

UNITY IN DIVERSITY?

The historical roots of V4 cooperation and European integration

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1. Introduction

Nowadays, regarding the immigration crisis, the EU accession process of Turkey and the West Balkan, and the Brexit, there is a fierce debate on the suzerainty of Member States, on the future development of the EU and, in general, about the European identity between the V4-countries and some other Member States. The V4 countries are often charged with that they are hostile toward the idea of European integration, and accept a selfish and old-fashioned nationalistic position in this debate.¹

However, at their summit on 12th October 2018 at Štrbské Pleso, the heads of V4 countries noted that the EU-project need to be defended as a successful project of peace and cooperation, also noted that the task of the V4 countries is to unify the European Union, and the division of Europe into old and new, and the vision of two-speeds Europe were rejected.² Indeed, after the European parliamentary elections in 2019, the V4 countries played a crucial role in the election of Ursula von der Leyen as the President of European Commission,³ and this event has shown that the aim of V4 countries was not to paralyze the functioning of the EU, but to develop it in the direction they preferred.

As the European Court of Human Rights has pointed out in many resolutions, freedom of expression is a fundamental value of a democratic society with a view to free discussion of public affairs. It is obvious that a meaningful debate can only arise if participants in the debate accept the possibility that there can be several different, arguable positions, so it makes sense to raise and collide arguments and counterarguments. An approach that tends to recognize only a single arguable position is much more suited to a theocratic monarchy than to democracy.

1 <https://emerging-europe.com/voices/visegrad-divided/>, (18. 10. 2019.)

2 <https://spectator.sme.sk/c/20938002/v4-presidents-nord-stream-threat.html> (18. 09. 2019.)

3 <https://www.origo.hu/nagyvilag/20190703-elegedettek-a-jeloltekrol-hozott-dontessel-az-unios-vezetok.html> (19.10.2019); <https://infostart.hu/belfold/2019/06/13/ep-valasztas-kozos-allaspontra-helyezkedtek-a-v4-miniszterelnokok> (19.10.2019);

Nevertheless, in many cases, one of the parties tries to suppress public debates by stating that there is only that position that he represents, and any other position is illegitimate, because it is incompatible with the predominant and unquestionable paradigm. This is true in case of fundamental issues such as the establishment of a special constitutional system⁴ or the goal and means of European integration.⁵ In our present study, we are discussing this latter issue, since the challenges of our time, whether mass immigration into the EU or the aspirations of Turkey and states of the Western Balkans with Islamic majority for EU accession or the withdrawal of Britain from the European Union all raise the question of what the aim of the European integration process, what is the real basis of it, and by which means could we maintain this process in the future.

We should see that debates within the European Union, whether on the sovereignty of the Member States or the cultural identity of Europe or the desirable evolution of EU law, cannot simply be described as the Battle of Good and Bad where an educated party, committed to modern ideas, human rights and integration and a barbarian, profit seeking party, a fan of outdated ideas and hostile to the integration, fight for Europe's soul. Such a perception of the debate is the remnant of the ideology of colonialism in the nineteenth century: this is the ethnocentric and cultural-chauvinist approach of the colonizing powers of Western Europe which deeply looks down and despises the other 'barbarous' regions of the earth, including Central and Eastern Europe, which is accepted as a disciple but never as an equal partner.

The difference between the points of view is undeniable and is not new. It is not because states in the Soviet sphere of interest still carry the marks of the National Socialist and Communist barbarism in their minds, although there is no doubt that one of the main fractures lies between Western and Central Europe. Not from the 15th-18th century in which the order-based monarchies were transformed into absolutist and colonial great powers in Western Europe, where anticlericalism and secular thought were strong, and in which local authorities of states struggling with Eastern invaders (Tartars,

4 Regarding the constitutional system, the presentation of the different models, see: POMEISL, András József (2013): *A közjó védelmének szervezeti biztosítékai a közhatalom gyakorlása során - A hatalommegosztás elméleti alapjai és gyakorlati megvalósítása az államszervezetben* In: DRINÓCZI Tímea-JAKAB András (eds.) *Alkotmányozás Magyarországon 2010-2011. II*, Budapest, Pázmány Press, 319-350.

5 <https://www.telegraph.co.uk/news/2017/02/28/jean-claude-juncker-faces-dissent-eu-survival-blueprint/> (23. 06. 2019)

Turks and Russians) strengthened in Central Europe, where the system of order based state preserved and the national identity formation role of Christian faith survived.⁶

On the other hand the truth, is that the different approaches can be traced back even earlier to the time of the formation and consolidation of the western culture, so the eight-eleventh century when the boundaries of the Western (Christian) culture were formed and when Europe first distinguished itself from the surrounding world. Basically two models can be detected⁷ which are intended to create the same goal: the unity of Western Christian peoples by two different methods: the imperial models built on the traditions of the Roman Empire and linked to the name of Charles the Great, Frank King and Emperor of Rome (768-814), and the culture model built on the tradition of the Christian Church and linked to the name of Otto, German King and Roman emperor (983-1002).

2. Two models of medieval integration: Europe of Charles the Great and of Otto III.

If the difference between the two integration perceptions is need to be understood, their assumptions and their essence, it is right to return to the age when they first tried to accomplish them, that is, into the age of Charles the Great and of Otto III.

2.1. *The empire of Charles the Great*

The Frankish kingdom temporarily managed to unite the western Catholic territories at the end of 8th century.⁸ The empire, at the beginning, meant neither a unified administration nor a unified legal system. The conquered areas have not yet melted into a uniform empire in the 6th and 7th century: in Aquitaine and Burgundy, there was an independent court organization, Alemannia and Bavaria at that time could only be considered as a satellite

6 POMEISL, 321.

7 There is some other classification of integration models, see: E. p. AKOPOVA - p. E. AKOPOV: *Towards the European integration model perspectives*, Review of Applied Socio-Economic Research, 2002/2) 5-10.; Frank SCHIMMELFENNIG – Bertold RITTBERGER: *Theories of European integration - Assumptions and hypotheses*. In: Jeremy RICHARDSON (ed.): *European Union. Power and policy-Making*. London, Routledge, 2006., 71-93.

8 KLANICZAY, Gábor (ed.): *Európa ezer éve I-II.*, Budapest, Osiris, 103, 106, 109-112.

state.⁹ The more or less uniform administration developed at the turn of the 8th and the 9th century, when most of the empire was divided into counties (*comitatus*) and marches (*marca*). However, the differences in legal systems preserved during the whole 5th-9th centuries: the Roman law was implemented in the south, and Germanic laws in the north and the east.¹⁰ The Roman Pope, in the shadow of the Lombard and Arab threat, and the Western church hierarchy were controlled by him, also increasingly cooperated with the Frankish state organization, which achieved significant success in the territory of Eastern Germanic tribes in spreading Christianity and building the church organization during the 8th century.¹¹

The essence of the Frankish empire-building was, therefore, the foundation of a unified state (and church) organization governed by same principles and controlled by a single central authority, letting a certain legal autonomy for local communities. The model of Charles the Great was the Roman Empire, and his 'miracle weapon' was the organization of the counties. As in the provinces dependent on Rome, in addition to the primacy and supremacy of Roman law, local laws continued to exist, so the Frank state organization also let local laws to continue to exist. Both systems were clearly maintained by the (military) power of the central authority, but the centre exercised its will regularly by the local administration which was incorporated in the unified state organization.

The survival of such a system always depends on the balance of central and local power: as long as central power can provide the benefits that it can give belonging to a unified empire, it does not interfere too much with

9 It is no coincidence that the Frankish Mayors of the Palace and kings have been campaigning regularly in these areas during the 7th century. See: KLANICZAY, 184-190.

10 Austrasia and Neustria (*Lex Salica*, *Lex Ripuaria* until 802), *Pactus Alemannorum* in the conquered Alemannia, *Lex Baiuvarorum* in Bavaria, *Edictum Rotharii* in Lombard areas, *Lex Saxonum* in Saxony, and *Lex Romana Visigothorum* in Aquitaine and Burgundy prevailed. See: FÖLDI, András – HAMZA, Gábor, *A római jog története és intézvényei*; Budapest, Nemzeti Tankönyvkiadó, 2016, 102.; KLANICZAY, 113,188-190.

11 Among Thuringians, the missionary work led by St. Kilian has carried out during the last decades of the 7th century. However, considerable success has achieved only in the first third of the 8th century by St. Boniface. Subsequently, he went to Bavaria (735), where he redesigned the ecclesiastical hierarchy, establishing the bishopric of Passau, Regensburg, Freising and Salzburg. See: KLANICZAY, 185. The second great wave of missionary work in the east (772-785) brought by the Saxon conquest of Saxons. Charles the Great first formed three missionary districts (Fulda, Fritzlar, Hersfeld; 777), then at the turn of 8th and 9th century new bishoprics (Bremen, Osnabrück, Paderborn, Minden) were established. See: *ibid.* 189.

local conditions and it seems to be strong enough, this system works well. If the benefits of belonging to a unified empire fall, while the resulting burden increases or if the capability of maintaining the centre becomes doubtful, the disintegration processes will inevitably begin. The difficulty of this imperial model is therefore due to the difficulty of coordination: the unified management model requires unified solutions for the benefit of the imperial unity, but these unified solutions inevitably transform enormously and disturb local conditions in a diverse area.

To the collapse of the imperial model resulted in fact from the spectacular successes of this model: the empire develops too fast and it became too large, it becomes too diverse, so the centre has to solve too many problems at once, and if it fails, it will instantly expose the fractures within the empire. Indeed, the empire is not maintained by a deeper sense of belonging together based on some kind of organic development of network of relationships, but the will to expansion of the centre and the special benefits provided by the centre. During the boom period, it is easy to maintain a balance of power in the empire, as the recent and new resources involve the imperial benefits (a bit like a pilot game), but if the expansion and development gets stuck then the imperial centre is facing a big dilemma, which can be solved in two ways by the imperial logic.

The first opportunity to show strength, to which the resources have to be diverted from local communities, which resulted growing resistance in the local communities and therefore requires a further strengthening of the centre, which, through a positive feedback, makes the system increasingly suppressive. However, this will sooner or later lead to tensions that the centre cannot handle, because of the finals of material and human resources and the law of decreasing dividends, and this repression-based system ultimately crashes as a result of internal rebellions or external attacks, as in case of the Roman Empire, in the age of *dominatus*.

The other option is that the centre delegates to local powers the solving of problems that it has difficult to manage, and the imperial benefit is not the solution itself, but the central support provided to them. However, this also upsets the balance because local authorities generally prefer solutions tailored to local conditions, so that the imperial unit becomes anonymous or even extinct, and the centre, which gives its resources wholly or partly to local powers, and cannot restore the unity against local powers strengthened from local sources and imperial support, as in case of Frankish Empire.

2.2. *The Ottonian Europe*

Towards the end of the tenth century, western Christian statehood crossed the boundaries of the former Frankish empire in the north and east, and this definitively abolished the sameness of peoples recognizing the Pope's ecclesiastical power and the peoples recognizing of the emperor's authority. At the end of the tenth century, the Czech Principality was the only one among the emerging Christian countries in Central Europe, which was in a feudal relationship in the Roman Empire,¹² while the Polish and Hungarian kingdoms remained independent from ecclesiastical and secular standpoint.¹³ From the perspective of church administration, the Scandinavian States belonged to the German Church in the tenth and eleventh century,¹⁴ but they did not have any feudal relations with the German-Roman Empire. The conversion of these peoples was in parallel with the unification of these countries: the ecclesiastical and secular administration following Frankish pattern but adapted to the local conditions was also built in these countries.¹⁵ However, the taking

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- 12 The Czech Principality had undertaken a tax payment around 950 and established a feudal relationship with the German kingdom, although this dependence was not too tight, as there were no royal estates in the Czech Principality and the Prague bishop was also designated by the Czech prince. The bishopric of Prague under the authority of Archbishopric of Mainz was founded in 973. See: KLANICZAY, 274-275.
 - 13 The Polish monarch Mieszko married a Czech princess, Dobrava (965) and subsequently was baptized (966), then his country received a missionary bishop (*episcopus gentium*; 968). The Gniezno bishopric founded in 999 was raised to the rank of Archbishopric (1000) and the bishopric of Kolozberg, Wroclaw and Krakow were subordinated to it, thus the bishop of Poznan lost his glory; the Polish church organization was subordinated directly to Rome; at the same time the Polish King received Imperial symbols. See: KLANICZAY, 276-278.
 - 14 Harald "Bluetooth" Gormsson (936-986) Danish king, was baptized by Poppo, a German missionary in 965, whom the emperor appointed as missionary bishop. Olaf Tryggvasön, the Norwegian king (995-1000), took up baptism in 994. Above the Scandinavian territories, the Archbishopric of Hamburg / Bremen exercised ecclesiastical power. The independent church organization was established after the founding of the Lund Archbishopric (1104). See: KLANICZAY, 270-272.
 - 15 A good example is the reign of the Hungarian King, St. Stephen, who built the church organization (997-1008) in parallel with defeating the provincial rulers (997, 1003, 1008). The unification of Denmark is the merit of the king of Harald the Bluetooth, who takes the Christianity, and the unionist of Norway and Iceland, also was Olaf Tryggvasön, the monarch accepting Christianity. The completion of the unification of the Polish territories is also likely to be the merit of Mieszko I., who takes the Christianity. See: KLANICZAY, 270-271., 276.

over of the Frankish pattern did not mean that the social and political system of the Frankish areas was fully taken over: in Sweden and Norway, the role of the free peasantry remained significant,¹⁶ and in the Central European states, the inheritance of the positions (*honor*) and the donations belonging to them were not developed, and for a long time remain important the social layer living on clan land.

The novelty of conception of Emperor Otto III was that he did not want the states of the newly re-converted nations to be incorporated into the realm dominated by him. He was satisfied by that they transformed into Christian kingdoms culturally and constitutionally compatible with the empire. This is well-documented by Ademar of Cabanensis from 1028: *'On the birthday of the first martyr's Stephen, the Emperor Otto himself lifted him [viz. Geysa, the Hungarian monarch] from the baptizing water and allowed him to own his country freely; he gave him the permission to carry with him the Holy Spear everywhere, like the habit of the Emperor himself.'*

We need to know that Otto III also had the purpose of restoring the Roman Empire. However, he accepted the concept of the Holy Roman Empire, where the unity is realized within the framework of the Christian Church. The unity of the Church, especially at the turn of the 9th and 10th centuries, even before the Gregorian reform, which first made the Pope's ecclesiastical power particularly emphasized, the unity of the church was essentially ensured by the unity of the creed, not by the fact that it was governed by one centre. This requires a fundamentally different approach: the unity is not so spectacular, as the authority of the central power itself is usually insufficient to carry out a common action, it is also necessary to cooperate between the components, so it is generally only done in special cases when a problem cannot be resolved at the level of the subunits.

At the same time, this creates a slowly developing, yet solid, unity. Connections between individual components are developing organically, first smaller networks are formed with the participation of adjacent units; common identity is based on the common elements of the identity of the components, and on the great joint ventures, by which common problems were solved successfully together. Common identity is usually hiding, but it is overwhelming in a crisis period, as the need for common problem solving stems from common identity. The common identity of ecclesiastical communities in practice is evident from common principles, common religious practices, but

16 See: KLANICZAY, 166.

especially in the early Middle Ages, when there were still more rites in the West, the difference between the local communities was more spectacular; as a different religion or heresy emerged on the horizon, the Catholic identity was sharpened and the unity of the Church became visible – precisely against the heretics, Muslims and Pagans.

Subsequently, the cohesive element of the medieval Christian Europe was clearly Catholicism: this distinguished them after 1054 from the Orthodox East and the Islamic Mediterranean. The medieval kingdoms were joined by Christianity. The enculturation of Christianity filled the culture of European peoples with common elements, unified symbolism and worldview, the Latin language and writing used by the Church facilitated the situation of merchants and travellers, the reception of the Roman law brought about the unification of legal thinking. The great joint ventures of Christian Europe were the crusades that waged the defence of the threatened faith, with alternating success, but demonstrating the unity of the Christian world (perhaps the last such joint venture was the liberation of Buda in 1686). At the same time, this integration did not mean uniformity. The character of individual European peoples strengthened in parallel with the common Christian identity. The acceptance of the Christian faith meant the condition of accepting a people in the family of European peoples; moreover, everyone lived as he wanted, unless it could be shown that it was incompatible with Christianity.

In this system, it is also a prerequisite of the maintenance of the unity a balance of the unifying and dissolving elements, but this equilibrium is spontaneous: the unity will be realized to the extent that it meets the local needs. As the unit does not link local units primarily to a single centre but to each other, the unity usually represented in networks. Cities within trade network at the Rhine, the North Sea or the Mediterranean were often linked to each other closer than to other regions of their own country. Till the 13th century, a pan-European trade network and production division of labour developed that connected remote areas such as England and Hungary or the Scandinavian countries and the Italian city-states. In addition, students and craftsmen attended Europe's universities and guilds to learn; and knowledge brought from abroad has inseminated national cultures with new elements. And then we have not talked about the complicated marriage system of European dynasties and nobles!

3. Two models of EU integration: the European United States and the Europe of Nations

From the 16th century, the idea of the restoration of the Holy Roman Empire overshadowed by the emergence of the absolutist monarchies and the reformation. The former concentrated on the project of building nation-states, the latter being undermined the foundation and the common denominator of integration. Subsequently, the integrative role of Christianity was not fulfilled by other ideologies, as the elitist thinking of the enlightened Masonics, members of a secret society, and the class-war view of internationalist Marxism was not suitable for integrating all layers of society. In the next two centuries, the development of Western and Central Europe were diverged, the former went through the age of colonialism and rationalist state-building, while the latter, in the midst of the struggle with the eastern conquerors, preserved in many respects the values of the old Europe as the order-based constitutional system, the various forms of autonomies and the central role of Christian faith.

The idea of restoring the Roman Empire was thus removed from the agenda for a long time, and it only came to light in attempts such as Napoleon's French Empire or the Third Reich of Hitler. The re-emerging idea of European integration dates back to the 18th and 19th centuries. The purpose of the idea of integration was no longer the imperial restoration but the peace of the peoples of Europe. Two noteworthy practical achievements have originated from this idea in this period, the Holy Covenant which, after the Napoleonic wars, created an equilibrium and peace based on the cooperation of the European monarchies for almost half a century, and the other was the Austro-Hungarian Monarchy, which reorganized the Habsburg Empire on a constitutional basis.

Although the main purpose of the latter transformation was to restore the Hungarian constitutional system, the reform of public law affected not only the countries of the Holy Crown, but also the Habsburg hereditary countries, including the Kingdom of Czechs, in which the existing absolute monarchy has been transformed into a constitutional monarchy. Through this transformation, a Central European federation was established within which individual states preserved their constitutional separation and values, yet they formed a unified economic space within which a natural division of labour emerged and certain important issues (foreign affairs, defence and finance) were dealt with commonly. The greatest sin of the peace treaty concluding the First World War was the destruction of this unity and confronting those

formerly co-operating peoples, instead of lifting the existing tension between them, by developing their constitutional arrangements and relations according to the principles of justice and equity.

It is no wonder that, after the Second World War, an integration based on cooperation between the states was established for the purpose of European peace, the dual aim of which was the reconstruction of Europe after the World War creating a natural division of labour within the Community, and the preservation of traditional European values by preventing Soviet expansion. The latter explains why the fathers of European integration were among the European Christian Democrats, since after the emergence of the Ecumenical Movement at the beginning of the 20th century, against the Neo-Pagan National Socialist and Atheist Communist regimes, the integrative power of Christianity again grew in Europe.

The legacy of Christian Democrats is that they have refrained from building a political union, unleashing the idea of imperial unification, and placed the focus of integration on economic and cultural co-operation and, even when the elements of the political union emerged in the Maastricht Treaty, the common foreign and security policy as well as judicial and home affairs cooperation was established as an intergovernmental co-operation and Article 1 of the Treaty stipulated the subsidiarity principle at the same time as the creation of the European Union. However, the Nice Treaty, the failed European Constitutional Treaty and the Treaty of Lisbon have made a significant step forward through political integration, it should be noted that Article 4 (2) of Treaty on European Union (TEU), as amended by the Treaty of Lisbon, states that ‘the Union respects the Member States ... which are an integral part of their fundamental political and constitutional structures, including regional and local authorities’.

Article 49 of the Treaty on European Union states that ‘[a]ny European State which respects the values referred to in Article 2 and is committed to promoting them may apply to become a member of the Union’. The establishment of the definition of European identity has a major influence for example on the future development of the relationship between Turkey and the EU, so it is very important to examine the concept of ‘European’ identity, the content of which is also a controversial subject nowadays. The clear definition of the concept of ‘European’ identity has not been established so far, likely as it is a major decision that can be defined by the framework of the integration, its direction and the scope of future candidates.

According to many people's view, the so-called Europe does not really exist, because it has no natural geographical boundaries, does not have a unified cultural and historical heritage, so it can only be interpreted as a political concept. The definition of Europe in the political sense cannot be said to be uniform either.¹⁷ However, the essence of European identity has been formulated by the Foreign Ministers of the EEC already in 1973 in the Copenhagen Declaration.¹⁸

Hüsametttin İNAÇ, in his book *Turkey's Identity Problems in the European Union's Integration Process*, adopted an approach based on nation-state concept regarding the issue of identity. In the first quarter of the 21st century societies were faced with globalization and secularization. The borders between countries are slowly disappearing with the spread of neoliberal economic policy. When we look at these processes, the debate about culture and national identity that influence the future of social sciences, from the perspective of nations, the question arises as to whether we can keep up with all this?¹⁹

According to İNAÇ, identity is created in accordance with the 'other', and it needs the 'other'; the European Union forces all European cultures to live together and tries to unite all member countries in a common constitutional order. According to İNAÇ, this is the point where people in EU member states should look into their own affiliation. Each nation has objective and subjective features that determine it. İNAÇ mentions the so-called phenomenon of social identity that consists of symbols, languages, religions, ethnography, geography, lifestyles, common historical past, values and customs accepted by everyone. Identity gives people a sense of belonging, which is psychologically reassuring. Identity includes 'given' and 'acquired' personality traits. According to İNAÇ, the best examples of personality traits are belonging to the family, the ethnic community, the nation, the community; the acquired personality traits are chosen from our free will. The given identity springs from the past, the acquired looks to the future. This duality is also present in national identity; the identity derived from the past is fuelled by the experience of

17 PRIEGER, Adrienn: Törökország Európai Unióhoz csatlakozásának jogi kihívásai, *Európai Jog*, 2016/ 2, 5.

18 See: European Communities: *Declaration on European Identity*, Bulletin of the European Communities, December 1973, No. 12, 118–122.

19 İNAÇ, Hüsametttin (2010): *AB'ye Entegrasyon Sürecinde Türkiye'nin Kimlik Problemleri*, Adres Yayınları, Ankara, 2005.; quoted by: *Dinbilimleri Akademik Araştırma Dergisi* Cilt 10, Sayı 3, 291-296.

past society, while the acquired identity is shaped by future political actors' plans for the future. The nation-building process must in any case be linked to an 'ancient homeland', so for an ethnic group to be a nation, there must be an internationally recognized homeland and a clearly demarcated land. If that is not the case, then it will only be an ethnic.²⁰

First time Pope Pius II mentioned Europe as the common home of the peoples living there, in those times in which he wanted to strengthen Christian and European identity in order to counteract the effects of the concerns of the Ottoman dangers.²¹ According to Cardinal Ratzinger, the later Pope Benedict XVI, Europe is merely a secondary term geographical concept, Europe is primarily a cultural and historical idea. The former President of the European Commission, Romano Prodi, said: 'We cannot doubt that Christianity has contributed enormously to the creation of values, ideals and hopes that today form part of European culture. The history of Europe makes no sense without the history of Christianity, with its strength and weaknesses'.²²

In connection with the definition of Europeanism, there is no unified Western view today. During the development of the European Union, there is a constant debate about both the notion of Europeanism and the goal of the European integration project. This was well demonstrated by the discontinued case of the European Constitutional Treaty, in which there were fierce debates about whether the Preamble should, at least, mention Christian roots of European culture. As Miklós KIRÁLY wrote, some members of the Convent drafting Constitutional Treaty, especially Belgium and France, have resisted mentioning the Christian roots of Europe in the Preamble. We agree with Miklós KIRÁLY that the omission of a reference to Christian traditions means a negation of a manifest historical fact, which is an attempt to reassess Europe's past.²³

The Catholic Church's document, *Ecclesia in Europa*, also highlights the importance of Christianity in the history of Europe: '[t]here can be no doubt that, in Europe's complex history, Christianity has been a central and defining

20 *Ibid.*

21 *Európa lelki alapjai tegnap, ma és holnap.* (RATZINGER Joseph bíboros beszéde. 2004. május 13. Pázmány Péter Katolikus Egyetem) Budapest, Università Cattolica del Sacro Cuore - Olasz Egyetemközi Központ, 2005.

22 PRODI, Romano: Az intézmények Európája és a karizmák Európája együtt dolgoznak. (Beszéd a 2004-es stuttgarti ökumenikus találkozón), *Távlatok*, 2004/3, 320–325.

23 KIRÁLY, Miklós: Európa Keresztény gyökerei és az Alkotmányos Szerződés, *Iustum Aequum Salutare*, II. 2006/3–4, p. 69.

element, established on the firm foundation of the classical heritage and the multiple contributions of the various ethnic and cultural steams which have succeeded one another down the centuries. The Christian faith has shaped the culture of the Continent and is inextricably bound up with its history, to the extent that Europe's history would be incomprehensible without reference to the events which marked first the great period of evangelization and then the long centuries when Christianity, despite the painful division between East and West, came to be the religion of the European peoples. Even in modern and contemporary times, when religious unity progressively disintegrated as a result both of further divisions between Christians and the gradual detachment of cultures from the horizon of faith, the role played by faith has continued to be significant'.²⁴

The basic document of the Church and Society Committee of the Conference of European Churches addresses the issue of European identity in connection with Turkey's accession to the EU. This basic document draws the attention to the fact that culture is an extremely important factor in integration processes, European identity and culture are closely related concepts, so much attention must be paid to the identity and culture regarding to the Turkish accession. Paul Tillich, a prominent Protestant theologian of the 20th century, defined culture as the goal of life.²⁵

William PENN, a British politician raised the notion in his essay published in 1696: in order to achieve the European peace it would be necessary to create a joint European Parliament instead of fragmented European states. His draft of the present and future of the European peace emphasized the responsibility of leading great powers in the creation of European unity. PENN would have divided Europe into German, French and English spheres of influence, and emphasized the importance of integrating them. He believes that the integration of Russia and Turkey should be the second stage of enlargement in order to creating European unity and long-term peace.²⁶

24 *Ecclesia in Europa*. Post-synodical apostolic exhortation of his holiness Pope John Paul II on Jesus Christ alive in His Church the source of hope for Europe, § 24. http://w2.vatican.va/content/john-paul-ii/en/apost_exhortations/documents/hf_jp-ii_exh_20030628_ecclesia-in-europa.html (23. 06. 2018.)

25 www.ceceurope.org/wp-content/uploads/2015/07/Europai_Integracio_Milyen_integraciot_szeretnenk.pdf, (27. 09. 2019.), 17.

26 VARGA Balázs: *Az Európa-gondolat fejlődéstörténete a második világháborúig* in: HÁDA Béla - LIGETI Dávid - MAJOROS István - MARUZSA Zoltán - MERÉNYI Krisztina (eds.): *Nemzetek és birodalmak. Diószegi István 80 éves*. Budapest, ELTE Új- és Jelenkori Egyetemes Történeti Tanszék, 2010, 664.

There is no doubt that PENN considered these two countries to be European countries. However, it also should be noted that Turkey had included the whole Balkan region at that time.

Another important forerunner of integration thinking was Count Richard Nicolaus von Coudenhove-Kalergi, who in 1923 published his book *Pan-Europe* in Vienna, in which he set the founding of the United States of Europe as the goal. The most important view of identity and the need to separate the notion of nation and state, the political significance of the nation must be overlooked, essentially an 'educational community' that will be expressed in the common language. European identities are shared by the common cultural roots of European nations, and the resulting dual (national and European) identity is the basis for the federalist, democratic United States of Europe, and it is able to organize a united Europe from a fragmented nation-state structure. It was a serious threat to the United States and the Soviet Union's great-power policy, so Russia would be left out of integration and wanted to shut the USA out of the area. In the spirit of Europe-centeredness, the accession of the United Kingdom could only be accepted if its colonial interests were significantly reduced.²⁷

A good example of the religious determinism of cultural similarity and diversity is the phenomenon of universalism, which forms the basis of the European rule of law, according to which the law measures everyone equally. In most cultures, so in Islam, there are obviously other rules for the group and outside the group. Within the group, solidarity (brotherhood) prevails, but outside the group it does not be applied. Christianity, on the other hand, made obligations to a neighbour as universal, by extending the concept of the neighbour to all humans and by the command of the enemy's love. This defines not only moral but also European legal thinking: the idea of equality before the law has evolved as a concept of natural law or a concept of justice that is independent of the social situation and worldview. The fact that moral commands are binding in any situation and against anyone (enemies, godless ones, etc.) is a Christian thought, since brotherhood can only be interpreted within the group in other cultures. Even the Mosaic Law reflects this view: 'You will not harbour hatred for your brother. You will reprove your *fellow-*

27 One part of Coudenhove-Kalergi's family was from the Netherlands, the other from Crete, his mother was Japanese, and he was born in Tokyo. Kalergi grew up in the Austro-Hungarian Monarchy, growing up in his Czech estate, but he was always a European one and working for the creation of the European Federation throughout his life. See: VARGA, 668.

countryman firmly and thus avoid burdening yourself with a sin. You will not exact vengeance on, or bear any sort of grudge against, the members of your race, but will love your neighbour as yourself. I am the Lord. (Leviticus 19: 17-18)

This view is overwhelmed by Jesus' universal love affirmation: 'You have heard how it was said, You will love your neighbour and hate your enemy. But I say this to you, love your enemies and pray for those who persecute you; so that you may be children of your Father in heaven, for he causes his sun to rise on the bad as well as the good, and sends down rain to fall on the upright and the wicked alike. For if you love those who love you, what reward will you get? Do not even the tax collectors do as much? And if you save your greetings for your brothers, are you doing anything exceptional? Do not even the gentiles do as much? You must therefore be perfect, just as your heavenly Father is perfect'. (Matthew 5:43-48) This is not only a relation within the community, as it testified by the parable of merciful Samaritan (Lucas 10:25-37). The Samaritans mentioned in the parable were not regarded as members of the Israelite community by Jews in the age of Jesus, but strangers, and even one of the most insult were for a Jew when he was called by another Jewish as a Samaritan.

4. Cooperation between V4 countries

The name of the V4 co-operation was obtained from the summit held in Visegrád in November 1335, where Charles I, King of Hungary, Casimir III., King of Poland, John of Luxembourg, King of Bohemia, Charles of Luxembourg, Count of Moravia and representatives of the Teutonic Knight Order, after settling the territorial disputes between the Czech and Polish kingdoms and the Polish kingdom and the German Knights Order, had established a strong alliance system for nearly half a century, which ensured the region's security and prosperity, and extended their commercial cooperation.²⁸

28 Casimir, the Great, paid 20,000 Czech silver Marks for the Czech king for resigning from the Polish royal title. In return, King John issued a letter of resignation deposited with the Hungarian king. If Casimir would not pay the remaining amount, the Hungarian king will return the certificate of resignation deposited with him to the King of Bohemia, or he will pay the remaining 6,000 marks. In their judgment on November 26, the arbitrators sentenced Kujava and Dobrzyn to Poland and Pomerania to the Knights Order. See: <http://www.visegradgroup.eu/visegr-kongresszus/racz-gyorgy-visegrad> (27. 10. 2019.).

Modern-day co-operation is based on the Visegrad Declaration adopted on 15 February 1991, signed by Václav Havel, President of the Republic of the Czech and Slovak Federal Republic, Lech Wałęsa, President of the Republic of Poland and József Antall, Prime Minister of the Republic of Hungary.²⁹ The Declaration referred to common purposes (full restitution of state independence, democracy and freedom; elimination of all existing social, economic and spiritual aspects of the totalitarian system; construction of a parliamentary democracy, a modern State of Law, respect for human rights and freedoms; creation of a modern free market economy; full involvement in the European political and economic system, as well as the system of security and legislation), and noted the identity of objectives, as well as similarity of ways of achieving them in many fields poses identical tasks before the three neighbouring countries as the basis of the cooperation.³⁰

The Declaration emphasized that „[a] favourable basis for intensive development of cooperation is ensured by the similar character of the significant changes occurring in these countries, their traditional, historically shaped system of mutual contacts, cultural and spiritual heritage and common roots of religious traditions. The diverse and rich cultures of these nations also embody the fundamental values of the achievements of European thought. The mutual spiritual, cultural and economic influences exerted over a long period of time, resulting from the fact of proximity, could support cooperation based on natural historical development. In unified Europe, to which the three countries wish to actively contribute, it is possible to maintain culture and national character while fully realizing the universal system of human values”.³¹ The signatories of the Declaration stated that their cooperation in no way will interfere with or restrict their relations with other countries, and that it will not be directed against the interests of any other party.³²

On 21 December 1992 in Krakow, the Visegrad countries established the Central European Free Trade Agreement (CEFTA). This organization facilitated international trade between the four countries based on the Western European model. This Agreement entered into force in July 1994.

29 As the history of V4 cooperation, see: TAKÁCS Gergely (2006): *A Visegrádi Négyek és az európai integráció*. In: GLIED Viktor – TARRÓSY István (eds.): *Globális biztonsági kihívások, NATO szerepvállalások és Közép-Európa*. Pécs, Európa Centrum, 2006, 139-157.

30 <http://www.visegradgroup.eu/documents/visegrad-declarations/visegrad-declaration-110412-2> (27. 10. 2019.).

31 *Ibid.*

32 *Ibid.*

This organization facilitated international trade between the four countries³³ based on the Western European model.³⁴ The successful operation of CEFTA has been accompanied by economic development in the Member States. CEFTA currently has seven members. Macedonia and Albania, Bosnia and Herzegovina, Kosovo, Moldova, Montenegro and Serbia, which were admitted to the organization after 1 May 2007. Membership of Croatia, Romania, Bulgaria, Czech Republic, Poland, Hungary, Slovakia and Slovenia ended with the accession of the European Union.

Since one of the main goals of V4 cooperation was to facilitate the accession of the Member States to the EU and NATO, after the V4 Member States joined NATO in 1999³⁵ and joined the EU on 1 May 2004, the V4 countries new goals were set up during their meeting in Kroměříž. The Parties stressed the need for long-term co-operation in the Common Agricultural Policy, in the Structural and Cohesion Funds, in matters relating to the Common Foreign and Security Policy and in the operation of the Schengen system. It is particularly important to enforce the principles represented by NATO, and to strengthen transatlantic relations.³⁶

The Declaration emphasized that: „[t]he cooperation of the Visegrad Group countries will continue to focus on regional activities and initiatives aimed at strengthening the identity of the Central European region. [...] The Visegrad Group countries are strongly determined to jointly contributing to the fulfilment of the European Union’s common goals and objectives and to the successful continuation of the European integration. They reiterate their commitment to the enlargement process of the European Union. They are ready to assist countries aspiring for EU membership by sharing and transmitting their knowledge and experience. The Visegrad Group countries are also ready to use their unique regional and historical experience and to contribute to shaping and implementing the European Union’s policies towards the countries of Eastern and South-Eastern Europe. The Visegrad Group countries are committed to closely cooperating with their nearest partners in the Central European region. They are also ready to cooperate in specific

33 In 1993, with the dissolution of Czechoslovakia, Visegrad Cooperation became a four-member alliance.

34 <http://www.worldtradelaw.net/document.php?id=fta/agreements/cefta.pdf> (02. 10. 2019.)

35 Except Slovakia, which only joined NATO in 2004.

36 <http://www.visegradgroup.eu/cooperation/guidelines-on-the-future-110412> (27. 08. 2019.)

areas of common interest with countries within the wider region, with other regional groupings in Europe as well as with third countries and international organizations. The Prime Ministers of the Visegrad Group countries express their deep conviction that further cooperation between their countries, rooted in centuries of interlinked history and based on similar political, economic and social developments in the past decades, will enrich the community of European nations and contribute to the building of a reunited, democratic and prosperous Europe”.³⁷

V4 co-operation has been particularly strengthened after the migrant crisis of 2015. The V4 countries have consistently stood up to defend the EU’s southern outermost border (for this purpose, they helped the Balkan countries with common units to curb the migration wave) and later against the mandatory refugee allocation quotas.³⁸ The Hungarian Presidency’s program of the V4 countries stresses that “the current challenges are the »strong Europe of strong nations«, where decisions are made as close to citizens as possible”.³⁹ At the summit on 1 July 2018, a common migration policy has moved towards the Visegrád position.⁴⁰

The V4 countries, although defend national sovereignty, calling for further expansion and deepening of EU cooperation with the EU in many areas. They formulated a uniform position on the European Union’s budget of 2021-2027, opposed the reduction of the EU budget, in particular the reduction of cohesion and agricultural funding, the reallocation of cohesion funds, and the financing of migrant integration from cohesion funds.⁴¹ The V4 countries considered the “faster integration path” of the countries participating in the Eastern Partnership; also an important priority is the linking of transport and energy systems in Central and Eastern Europe,⁴² in which the V4 countries

37 <http://www.visegradgroup.eu/documents/visegrad-declarations/visegrad-declaration-110412-1> (17. 10. 2019.).

38 Peter STEPPER *The Visegrad Group and the EU agenda on migration: A coalition of the unwilling?* COJOURN, 2016. 1:1, 62-82.

39 <http://v4.gov.hu/download/6/98/02000/V4HUPRES%20program%20-%20pdf.pdf> (28. 06. 2019.)

40 <https://www.hirado.hu/kulfold/kulpolitika/cikk/2018/07/01/v4-komoly-sikerek-az-eu-csucson/> (28. 06. 2019.)

41 <https://magyaridok.hu/belfold/egyseges-v4-fellepes-az-eu-koltsegvetesi-vita-ban-3438731/> (28. 07. 2019.)

42 <https://magyaridok.hu/kulfold/unios-perspektivat-kell-nyujtani-kelet-europanak-1580494/> (28. 07. 2019.)

also co-operate as members of the Three Seas Initiative.⁴³ V4 countries also support Western Balkan countries as soon as possible to join the European Union.⁴⁴

5. Conclusions

We must see that the Central European states participating in the V4 cooperation, for historical reasons, feel themselves well in the Ottonian Europe. This is not surprising, as these states, at the same time as they were formed, joined this kind of Europe, keeping their independence jealous of successive Western and Eastern empires. For the Central European states, the imperial idea and European integration cannot be easily equated as they know and favour the other model of European integration, based on a common cultural identity.

This model is a value-based, therefore it creates a less spectacular unity in everyday life, but in a crisis, it provides surprisingly coordinated action to protect common values. This model gives a greater room for local identities and individual freedom, as the common value base allows the dispute, since it is not a faith debate on the basic values but the discussion of the problems by conflicting different approaches risen from a common ground.

As we have seen, in the case of the peoples of Europe, this common ground is Christianity, which despite today's disenchantment still deeply penetrates the culture and worldview of European peoples. Challenges such as immigration from the Third World to Europe, the enlargement of the Union in the Southeast or the fight against terrorism all raise the issue of the existence and protection of this Common Fund, and it is impossible to ignore the importance of it in the debates over sovereignty relating the migration, the Brexit or procedures against Hungary and Poland under the Article 7 of TEU. This is clearly described by the seventh amendment of the Hungarian Fundamental Law, which added, in the context of the response to the refugee crisis, the Article R) of the Fundamental Law, that "the defence of the constitutional identity and the Christian culture of Hungary is a duty of all organs of the state".

It is not the case that the Central European countries, which form the V4, would be opposed to the European value system and would reject European

43 http://kki.hu/assets/upload/34_KKI-elemzes_TSI_Barabas_20181016.pdf (28. 07. 2019.)

44 <http://www.kormany.hu/en/ministry-of-foreign-affairs-and-trade/news/hungary-and-the-v4-support-the-acceleration-of-western-balkan-european-integration> (28. 07. 2019.)

integration in the spirit of some kind of close-knit nationalism, but instead of interest-based, imperial integration model, they believe in a model based on values and the cooperation of peoples and states, and they want to ensure the protection of traditional European values in this context.⁴⁵ These states believe in that if these values are lost, Europe will no longer be Europe as it is known.

45 However, the position of the V4 countries is not exactly the same as the desirable direction of European integration. See detailed: https://www.pism.pl/files/?id_plik=12283 (19. 10. 2019.); http://kki.hu/assets/upload/12_KKI_4_1_V4_20170706.pdf (28. 07. 2019.)

Glossa luridica

A Károli Gáspár Református Egyetem Állam- és Jogtudományi Karának állam- és jogtudományi folyóirata

Szerkesztési szabályok

A törzsszöveget Calibri betűtípussal, 12-es betűmérettel, normál sorközzel, nullás térközzel, bekezdés előtti és végi sorköz nélkül, sorkizárva kell írni.

Cím:

A CÍM VÉGIG KISKAPITÁLISSAL, KÖZÉPRE ZÁRT

Alcím normál szedéssel, középre zárt

ALATTA A SZERZŐ NEVE („DR.” VAGY MÁS ELŐTAG NÉLKÜL, KIVÉTEL AZ IFJ. STB.)

KISKAPITÁLISSAL, KÖZÉPRE ZÁRT

Szerző neve alatt titulusa és (zárójelben) intézménye kurziválva (vezetői megbízás nélkül)

Például:

ACTIO COLLECTIVA EUROPAE ANTE PORTAS

Európai kollektív igényérvényesítés a kapuk előtt

UDVARY Sándor

egyetemi docens (KRE ÁJK)

A törzsszöveg tagolása:

A szöveg tagolása kizárólag arab számozással, félkövér betűvel szedve történik, kurziválás kerülendő. A tagolás mélysége legfeljebb 4 egység lehet (pl. „2.2.3.1. A Kúria idevágó határozatai” még megengedett). Az automatikus számozást kérjük kikapcsolni.

A bekezdéseket csak ENTER választja el, behúzás, tabulátor használata kerülendő. Amennyiben azonos bekezdésen belül szeretne új sort kezdeni, sortörés alkalmazandó (shift+enter). A bekezdések végső formájukat a tördelés során nyerik el.

A törzsszövegben a kiemelést a kurziválással lehet jelölni, minden más stílus (aláhúzás, **félkövér**, KISKAPITÁLIS) használata a törzsszövegen belül kerülendő.

Szakirodalmi hivatkozás:

A cikkben végjegyzet nem használható, kizárólag folyamatos (arab) számozású, 10-es betűméretű lábjegyzetek használhatók. A cikkhez irodalomjegyzék nem csatolható.

Könyv idézése:

SZERZŐ VEZETÉKNEVE KISKAPITÁLISSAL, utóneve normál betűvel: *Az idézett könyv teljes címe kurziválva* [Többkötetes mű esetén a teljes cím után zárójelben kell utalni a kötet számára római számmal (pl. I. kötet), szükség esetén annak címével.]. Megjelenés helye, kiadó neve, a megjelenés éve, oldalszám (bármilyen oldalra való további utalás, pl.: p., pp., o., old., oldal szövegszerű használata nélkül!).

Például: SZLADITS Károly: *Magyar Magánjog (I. kötet. Általános rész – Személyi Jog)*. Budapest, Grill Károly Könyvkiadóvállalata, 1941, 271-273.

Külföldi szerző esetén a szerző családi neve áll elől, ezt követi keresztnéve (utóneve). Ilyenkor a két név között vessző áll. Ha idegen nyelvű a kézirat, és magyar szerző magyar művére utal, a vezetéknev áll elől, majd vesszővel elválasztva jön a keresztnév. *Utóbbi három szabály a tanulmánykötetben, illetve folyóiratban megjelenő írásokra utalás esetén is irányadó.* A kiadás helye után szükség esetén a (kiadás országa) zárójelben megadható.

Például: JONES, Craig: *Theory of Class Actions*. Toronto (Canada), Irwin Law Inc., 2003, 14-15.

Az oldalszámok között kiskötőjel (-) használata szükséges.

Idézés tanulmánykötetben szereplő cikkből:

SZERZŐ VEZETÉKNEVE KISKAPITÁLISSAL, keresztnéve normál betűvel: *Az idézett tanulmány teljes címe kurziválva*. In: A TANULMÁNYKÖTET SZERKESZTŐJÉNEK VEZETÉKNEVE KISKAPITÁLISSAL, utóneve normál betűvel (szerk.): *Tanulmánykötet címe normál betűvel*. Megjelenés helye, kiadó, a megjelenés éve, oldalszám.

Például: UDVARY Sándor: *Class Action – az ördögtől való?* In: BARTA Judit – WOPERA Zsuzsa (szerk.): *Kodifikációs tanulmányok a polgári jog és a polgári eljárásjog témakörében*. Miskolc, Novotni Alapítvány, 2011, 262-277.

Idegen nyelven megjelent mű esetén a szerkesztésre utalás is az adott nyelvhez igazodjon. Leggyakrabban: (ed.), (eds.), illetve (Hrsg.).

Cikk folyóiratból:

SZERZŐ VEZETÉKNEVE KISKAPITÁLISSAL, utóneve normál betűvel: *Az idézett cikk teljes címe („In” nélkül!)*. *Folyóirat címe kurzívval*, a megjelenés éve/a

folyóirat lapszáma, oldalszám. A megjelenés évét követően – tipikusan egyes nem magyar folyóiratok esetében – megadható az évfolyam- és lapszám is: év, évfolyam (lapszám) formában.

Például: ALEXANDER, Larry: A unifying theory? Impossible. *Denver University Law Review*, 1995/7, 1007-1010. vagy ALEXANDER, Larry: A unifying theory? Impossible. *Denver University Law Review*, 1995, 72 (7), 1007-1010.

A folyóiratok általánosan (esetleg hivatalosan) használt rövidítései a jegyzetekben nem használhatók. (pl. JTK a Jogtudományi Közlöny helyett nem lehet).

Internetes hivatkozás:

Az URL megjelölésével és a letöltés időpontjának megjelölésével történik a hivatkozás

Például: www.echr.coe.int/Convention/webConvenHUN.pdf (2016. 03. 17.)

Ismételt hivatkozás:

Már idézett műre hivatkozás: SZERZŐ VEZETÉKNEVE KISKAPITÁLISSAL i. m. + oldalszám

Például: VÉKÁS i. m. 233.

Ha már a szerző több művére történt hivatkozás, akkor a hivatkozott mű megjelenésének éve zárójelben kiegészíti az előbbit – pl. VÉKÁS (1994) i. m. 233. Ha egy szerzőnek azonos évben több műve is megjelent, melyek hivatkozásra kerülnek, betűjellel teszünk különbséget (ezt az első, teljes hivatkozásnál már jelezni kell):

Így első alkalommal ALEXANDER, Larry: A unifying theory? Impossible. *Denver University Law Review*, 1995/7, 1007-1010. [a továbbiakban: ALEXANDER (1995a)]

Ezt követően ALEXANDER (1995a) i. m. 1008.

Ha a következő lábjegyzet ugyanabból a műből származik: Uo. 34.

Lábjegyzet mindig nagybetűvel kezdődik, a végén pont zárja le, vö., ld., pl. rövidítéseket használhatjuk (a nagybetűs kezdés és a ponttal való lezárás nem érvényesül internetes hivatkozásnál). Az op.cit., ibid., cf., e.g. és egyéb rövidítések a magyar nyelvű tanulmányokban kerülendők.

Idégen szöveg idézése:

Az idézet elején és végén nyomdai idézőjelet használunk: tehát „idézet” és nem „idézet”. Ha nem pontosan úgy kezdenénk az idézetet, ahogy az az

eredetiben szerepel, akkor a korrekcióra szögletes zárójelet használunk: „[I] dézet”. Ugyanígy járunk el, ha az idézetből kihagyunk részeket ([...]), vagy ha értelemzavaró részt korrigálunk. Az idézetben belüli idézet jelölése a hagyományos módon, ún. lúdlábbal történik („a »clear and present danger« elve alapján...”).

Lábjegyzetben történő idézés esetén a lábjegyzetszövegben idézünk, anélkül, hogy megtörnénk a lábjegyzetszöveget (nem kell tehát új bekezdés).

Az idézetet sehol nem kell kurziválni.

Például: „[Mivel] a pártok a politikai rendszer meghatározó részei, helyénvaló, hogy az általános rendelkezések között [...] szól róluk az Alkotmány. [...] [A] pártok más alkotmányokban [is] az állami szervek és az alapjogok fejezetein kívül, vagy a szuverenitáshoz, vagy a választójoghoz illeszkedve szerepelnek.”

Kiemelés:

Nem dupla, hanem szimpla idézőjellel, pl. ‘jogrend’ (és nem „jogrend”)

Kiemelhető: egy-egy fontos szó, sajátos értelemben használt szó, idegen szó, általánosan használt jogi alapelv.

Kurziválás:

Akkor alkalmazzuk, ha hangsúlyozni akarunk valamit (az idézetet önmagában még nem kurziváljuk).