therefore, I will first introduce a boundary-based conception of collective identity, together with the issue of collective identity in Europe. Then, I will present Habermas' version of constitutional patriotism, foregrounding the aspect of the universal. And, finally, I will articulate some remarks, to be taken as suggestive rather than conclusive, mainly concerning the logic of the emerging European identity but also concerning its content.

Although I deal with the European Union, I will sometimes speak about "Europe" instead of "the EU" and use the phrase "European identity." It is clear that the EU is the political organization that may claim to represent Europe. Moreover, this nomenclature corresponds to the scientific discourse in which "EU identity" and "European identity" overlap.

Collective identity as a boundary

In this article, a social constructivist perspective is taken. Collective identity is not regarded as natural or pre-social but as socially constructed, and serves as a meaning structure, an interpretive frame. However, this view can be misunderstood. Collective identity does not automatically spring from some ethnic matter but is created by an active process of identity formation which also involves manipulating cultural symbols. Hence, we need not wait until a culturally unified entity gradually arises out of a long-term ethnogenesis. But this is not to create the impression that identity is easily shaped and changed. On the contrary, it can be stable and strongly naturalized (Cederman, 2001, pp. 10, 15; Risse, 2010, pp. 20-21).

The most salient question then is obviously the logic of identity construction, which does not seem to be particularly intricate: collective identity is produced by the social construction of *boundaries* (Eisenstadt & Giesen, 1995, p. 74). That is to say, identity is relational and cannot exist without creating boundaries. Since this involves drawing distinctions between what constitutes the inside and the outside, collective identity is internally bound up with the definition of an in-group and an out-group, the latter playing the role of the in-group's "Other." At the general level, the distinction between what is included and what is excluded requires a symbolic code, consisting of a positive and negative value. We can distinguish, for instance, between the in-group of Europeans and the out-group of *non*-Europeans. Conceptually, both values take a symmetric position and are not loaded with an evaluative tinge. This means that both sides can also remain in the symmetric position semantically. The outside need not acquire any negative characteristics but can be regarded as simply different. Thus semantics is the tool that concretizes both values, filling them with a particular content, which is sometimes seen as necessarily specific. This concretization imbues the in-group with unifying feature(s) making all its items equal and the group itself more or less homogenous.

Moreover, there is a significant relation between a boundary and "entitativity" (see Risse, 2010, pp. 23, 26). Collective identity constitutes a community that is rather abstract at some level. These abstract, imagined communities, for example modern nations, have to be materialized in people's minds. In this way, they gain a psychological existence, their "reality" or "entitativity," which enables people to identify with them. The clearer a boundary is, the stronger the "entitativity," and therefore also the psychological existence and the degree of identification in people's self-understanding that a community brings. From this it follows that imagined communities require clear boundaries which cannot constantly shift as European ones do (Risse, 2010, pp. 56-57, 61).

There is empirical evidence that in recent years the national identities of many European countries have been Europeanized. Thus, Europe and the European Union can no longer be regarded as "empty signifiers" or poorly defined identity categories; on the contrary, they have become a part of the national self-understanding of people or their secondary identity (Risse, 2010, p. 85). Nevertheless, the constitution of a European identity demands more than this. A fully-fledged European identity obtains primacy, which shows itself in moments of conflict especially. In self-conceptions such as "the European of French origin" (Müller, 2007, p. 121), national identity is trumped by the European one.

There is of course the much-discussed question of whether we are to consider European identity on the basis of a national model at all. If we answer positively, we must take into account the high degree of diversity. Europe lacks the standard features of national identities such as a common language and a shared history and tradition. In this context, it is hard to draw a clear European distinction. Yet, perhaps a European community does not demand "tangible homogeneity," which is moreover not the same as "a certain threshold of mutual affinity" (Howe, 1995, pp. 28, 35). According to some authors, a possible solution resides in employing the North-American model of nation-building as a community oriented toward the future, which is supposed to be adequate when there is an absence of shared myths, symbols, memory, history, and cultural heritage. This model of "a common purpose and destiny" could also be used to re-construct the past (Howe, 1995, pp. 32-33; Kostakopoulou, 1997, pp. 302-303).

This means that European integration must be modeled as a project, oriented toward a *telos*. In much the same way the American project includes the role of the USA in the world, so too must the European one embrace this sort of finality. The concept of finality, which generates a boundary and closure, is poly-semantic. According to Neil Walker (2007, p. 5), it includes the settlement of a polity's territorial boundaries, its institutional architecture, the self-identification of its citizens, the coherence of a legal framework, and also the idea of having a constitutional document to codify them. However, the core sense of finality lies in the "finalité politique," i.e., in the finality of political purpose(s) or goal(s).

Habermas' version of constitutional patriotism

This form of finality is the decisive one in Habermas' reflections on European integration. The European Union is not seen only from the inside but also from the external perspective of its role in a cosmopolitan framework. Both these dimensions create two interconnected narratives. At the regional level, certain innovations, seminal to political arrangements

in other regions and for the global level of a "politically constituted world society," are gaining ground. In short, both narratives are about civilizing state power via democratic juridification, which concerns collective identity as well as state sovereignty.

In the realm of collective identity, democratic juridification embraces a certain process of identity making, grounded in Habermas' theory of collective action. This aspect, however, will be passed over since it is not relevant here, in contrast to the salient motive of the boundary.

Habermas presents a particular version of constitutional patriotism. In general, constitutional patriotism posits universal moral norms, embodied in constitutional essentials, as the ultimate source of identification and loyalty. This conception draws a distinction between the pre-political and civic (or political) conception of collective identity and seeks to constitute a political instead of an "ethnic" culture (Müller, 2007, pp. 58, 78). While the former is based on a common culture, i.e., shared history, civilization, traditions, values, and even ethnicity, the latter, also reflected in the above mentioned model of "common purpose and destiny," is restricted to political norms, rights, institutions, and rules.

Constitutional patriotism is universalistic, especially in Habermas' version. This entails some conceptual presuppositions. Habermas, partly in line with modernity, distinguishes between norms and values, it means between particularistic ethics and universal morality. Only norms, not values, which remain subjective and restricted to particular life-worlds, can be justified and taken as rational and intersubjective, can ground a consensus, and integrate us.

Habermas' distinction between the universal and the particular, drawn very strictly, manifests itself in his vision of national identity. Habermas distinguishes between the 18th century notion of a civic nation, emerging from the political act of introducing a constitution, and the 19th century conception of the nation defined in naturalistic or cultural terms. Since he shares the republican mind-set, the politically constituted nation arises from public participation. Although the historical role of the pre-political constitution of a nation is acknowledged, it is seen as supportive, contingent, and conceptually unnecessary. A nation is primarily a legally constituted entity, a nation of citizens; for this reason the stabilization of *demos* does not require its entrenchment in *ethnos*. Since citizenship is supposed to be based on universal principles and the democratic constitutional state (i.e., contemporary liberal democracies) is endowed with universalistic self-understanding, this kind of state is compatible only with the broadly inclusive, non-naturalistic conception of a nation (Habermas, 1998, p. 115).

It is obvious that this stance is at odds with the substantive conception of a boundary. In a modern, functionally differentiated society which has subverted the notion of the natural, all boundaries are contingent (i.e., unnecessary). Yet, this does not mean that they are semantically empty, arbitrary, and cannot be justified in normative terms as Habermas thinks:

> There is a conceptual gap in the legal construction of the constitutional state, a gap that is tempting to fill with a naturalistic conception of the people. One cannot explain in purely normative terms how the universe of those who come together to regulate their common life by means of positive law should be composed. From a normative point of view, the social boundaries of an association of free and equal consociates under law are perfectly contingent.

> […] in the real world, who gains the power to define the boundaries of a political community is settled by historical chance and the actual course of events—normally, by the arbitrary outcomes of wars or civil wars (Habermas, 1998, pp. 115-116).

It becomes clear that universalism prevents us from drawing a boundary which is rich in content. Boundaries become open and porous and merely constitute weak social closure.

However, this does not mean that Habermas has never admitted that a boundary is necessary. An example can be found in his considerations on cosmopolitanism. Since the form of world organization proposed by Habermas is fully inclusive, it allegedly lacks a structural basis for legitimacy, founded on a distinction between the inside and the outside. According to Habermas, if a political community wants to understand itself as a democracy, it has to at least distinguish between members and non-members (Habermas, 2001, p. 107). Democracy needs an ethical-political self-understanding which is contained in a particular collective identity. Even though a democratic community stands on universalistic principles, it forms a collective identity—this means, it interprets and realizes these principles in the context of its *own* history and particular form of life (ibid.).

Needless to say, by affirming the particular, or rather by configuring the universal and the particular in a certain way, Habermas is attempting to deal with the question of whether his *universalistic* conception is able to engender an attachment to a particular polity and ground a distinctive collective identity (Müller, 2007, p. 32). Simply put, abstract universalistic principles need to be concretized.

It is not surprising that Habermas employs history for this purpose. First, history is the proven tool for constituting collective identity; second, in post-war Europe, the language of history, speaking about negative lessons from the past, has spread. The "Other" can be constructed abstractly, as the group's own past, and this holds especially true for Europe, which demarcates itself against its past nationalism, militarism, xenophobia, and racism (cf. Risse, 2010, p. 61). It is on the basis of this "negative contrast" that free-floating particles seem to have become loosened from different national histories and are coalescing into a thin, transnational European memory (Müller, 2007, pp. 10-11, 105, 108).

In Habermas' view, particular national histories ground abstract universalistic principles and together with them replace the outmoded and harmful bond of nationalism (cf. Habermas, 1998, pp. 117-118). Furthermore, there is shared historical experience which creates traumatic memory. Although the logic of the "negative contrast" is explicitly applied in connection with cosmopolitan consciousness, in fact it is also employed at the European level. Habermas maintains that cosmopolitan consciousness could be made more concrete by means of its delineation through the temporal dimension: a stylization of the resistance of the present to the past of the nation-state (Habermas, 2001, p. 184).

According to Habermas, Europe is formed by specific historical experience, namely the experience of conflict, which endows it with the ability to live with long-term stabilized conflicts and to take a reflexive attitude to tradition. This idea is also utilized in a proceduralist understanding of European identity, in which it is constituted more by certain learning processes than by their results (Habermas, 1998, p. 152; Habermas, 2006, pp. 104-105; Habermas, 2008, p. 44). Nevertheless, Habermas cannot entirely avoid the difficult question of which content is constitutive for Europe.

Even though determining European distinctiveness is difficult due to the globalization of Europe's cultural achievements, such as human rights, democracy, and secularism, Habermas struggles to delineate a common political mentality or profile, underpinned by shared historical experiences and traditions. This mentality embraces a specific sort of pluralism based on the recognition of differences; secularism; confidence in the welfare state, or, more generally, in the steering capacities of the state (and skepticism about the market); a sense for the "dialectic of enlightenment," i.e., paradoxes of progress; multilateralism and juridification in international relations; and the low tolerance of violence against people (as is manifested in the rejection of capital punishment) (Habermas, 2008, pp. 44-48). However, these attributes seem to be attributable, at least to some extent, to the social modernization that Habermas regards as universal. Moreover, it is "egalitarian and individualistic universalism" that is determinative for Europe (Habermas, 2006, p. 105). But which distinction can the universal establish? Habermas expresses the logic of European universalists, who see Europe as an exclusive continent of human rights. In this logic, the *specificity* of Europe consists in the fact that its perspective is even *more universalistic* than others, typically the American one. In short, the distinction paradoxically lies in the intensification of the universal.

In line with the official discourse, Habermas sees human rights, based on the concept of human dignity, as the core of European identity. In the post-war period, the moral concept of human dignity has been developed into a legal one. Not only does this concept serve as a shortcut justifying the expansion of human rights through further declarations, treaties, and court decisions, but it also operates as a code word for universalistic morality, which endows human rights with strong affective potential. In this way, constitutional patriotism is supposed to be extended beyond criticized one-sided rationality, which makes identification a cognitive matter (cf. Müller, 2007, p. 62).

Some remarks on constituting European identity

We have seen that Habermas' conception of European identity fits with what Jan-Werner Müller (2007, p. 113) has called the moralization and memorialization of European politics. The question then is to what degree a vital and active political entity can emerge from such thinking. Negativity is not contained only in the negative contrast to the past but also in the permanent criticism and removal of "illegitimate" forms of particularism (cf. Müller, 2007, pp. 76-77).

In part, Habermas' conception is a reaction to the high degree of cultural diversity in Europe. The problem is simple: people of different origins, cultural backgrounds, and languages live side by side. But there is no reason to take culture as a given. Craig Calhoun criticizes the common conception of peoplehood because it is based on external identity and/or interests, and instead of setting up projects it operates with passive preconditions. Habermas' thinking, he argues, is caught in the binary opposition between the cultural and the political. He regards peoplehood as a pre-constituted, passive cultural similarity. Calhoun, by contrast, does not understand culture only as mere inheritance but also as a result of voluntary activity and social imagination. He rejects the notion that the cultural conditions of public life, including identity, are established prior to public discourse instead of *through* it (Calhoun, 2005, pp. 263-265).

In Habermas' conception, Europe is reduced to a moral community. European identity is constituted by moral-legal norms, materialized in corresponding political and legal institutions. But if European identity is to be viable, it should be understood as poly-dimensional, not restricted only to the normative-institutional component. There is also a formable value component, comprising goals, traditions, and worldviews. Since this component is, by definition, particular, it provides contents from which constituting a boundary can draw. However, if identity is based on the boundary, the normative dimension can contribute to its creation only on condition that it is also understood as particular. Two questions then come to the fore. The first one concerns the possible content of the value dimension of European identity, while the second one relates to the "particularization" of its normative dimension, i.e., human rights and human dignity.

Multiple readings of European history show that the content of European identity cannot be determined statically. We cannot simply look into European history and deduce that content from its course. The main defect in Habermas', or rather the universalistic approach, lies in its inability to provide a substantive notion of a boundary. In connecting European identity with traumatic memory, Habermas is very careful not to conceive it as oppositional, as the instrument of confrontation with other civilizational, cultural, and territorial units. Instead, Europe should abstractly confront its own past, i.e. itself. But thinking about the content of European identity makes sense only in virtue of its distinction from, or even in opposition to, such concrete units. Simply put, European identity must be thought of relationally, and it emerges from *drawing* a boundary.

The boundary of Europe

The relational notion of European identity, i.e., that it is determined on the basis of a boundary, raises the issue of antagonism and of the character of Europe's "Other." As has already been stated, the relation between the inside and the outside—that is, between "Europe" and its external "Other"—need not be confrontational or conflicting. The boundary can remain a mere distinction or, on the contrary, be intensified into an opposition, even enmity. But in any case, all boundaries separate two sides—positive and negative.

Moreover, according to some authors, it is antagonism that is crucial for the emergence of social collectivity. The post-Marxist theoretician Ernesto Laclau (2007) considers social collectivity to be conditioned by antagonism, enmity, and threat, which delimit a blocking boundary. The logic is simple: in confrontation with an enemy, whose presence causes integrative pressure, groups that have previously been separated come together, becoming conscious of their equivalence. This equivalence is defined and fixed by shared meaning, which is not predetermined but conferred by the most viable and assertive social force.

Although Laclau's thinking was developed in relation to social movements and cannot be generalized, in some cases, such as that of Europe, it seems to be fit. For national identities appear to be rather sticky and when they are moreover multiple, some conflict is needed.

Nowadays, of Europe's several "Others," Islam, sometimes seen as its ultimate "Other," has come to the fore. But its current perception as an identitarian threat is not new. As early as 1991, Barry Buzan (1991, p. 449) spoke about a "societal Cold War" with Islam which would serve to strengthen European identity. Islam, which is tangible thanks to the territorial

proximity of Muslim countries, diasporas in European countries, and the issue of Turkish EU membership, functions as a tool for constructing Europe as a certain cultural system, linked to a strictly delimited geography and also to a particular history (Aydin-Düzgit, 2012, p. 131). Since there are past points of conflict with Islam, they can be retrospectively reconstructed into a common European history.

At first sight, the constitutive features mentioned in opposition to Islam correspond to the normative dimension of collective identity. Unlike Christianity, Islam is against democracy, the rule of law, and human rights. However, there are also other characteristics, such as secularism and individualism. In general, the value dimension begins where a way of life can be distinguished. Although these characteristics appear to be too general, they can be broken down into many concrete aspects which indicate a certain view of how society should be ordered and what form everyday life should take. Secularism does not mean the mere separation of church and state but also cultural secularism that influences sexual behavior, the social position of sexual minorities and women, gender roles, the distinction between male and female, the treatment of children, family life, etc. Likewise, individualism has its specific, although not indisputable content, such as self-realization, self-determination, inwardness, the affirmation of individual performances, and individual competition, which are alien to Islamic societies. However, these features merely create a substance out of which the consciousness of common identity can only be forged in particular struggles. To answer the question of what the content of European identity could be is difficult because it is rather contextual. What is decisive is a certain logic. This logic moreover enables us to drop the question of specificity. We need not ask what is specific to Europe as such; we can simply settle for a distinction between Europe and some of its concrete "Others."

According to the German political and law theoretician Carl Schmitt (2008, p. 262), various elements contribute to a "politically distinctive consciousness," such as a common language, a common historical destiny, common traditions and remembrances, and common political goals and hopes. In addition to the historical aspect, stress is put on the political dimension, which trumps ethnic givens, such as a common language. Simply put, a political community needs a project. In the case of the EU, it could be called the *telos* of European integration. Habermas maintains that this *telos* resides in democratic juridification, i.e., in the harnessing of state power by universal rights formed in democratic participation. This means that the *telos* consists in norms. The EU should spread its social-political model and serve as a paragon in world constitutionalization. This corresponds to the EU's endeavors to present itself as a "normative power," which promotes universal human rights and democracy, and to pursue a "moral" instead of a traditional power politics (cf. Hyde-Price, 2008). But what is the real situation of the EU?

The EU and the whole of the West will have to cope with the rise of formerly peripheral regions and civilizations, such as China, India, etc., whose economic and political power is growing. In this new context, European, or rather western culture, is losing its role as the center. Instead of being the monopoly setter of obligatory social-political standards, Europe, in particular, will have to stand the competition between different social-political systems. Moreover, although the EU poses as a normative power, it is politically passive and impotent. On the other hand, the EU, due to its heterogeneity, must be modelled as a project. Thus, this means that the EU should not renounce the *telos* but only make its *telos*, and its role in the

world, more particular. Nowadays, the *telos* of the EU cannot consist in the inwardly oriented goal of keeping the peace. But it can consist in the goal of making the EU, now fragmented into a conglomerate of institutions and entities, a politically active *actor* capable of exerting influence and making a significant contribution to the maintenance of the world order. Naturally, such an actor cannot be obsessed with the "negative past." The negative truth is, however, that European power is declining. Precisely in light of this, the goal of being a political actor provides a perspective under which common European interests could be formed.

Yet, European identity also comprises a normative dimension, based on human rights and human dignity, that is defined as universal. These concepts should therefore be redefined. For this purpose, two notions—the political conception of human rights and the conservative interpretation of human dignity—will be explored, both of which were rejected by Habermas (2012).

The political conception of human rights is a strategy that responds to the inflation of human rights and to the inter- and intra-cultural controversy over their content and justification. This conception excludes thick morality, represented by the concept of human dignity. It does not provide a rich version of human rights but employs justificatory minimalism and minimalism about the content, which leads to a substantial reduction in the catalogue of human rights. This approach is called "political" because it deals with the justification underlining the political role of human rights. Human rights are clarified in terms of their *function* in international relations. These rights are primarily understood as international norms to protect people's fundamental interests or to secure the basic conditions for the membership of individuals in a political society. They provide restrictive standards for assessing states and the activities of governmental and non-governmental bodies, i.e., standards that restrict sovereignty and justify possible intervention (Baynes, 2009).

Although the political conception of human rights is aimed at the level of international relations, its functionalism is inspiring. Making human rights mere functions enables them to be emptied of their normative content; rights lose their universality and dynamics and are restricted to fulfilling some functions within a certain order. At the intrastate level, these functions could relate to protecting the structural differentiation of modern society. This differentiation is endangered by state power, requiring limits to be set on its intervention into different social subsystems (cf. Luhmann, 1974).

Likewise the concept of dignity need not engender universal claims. Since it also has a relevant conservative meaning, it does not serve only as a tool for individual autonomy and action but also as an instrument of restriction and obligation. The conservative reading of dignity is directed against the liberal principles of autonomy and consent, and its application leads to restrictions on sexual behavior, entertainment, and expression. Moreover, it is applied when justification through individual rights is insufficient (Hennette-Vauchez, 2011, pp. 36-40, 52).

The conservative concept of dignity refers to the ancient notion of *dignitas*. Like *dignitas*, conservative dignity has the function of justifying an obligation or restriction. Furthermore, this obligation has the specific structure of obligation toward oneself. And finally, this sort of dignity is inalienable ("non-renounceable"). Since dignity is not linked to the person but is external to him or her, it is not possible to renounce it but perfectly

possible to forfeit it. In addition to the fact that *dignitas* delimited the ontological status of man in the universe of other beings, it also served as a tool to protect social and professional status. Thus, the traditional concept of dignity is status-based: a human being has dignity because he or she belongs to a species or a social group. Since dignity reflects a distinction between humans and animals or things, it remains universal and indicates how humans should be treated. But it does not express the claim of a unique person. This means that it does not support the justification of the claims of strangers and the blurring of the boundary of the state.

Conclusion

European identity, necessary to embed the EU's politics and institutions, is predominantly understood in universalistic terms, both in theory and in practice. At the theoretical level, Habermas' constitutional patriotism represents the paradigmatic case. His conception reduces identity to the universalistic dimension of principles and norms and underscores the distinction between political and cultural paths of integration. Whereas political-legal norms can constitute a mutual bond transcending particular national attachments, cultural values are taken as given, particularistic, and exclusive. However, identity is a relational notion and requires the constitution of a particular boundary. Although Habermas acknowledges the necessity of distinction, his universalistic approach prevents the marking out of a substantial boundary. Since he wants to avoid identity being used as a tool of confrontation and exclusion, he can conceives of an out-group abstractly at most, as Europe's negative past. The possible content of European identity, its so-called common political mentality or profile, is then inferred from the negative historical experiences of European nations. Of course, its characteristics do not concern the way of life.

In contrast to this, I have asserted the thesis that, in addition to the normative dimension, a collective identity also has a value dimension. In line with the relational notion of identity, I have taken the stance that identity can be delineated only by means of a concrete distinction and, in Europe's case, even antagonistically. Today, this antagonism has come to the fore in relation to Islam, which profiles itself as a concrete enemy. Whereas the value dimension is "ex definitione" particular, the normative dimension has only to be redefined. This can be done through the political conception of human rights and the conservative interpretation of the notion of human dignity. The same holds for the *telos* of European integration, required by the EU's conception as a project. Habermas founds this *telos* on universal rights, but it should instead be understood as particular, and as oriented toward political action.

The EU represents an abstract, imagined community. If this community is to become concretized in the minds of Europeans, if it is to gain "entitativity," it needs a boundary—a stable boundary rich in content. In this article, I have tried to show that universalistic conceptions, such as that of Habermas, cannot meet this requirement.

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