

## *Constitutional patriotism as a form of citizenship for the European Union – recognizing minorities*

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### **Abstract**

Contemporary political theory is focused on the question of common life of groups and individuals with divergent axiological worldviews. The need for common life, social cohesion and solidarity is sometimes in contradiction to the space of freedom that these groups and individuals require by their very nature. Recognition stands in the nexus of this contradiction: we need rules that will accept us as equal citizens of a polity but at the same time allow for the expression of our difference. Political liberalism informs us with idea that constitutional rules have to be legitimate for those to whom these are directed. What do these two streams of normative reasoning tell us about existing and desirable constitutional orders of polities, specifically postnational like the European Union, and what form of citizenship would account for minorities?

I argue that liberal multiculturalism is to some extent just another reinterpretation of the national state which legitimizes the intrusion of the concepts of the good in the sphere not only in politics but in the constitutional outset of modern national states. National majority has always come with various other forms of exclusion: patriarchal, white, heteronormative etc. Thus, with the main discourse of national states that stays at the pedestal of modern European intellectual history we have different kinds and types of minorities, phenomenologically distinctive, but all united by the constitutional and political exclusion they experience within a setting of a national state. Degrees and forms change both historically and geographically but the matrix of exclusion

in its essence remains the same: citizenship is used a strategy for social closure that gives majority *more of something*, be it resources or status. If this is the nucleus of the normative problem that lies in the heart of constitutionalism, democracy and citizenship what is the theoretical solution of this conundrum?

In this thesis argue that constitutional patriotism is an optimal form of citizenship for an emerging European polity. This notion is thoroughly analyzed and developed through a new theoretical paradigm. The main idea is that European belonging is based on the allegiance to a certain set of constitutional rights that stem from quasi-constitutional acts and practices of the EU and allow for better recognition of those who I named identity minorities. To be legally equal and recognized, in my understanding, means is to have the same point of reference, the basic set of rules that govern us and give equal standing for our different conceptions of good life. In other words, my thesis, in its philosophical core, is a story about the *good* and *right* and their mutual interdependence. Though liberals are often criticized for their insistence on rights, forgetting that rights themselves can be a form of particular good, I try to show that it is still the only normatively acceptable form of establishing an order in which *minimal common* rights will enable us to have the liberty to establish and achieve our conceptions of the good life. In other words, primacy of *rights* over *good* is the only logical solution for the axiological clash that might emerge between these two analytical categories. This conclusion stems from both lines of reasoning applied in my dissertation: theories of recognition and political liberalism.

In final chapters I show that EU citizenship is being created in a deterritorialized and postnational polity. These two features give a distinct identity to the EU polity making it more open and inclusive for minorities and I explicate this through three normative arguments why constitutional patriotism is normatively the most acceptable form of EU citizenship.

**Key words:** *EU citizenship, constitutional patriotism, constitutionalism, constitutional identity, recognition, minorities*