

**From spirituality to governance?  
– Religion, identity and the European public sphere<sup>1</sup>**

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God as a historical reference, God as a lobbyist ... These two issues have been, unequally, key points in the European constitutional process during the Convention and the intergovernmental conference.

On the one hand, the argument has been to make a reference to the Christian heritage of Europe as a source of European civilization and identity in the preamble of the constitution, an option supported mainly by Poland, Italy and initially Spain leading a coalition of countries and political forces, and opposed by Belgium and France. On the other hand, the purpose has been to define the place of Churches in the deliberative and decision-making system of the European Union. The article 51 of the constitutional draft establishes a particular “open, transparent and regular dialog” with the Churches, distinct from the one with other non-governmental organizations, in the name of their “specific contribution to governance”. These specific status and role acknowledged to religious actors has raised a rather discrete but deep controversy, especially in Belgium and in the transnational associative networks.

Beyond the circumstantial and empirical interrogations provoked by these debates, the core question is the mode of legitimation developed by the European Union in the context of the constitutional project aiming at reinforcing its democratic bases. The dissensions about the Christian heritage emphasize the difficulty to build an identity discourse at the European level, taking into account the diversity of national histories and sensibilities, and despite the ever-present temptation to look for a common form of identification through memory and culture. The definition of the regime of religious interest representation in Brussels deals with the organization of the partnership with the civil society presented in the institutional discourse as the ground of the European “good governance”, and the structuration of a public sphere supposed to be the space of inspiration, control and justification of the political power. Thus, the analysis of the balance of the European Union between the identity discourse and the public space discourse may be a way to understand the political nature of the European entity, the dynamics at work and the potential new elements introduced by a European constitution<sup>2</sup>.

From a theoretical standpoint, a European constitution is seen to have arguable effects on political actors and resources (I). One hypothesis would be that the constitutional draft leads to a shift from a pluralist to a corporatist model of religious interest representation, but the expected changes are not likely to mark the emergence of a fully renewed “European public space” (II). In the same way, the debate about the Christian heritage of Europe does not bring any radical evolution in the search for a European founding narrative and the plausibility of a post-national memory (III).

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<sup>2</sup> The conclusions of the present research are bound to be temporary, considering the present state of the negotiations between member states on the constitutional draft and the necessity to see what could be the actual implementation of a constitutional text.

## I EUROPEAN CONSTITUTION, PUBLIC SPACE AND IDENTITY

A European constitution would be part of a more general institutionalization process<sup>3</sup> of the European political game. Institutionalization must here be understood in the double meaning given to the term by Lagroye and Lacroix<sup>4</sup>: on the one hand, *codification*, inscription in a legal order; on the other hand, *formalization*, stabilization of practices and discourses that structure the political game.

Concerning the codification, most analysts seem to consider that the European constitution would not represent a revolution in the legal order. There is presently no European constitutional model. But there has been an unquestionable trend towards homogenisation between the national models since the nineteenth century. The remaining national specificities may appear as secondary<sup>5</sup>. The European law takes place in the continuity of the liberal spirits of the national charters of rights: submission of the State to the law, development of the possibilities of individual recourses, and so on<sup>6</sup>. The consequences of a Constitution in terms of formalization would be therefore limited, and maybe not necessarily desirable if it leads to a comeback to the “constitutional fetishism” promoting the expression of an exclusive collective identity through the fundamental law<sup>7</sup>.

At the political level, a European constitution could create new rights for the citizens, but it would not create active citizens putting in practice these rights. If the European constitution is not ratified through a referendum following a unified procedure in all the member states, it will not mark the apparition of a true European political body. It would remain an act of hetero-determination, in the words of Landfield<sup>8</sup>.

The innovative consequences of a European constitution are therefore arguable speaking of codification, as far as the legal and democratic practices are concerned. In terms of formalization, at the level of the discourses and of the political resources, the same interrogations prevail. It is far from certain that the constitutional process may create the conditions for a stabilized political game or, in other terms, for the development of a European public space.

The hypothesis of Habermas<sup>9</sup> is that such a constitutional process is likely to reinforce Europe as a space of communication by the intensification of its internal interaction and by the strengthening of its external borders between those who take part in these interactions and the others. What is more, the constitutional process would allow the emergence of a European public sphere. This public sphere, or public space, would be the regulation and legitimation stanza of the political power. In this perspective, the political power is a neutral execution agent. The decisions are reached and their implementation controlled by the civil society in the public space. This public space is supposed to be *rational*: all the private interests confront each other in a free way and the “force of the better argument” must prevail. So the identity

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<sup>3</sup> Dehousse R., Surel Y. (dir.), *L'institutionnalisation de l'Europe*, Paris, L'Harmattan, 2004 ; Stone A., Sandholz A., Fligstein N. (eds), *The Institutionalization of Europe*, Oxford, Oxford UP, 2001 ; Cowles M. G., Caporaso J., Risse T. (eds), *Transforming Europe : Europeanization and Domestic Change*, Ithaca, Cornell University

<sup>4</sup> Lacroix B., Lagroye J., *Le Président de la République. Usages et genèse d'une institution*, Paris, FNSP, 1992.

<sup>5</sup> Lauvaux P., « Le modèle constitutionnel européen », in Magnette P. (dir.), *La constitution de l'Europe*, Bruxelles, Editions de l'Université de Bruxelles, 2002, pp. 21-29.

<sup>6</sup> Dehousse R., « Un nouveau constitutionnalisme ? » in Dehousse R. (dir.), *Une constitution pour l'Europe ?*, Paris, Presses de Sciences Po, 2002, pp. 19-38.

<sup>7</sup> Weiler J. H. H., « Fédéralisme et constitutionnalisme : le sonderweg de l'Europe », in Dehousse R., *op. cit.*, p. 151-176 ; Weiler J. H. H., *The Constitution of Europe*, Cambridge, Cambridge UP, 1999.

<sup>8</sup> Landfried C., « Le moment est-il venu d'élaborer une constitution européenne ? » in Dehousse R., *op. cit.*, pp. 69-78.

<sup>9</sup> Habermas J., *Why does Europe Need a Constitution ?*, Robert Schuman Centre for Advanced Studies, European University Institute, Florence, 2001.

and memory discourses are no more legitimate. The religious factor is confined in the private space. The public space is also supposed *universal* and *egalitarian*: all the actors have access in the same conditions and are able to express their claims in the same way. The public space is the arena the holders of the political authority have to enter to justify their actions. There is no more external source of legitimation, traditional or transcendental, and there is a shift from an era of “the discourse of power” to the “power of discourse” (Lefort) through a process of deliberation, roles and hierarchies having to be permanently reaffirmed by argumentation<sup>10</sup>. This model, as successful as it is in the scientific world, appears as an ideal one. The technocratization of the political decision and its submission to economical rules in the modern era, as well as the lacking sociological and cultural bases<sup>11</sup> for an active “public” mean that the notion of public sphere suffer deep criticisms on their supposed rational, equalitarian and universal dimensions<sup>12</sup>. The necessity of a “public good” embodied in institutions is acknowledged even by the supporters of the Habermas’ perspective of a procedural democracy<sup>13</sup>. However, it remains an (non-explicit or explicit) normative model underlying the European rhetoric of good governance in partnership with the civil society and a theoretical scheme promoted by very different schools of thoughts.

The debate about religions is a field to test empirically this model because it challenges every one of its assumptions. The pattern of religious interest representation at the European level and the kind of discourses developed give an insight of the structuration and the regulation of the European public space. The debate on the Christian heritage of Europe show to what extent the identity resource may or may not be mobilized

## II CHURCHES AS LOBBIES AND THE EUROPEAN PUBLIC SPACE

Since the beginning of the European integration, for both Churches and other interest groups, the interest representation scheme in Brussels<sup>14</sup> has been pluralist. According to the pluralist pattern, the Churches are not integrated in the decision-making system and there is no codified consultation procedure. Their function is simply expressive. They have specialised and personalised relationships with the European institutions. The accesses to the political systems are potentially diverse even if, actually, the main interlocutor of the Churches is the advisor of the Commission’s President in charge of the religious matters. Also according to the pluralist logic, religious interest groups are numerous in Brussels (more than one hundred fifty). However, they are not equal. The Catholic Church is by far the more powerful: she can use Vatican’s diplomatic channels; she is supported in the European Parliament by the Christian-democrat forces; she also can rely on various and proactive lobbies. The Protestants are well represented but less structured. The Orthodox are less numerous and dispersed. The Jewish and the Muslim communities are weakly involved in the European political game. The Humanisms, the last spiritual community referring to the Commission’s criteria, have little resources but are wilful.

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<sup>10</sup> Habermas J., *Après l’Etat-nation*, Paris, Fayard, 2000 ; Habermas J. M., « Citoyenneté et identité nationale. Réflexions sur l’avenir de l’Europe », in Lenoble J., Dewandre N. (dir.), *L’Europe au soir du siècle. Identité et démocratie*, Paris, Editions Esprit, 1992 ; Habermas J., *L’espace public*, Paris, Payot, (1962) 1978.

<sup>11</sup> Smith A., « L’"espace public européen" : une vue (trop) aérienne », *Critique Internationale*, n° 2, Hiver 1999

<sup>12</sup> Sintomer Y., *La démocratie impossible ? Politique et modernité chez Weber et Habermas*, Paris, La Découverte, 1999.

<sup>13</sup> Eriksen E.O., “Conceptualizing European Public Spheres– General, segmented and strong publics in the EU” in Schlesinger P., Fossum J.E. (eds.), *One EU – Many Publics ?*, London, Routledge, 2004.

<sup>14</sup> For a synthesis of the interest representation scheme at the European level, cf. Ayberk U., Schenker F-P., « Des lobbies européens entre pluralisme et clientélisme », *Revue Française de Science Politique*, n° 6, vol 48, décembre 1998.

Finally, always according to the pluralist scheme, all the registers of action are used by religious lobbies: direct contacts with decision-makers, networks in the political parties, organisation of media events, etc. But once again, Catholics are ahead in the mobilisation of all kinds of resources.

Thus, the religious interest representation model could be defined as an imperfect pluralist one, as an unequal and closed<sup>15</sup> pluralism.

The constitutional project suggests the hypothesis of a shift towards a corporatist model. The corporatist model is defined by the institutionalization of the relationships between political power and interest groups, the interest groups becoming co-actors of the decision. The Catholic Church has for long claimed a formal procedure of consultation, beyond the simple occasional deliberation. She seems to have been given satisfaction with the article 51 of the constitutional draft establishing a permanent and regular dialog with the Churches. Religious organizations would then obtain a place inside the European political-bureaucratic system.

This evolution would be in the continuity of Jacques Delors' policy as the President of the Commission. In 1994, Delors created a non-formal structure baptised "Initiative a Soul for Europe" whose purpose was to reinforce the spiritual dimension of the European integration through a closer association with the Churches. But this structure, now an autonomous association, has become under Romano Prodi more a simple interfaith forum than an organ of power. In the past and present configuration, the Churches are confined in a deliberative function; they have no possibility to take part in the decision. Should it be the case, most of the regulation competencies of the religious fields remain at the national level in the hands of the states, and the constitutional draft confirms this principle. In any case, Churches could not be actors of non-existent European religious policies. The shift from a pluralist to a corporatist model is, thus, yet to come.

About the argumentation registers in the exchanges between European institutions and Churches, several kinds of discourses overlap.

In the institutional discourse, under Delors, the rhetoric was axed on the spiritual or even transcendental dimension of the European integration in the activities of the initiative "One Soul for Europe". Under Prodi, the focus has been more about the definition of the role of the Churches as representatives of the civil society and partners of good governance. The goal is not to try to develop ecumenism as a new spiritual mix, rather to encourage the dialog between communities of beliefs, each community keeping its specificity.

In their discourses, the Churches invoked three sources of legitimacy: expertise, as "experts in humanity", following the famous formula by Paul VI; democracy, as counter-power and intermediate bodies between the State and the citizens; tradition, as the guardians of the European civilization. This triple legitimacy is fully compatible with the institutional discourse of good governance in partnership with the civil society. The reference to sacrality is no more a direct argument, even if it is underlying. The legitimation of Europe by the public space is thus coupled with an adjustment of the mode of social justification of the Churches. Europe leans on the Churches and, as a counterpart, provides them with a new resource to intervene in the European public and political spaces.

Considering the withdrawal of the Churches in the daily life, the decline of regular formal practice by believers and the rise of an individualised "pick and mix" approach to faith<sup>16</sup>, the

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<sup>15</sup> Massignon B., « Les relations des organismes européens religieux et humanistes avec les institutions de l'Union européenne: logiques nationales et confessionnelles et dynamiques d'europanisation », in Commissariat Général du Plan, *Croyances religieuses, morales et éthiques dans le processus de construction européenne*, Paris, La Documentation Française, 2002, pp. 23-40.

effort of the religious actors at the European level is denounced as an ersatz for their lack of social bases to claim any political influence at the national level by other organizations of the civil society. The specific status given to the Churches also raises the protestation of the secular and humanist lobbies in regard to the non-democratic devolution of power in the religious hierarchies and to the conservative moral discourses held in the public space by religious leaders, two factors seen to be in contradiction with the European ideals.

Beyond the circumstantial issues of the constitutional debate, the purpose is to define the criteria to enable the speakers in the European public space and to regulate the exchanges. The role granted to the Churches has provoked criticisms in the name of secularism and because of a rejection of the idea itself of « religious identity », seen as a potential source of conflict rather than unity. The controversy on the possibility to make a reference to the Christian heritage of Europe in the preamble of the constitution has dramatized these arguments by focusing on the cultural material and the channels of exchanges in the European communicative space.

### III RELIGION AND EUROPE AS A COMMUNICATIVE AND IDENTITY SPACE

The European constitutional process has asked questions about how Europe can be made visible to citizens and inscribed in their view of the world and their identities.

The Convention, and above all its President Giscard d'Estaing, insisted heavily on the communicative dimension of its action, as well in the means as in the objectives. The purpose was, on the one hand, to give the picture of an open deliberative process and, on the other hand, to produce a text able to design a clear pattern of accountability for the citizens. The result was moderate. The media covert of the Convention and its extension has not really got out the path of the usual European news<sup>17</sup> in terms of reporting style and audience. For example, according to a Eurobarometer survey in October 2003, 61 % of the surveyed persons said they had never heard anything about the European Convention.

The particular debate about religions issues takes place in this context. It causes associative mobilisations and political initiatives, but at a reduced scale and mainly among already active audiences (petition launched by MEPs, Youth Convention). It is worth noticing that the “hottest” subject for the media, the Christian heritage of Europe, has been perceived as far less important by Brussels's actors as the article 51, while this latter point has been totally ignored by the media. Thus, the logic of the European system which rationalizes and neutralizes is again at the opposite of the media logic.

This debate about the reference to the Christian heritage of Europe has highlighted which seems both the necessity and the impossibility to legitimate Europe on the identity and cultural fields<sup>18</sup>. Past attempts have been made to create and promote signs aiming at

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<sup>16</sup> Davie G., *Religion in Modern Europe. A Memory Mutates*, Londres, Oxford, 2000; Commissariat Général du Plan, *Croyances religieuses, morales et éthiques dans le processus de construction européenne*, Paris, La Documentation Française, 2002; Hervieu-Léger D., Davie G. (éd.), *Identités religieuses en Europe*, Paris, La Découverte, 1996; Hervieu-Léger D., *La religion pour mémoire*, Paris, Cerf, 1993; Willaine J-P., *Europe et religions. Les enjeux du XXIème siècle*, Paris, Fayard, 2004.

<sup>17</sup> Marchetti D., *En quête d'Europe. Médias européens et médiatisation de l'Europe*, Rennes, Presses Universitaires de Rennes, 2004; Garcia G., Le Torrec V. (dir.), « L'Union européenne et les médias. Regards croisés sur l'information européenne », *Cahiers politiques*, Paris, L'Harmattan, 2003 ; Baisnée O., *La production de l'actualité communautaire. Eléments d'une sociologie comparée du corps de presse accrédité auprès de l'Union européenne*, PhD dissertation, University of Rennes 1, 2003; Kevin D., *Europe in the Media*, London, Lawrence Erlbaum Publishers, 2003; De Vreese C. H., « Europe in the News. A cross-National Comparative Study of the News Coverage of Key EU Events », *European Union Politics*, vol. 2, n° 3, 2001; Heinderyckx F., *L'Europe des médias*, Bruxelles, Editions de l'Université de Bruxelles, 1998.

<sup>18</sup> Strath B., « EU Efforts at Creating a European Identity: 1973 and beyond in Historical Light », WP-RSC n° 68, 2000.

developing identification of the citizens with the European entity, with mitigate success<sup>19</sup>. The considerable debate during the design of euro notes and coins, with the desire to balance the “European” against the “national” was another indicator of the sensitiveness of symbolic politics at the European level. More recently, during the Convention, Giscard’s unsuccessful efforts to have the EU renamed and the controversies about the use of certain words like “constitution”, considered as too much state-like attributes<sup>20</sup>, emphasize that the issue of the reference to the Christian heritage is only a piece of a more general political scheme.

The issue is not simply an historical one. It is to define a memory, a vision of the past which is going to command a vision of the present and of the future. Clearly, the positions on this issue are linked with other subjects like the adhesion of Turkey to the EU and the problem of European territoriality, the raise of anti-semitism and ethics (abortion and euthanasia). As a background, the purpose is also to define Europe as an autonomous political order with its own roots, beyond national histories, providing grounds for a federalist vision.

Broadly speaking, two traditional conceptions of a potential European memory are in opposition. The first conception is based on the nation-state model, with history as a selective myth of origins, a narrative involving the forgiveness of the dark pages of the common past and the celebration of the founding heroes. The second conception, inspired by German history and philosophical works since the Second World War, emphasizes that the only possible way for Europe is the option of the crossed memories and of the “sharing of sufferings” (Ricoeur). In this view, the relationship to the past has to be rationalised, in order to promote an awareness of what the other communities has had to endure and to acknowledge one’s own crimes and wrongs<sup>21</sup>.

Since the beginning of the European integration, both options have been explored, without real success<sup>22</sup>. The question has been to know whether the reference to Christianity could be a solution to offer a common matrix, able to provide a shared memory.

The analysis of the constitutional debate shows that the blockage has persisted. The Churches have attempted to pose themselves as the guardians of the European heritage by defending the idea that European values found their origin in the Christianity<sup>23</sup>. But humanist and secular movements have denounced a selective vision of the past and the silence about the less glorious events like the Inquisition. The Churches have accused each other of distorting memories. The member states have been divided depending on their national traditional pattern of relationship between spiritual and political powers. Finally, Christianity is intimately linked to the idea of Europe but does not contain by far all this idea and also transcend it widely because of its universal claim<sup>24</sup>.

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<sup>19</sup> Foret F., « L’Europe en représentations. Eléments pour une analyse de la politique symbolique de l’Union européenne », doctorat de science politique, Université Paris 1, juin 2001.

<sup>20</sup> De Poncins E., *Vers une constitution européenne. Texte commenté du projet de traité constitutionnel établi par la Convention européenne*, Paris, 10/18, 2003, pp. 481-482.

<sup>21</sup> Jean-Marc Ferry is one of the more interesting defender of this thesis. Ferry J.-M., *La question de l’Etat européen*, Paris, NRF Gallimard, 2000; Ferry J.-M., « Souveraineté et représentation », in Telo M. (dir.), *Démocratie et construction européenne*, Bruxelles, Editions de l’Université de Bruxelles, 1995; Ferry J.M., Thibaud P., *Discussion sur l’Europe*, Paris, Calmann-Lévy, 1992; Ferry J. M., « Une “philosophie” de la communauté », in Ferry J.M., Thibaud P., *Discussion sur l’Europe*, Paris, Calmann-Lévy, 1992.

<sup>22</sup> Foret F., « Le leadership en représentations: Jean Monnet entre mémoire nationale et mémoire communautaire », in Smith A., Sorbets C. (dir.), *Le leadership politique et le territoire*, Rennes, Presses Universitaires de Rennes, 2003.

<sup>23</sup> <sup>23</sup> Kalinowski W., « Les institutions communautaires et L’Ame de l’Europe. La mémoire religieuse en jeu dans la construction européenne », in Commissariat Général du Plan, *Croyances religieuses, morales et éthiques dans le processus de construction européenne*, Paris, La Documentation Française, 2002, pp. 41-49.

<sup>24</sup> Delanty G., *Inventing Europe. Idea, Identity, Reality*, New York, Saint Martin’s Press, 1995.

These are as many reasons to explain that the religious dimension does not offer any magic solution to the problem of the European memory, between an impossible silence, an illegitimate choice and an elitist rationalisation.

## CONCLUSION

The constitutional debate about religion seems to have remained in the existing political scheme. It confirms trends which have been happening for several years, for instance concerning the institutionalisation of the relationships between the European institutions and the Churches. It also emphasizes the recurrent problems of the EU to become an attractive media-object. The ideal European public space, expected as the ultimate legitimation stanza of the European integration, should be yet expected a little and would anyway remain far from the ideal Habermassian model. And such a public space is not likely to be sufficient, because the need is expressed of an identity discourse by the political power, an identity discourse efficient beyond the small circle of the actors of European politics. But again, no political entity appears to be entitled to produce such a discourse.

Nevertheless, the constitutional process was the opportunity, for the first time maybe at this scale, to discuss the cultural dimension of the European integration. It has been made in a conflict-provoking way, but national unities have precisely been built around founding conflicts, such conflicts which can structure a political universe by bipolarisation, reinforce a sphere of social communication and delimit the belonging to a community.

However, religion seems unlikely to provide Europe with a general cultural frame of identity and memory. Religion may remain, to a certain extent, a matrix of beliefs, representations and behaviours in the social life at the national level, even if its decline as institutional and doctrinal system is confirmed. But it does no more appear as a legitimate political resource.

A decisive element will be the impact of enlargement, with the integration of new countries where the religious factor is by far stronger than in the former member states. This could contribute to revive the debate. On the contrary, if the newcomers line up on the actual sociological EU norm which consists in the decline of religions in the social life, the controversial hypothesis of secularisation<sup>25</sup> would be confirmed. Thus, the key of the debate about the role of God in the legitimation of the European integration may be to look for as much in the direction of Warsaw as of Brussels.

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<sup>25</sup> Berger P. (dir.), *Le réenchantement du monde* (trad), Paris, Bayard, 2001.