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**Citation** (please note it is advisable to refer to the publisher's version if you intend to cite from this work)

**Pimor, A (2015) The Unbearable Elusiveness of the European Union's Spiritual Heritage. Journal for the Study of Spirituality, 5 (1). pp. 33-46. ISSN 2044-0243**

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Status: **Pre-Referencing Draft – Do Not Quote**

Publication: *journal for the study of spirituality*, Vol. 5 No. 1, May, 2015, 1–14

# The unbearable elusiveness of the European Union spiritual heritage

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## Abstract

'Conscious of its spiritual and moral heritage the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity'. This remarkable assertion in the preamble of the Charter of Fundamental Rights of the European Union has received scant regard as the meaning of spiritual is considered unproblematic. There is no interpretive guidance regarding the preamble and still no convincing attempt at defining 'spiritual' in the European context. Discussions about the Union's 'spiritual dimension' invariably insinuate references to its religious roots and historical relationship with Christianity. Similarly, spiritual and spirituality, used interchangeably, are emerging as umbrella terms and alternatives to religion. The 'spiritual' terminology favoured in European political discourse is a more generic, neutral and inclusive expression suited to the secular sensitivities of a pluralist society. However, overtime spirituality has emancipated itself from its religious origins to plant new roots in various academic and professional disciplines. A multi-faceted non-theistic 'new spirituality' has since emerged but has yet to migrate to the field of European studies. The founding fathers had the vision of post-war Europe as a united political *and spiritual* entity. In light of today's global crisis, the Union must radically redefine itself as more than a regeneration project for a continued and sustainable integration. Given the teleological tradition of the European Court of Justice, the Charter preamble could impact on EU law interpretation and development, spelling the advance of a spiritual age for European integration. This calls for a more informed conceptualisation of this 'spiritual heritage'.

## Key words

European Union, spiritual heritage, Charter preamble

Pre-Referencing Draft - Do Not Quote

## Introduction

The Charter of Fundamental Rights of the European Union, proclaimed at Nice in 2000, acquired legal force following the ratification of the Treaty of Lisbon in 2009. Recital 2 of the Charter preamble states: “*Conscious of its spiritual and moral heritage* (added emphasis), the Union is founded on the indivisible, universal values of human dignity, freedom, equality and solidarity; it is based on the principles of democracy and the rule of law...”

Whilst the substantive part dealing with rights, freedoms and principles is expounded on in the Explanatory Notes of the *Preasidium* (2007) which drafted the Charter, there is no interpretive guidance relating to the preamble. Accordingly, the operative part of the Charter is the main focus of academic discussion whilst the remarkable assertion that the European Union has a ‘spiritual heritage’ has generated little rigorous scholarly examination. This scant regard stems from the view that ascertaining its meaning is ‘considered either common knowledge or insignificant’ (Krause 2007), arguably because it is seen as an alternative term to ‘religion’. However, spirituality has become an ‘acceptable’ research topic of theoretical and empirical value across several academic disciplines, with implications for practice in nursing, psychology, education, management and economics, for instance. In light of this growing body of literature where ‘spiritual’ is increasingly non-religious, this ambiguous terminological choice highlights the complexity of what constitutes the Union spiritual heritage. Its presence in an EU legislative document of constitutional value further raises questions as to the legal relevance of the term and as to its role in defining the elusive nature of the Union.

The scope here is not to explore the practicalities of spirituality but to consider how the open-ended nature of its theorising raises the prospect of its application in the European Union. As non-religious understandings of spirituality become more elaborate, this paper aims to debunk the assumption that ‘spiritual’ is an insignificant, unproblematic term which obliquely and generally refers to religion; and that its mention in the Charter preamble is essentially symbolic rather than of any legal significance *per se*. The author starts to problematize the notion of the Union spiritual heritage by pondering its relevance for European integration, before considering the confusing usage and opaque meaning of ‘spiritual’ terminology. It is then posited that the Union’s spiritual heritage should be scrutinised more rigorously in light of the distinction and migration of the ‘spiritual’ from the religious domain, which has led to the evolution of multi-faceted non-theistic meanings of spirituality in a wide range of disciplines. Finally, given the teleological tradition of the European Court of Justice, the Charter preamble may have more applied impact on the interpretation and development of EU law. Therefore the article concludes that a more informed conceptualisation of this ‘spiritual heritage’ is essential.

## Europe at a crossroad: time for spiritual integration

The founding fathers had an ambitious vision for the Europe arising from the ashes of World War II. Christian-Democrats Schuman, Adenauer and de Gasperi were deeply affected by their experiences of European conflicts and profoundly influenced by their faith. They aspired to a united Europe based on principles of reconciliation, forgiveness, solidarity, equality, freedom for long lasting peace, prosperity and sustainable stability between the European countries. The ultimate goal was for Europe to become a federal, political, cultural *and spiritual* united entity. In 1949, Schuman stated that the establishment of the Council of Europe was a foundational step towards the ‘spiritual and political co-operation from which there will arise the European spirit, the promise of a broad and lasting supranational union.’ However, whilst political and military integration was initially stalled by concerns of the safeguarding of national sovereignties, the less threatening and more conceivable economic route was selected as the first step towards European integration. Over the decades the holistic vision of a united Europe was lost as economic integration became a goal in itself, as illustrated by the way the EEC membership was sold to the British people as entering a mere common market.

In 2001 Habermas reflected on the fulfilment of European integration goals through the relative achievement of peace, democracy, economic growth and welfare. That same year the Laeken Declaration stated that the European Union was “at a crossroad, a defining moment in its existence” and called for reflection upon its nature and direction. The convoluted result was the Treaty of Lisbon 2009. After nine years of labour intensive negotiation and reflection, this Reform Treaty was supposed to be the last for a long while, as it was meant to herald a new dawn for the European project; to consolidate all previous achievements; and to pave the way for greater integration. However, the economic crisis called for an early addendum with the adoption of the Compact Treaty in 2012, drafted in a bid to combat national debt crises by tightening budgetary and fiscal discipline.

Today European integration successes are no longer self-evident. The unification project is threatened on all fronts, not least by an erosion of trust and confidence in the political class. The EU, particularly criticised in the media, is exposed as being neither truly united nor equipped to deal with the challenge. The crisis underlines three perceived concerns: the inherent weaknesses of collective decision-making; the weakening of a ‘united’ Europe with Germany seemingly standing apart from the rest; and the weakening of the EU Commission’s stature (Grant 2011). In addition, with the increasing influence of commercial lobbyists and interest groups in the Union’s opaque decision-making processes to the detriment of effective citizens participation undermines the democratic aspirations of the Union. Coupled with unemployment across the Union just below 11% (Eurostat 2014) economic growth and benefits for the masses are no more guaranteed outcomes. Welfare is under attack as national governments frantically reform pensions, employment legislation and cut public spending across the board (Kvist 2013) with sometimes devastating consequences for individuals and their families, social justice and solidarity (Hardinghaus & Heyer 2012). Unification itself is on rocky grounds with talks of ‘secession’ from certain Member States and a notable rise in far-right politics and nationalism now reflected in membership of the recently elected European Parliament. As for peace... growing social discontent and civil unrest have ever so slightly been rocking the boat and undermined the EU’s image in the public opinion.

Economic integration has essentially defined the Union as a problem-solving, instrumental, functional and thus limited organisation. This picture traditionally leaves citizens aloof as long as the Union is working and providing adequate solutions to market-based issues. However, the inability of the EU to effectively tackle the present economic turmoil is a stark reminder that something is missing from the European venture. De Gapsari already warned at the onset that an economic Union without a ‘higher political will’ would become irrelevant, unnecessary and potentially oppressive (Frattini 2008). This is corroborated by current concerns over the reach of EU involvement beyond economic policies towards socio-cultural, immigration and foreign policy realms; by the Union’s enlargement policy. The absence of a united, overarching core political *entente* are clearly having damaging effects and graphically exposes the fragility of a polity solely based on economic dynamics, thus throwing into doubt the very survival of the Union in the minds of many.

Whilst the Union has been at crossroads in its construction time and again, it has managed to move on with further intergovernmental and inter-institutional negotiations, with compromises and opt-outs at the ready. Nevertheless, in the process, the Union has rarely succeeded in securing the unwavering support and trust of its citizens whose views and opinions are still marginalised, their effective participation in the democratic process yet to be fully realised. Consequently, the enduring effort to bring the Union closer to its citizens is a most troubling and polemical affair characterised by a series of starts and stops, awkward constitutional moments and lip-service assurances.

It is this ambiguity in the contested European political integration process that led to Delors’s call in 1992 to give Europe ‘a soul, spirituality and meaning’; all the more pertinent today as a perceived functional Union is failing even on the very economic means upon which it is built. However, this call for reflection on the spiritual dimension of the Union has generally been overlooked by academic scholars, regardless of their fields of research, who assimilate spiritual concepts to identity issues grounded in religious and cultural roots. This conceptual amalgamation was reflected in the

impassioned controversy surrounding a possible reference to god/Christianity/religion in the preamble of the draft Constitutional Treaty, an issue somewhat settled with the Lisbon Treaty by the eventual acknowledgement that the European Union draws 'inspiration from the cultural, religious and humanist inheritance of Europe'. A bold statement for those staunch proponents of a purely secular Europe, though their views previously prevailed in the drafting of the European Charter of Fundamental Rights and its preamble, where 'religious' was replaced by 'spiritual'.

Therefore out of the three main constitutional documents that form the basis of the EU edifice, two of these preambles make an express reference to the Union's religious and spiritual legacy. It could be argued that there was no requirement for the inclusion of 'self-defining preambles' to the European Treaties and Charter of Fundamental rights, and more specifically no need for references to such transcendental or normative ideals. However, Casanova (2006) points out that this would have been counterproductive and 'self-defeating' given the Union's constitutionalisation process and its inherent pursuit for a common European identity, full integration, democratic legitimacy and desire to be closer to its citizens. Instead the drafters attempted to enumerate the common, universal values or 'self-evident truths' upon which the Union is based, a task which required consensus and thus generated great debate and compromise, particularly in our post-Christian and post-modern society. Still, Casanova adds that such normative declarations could hardly ground a common European political identity, for 'without addressing explicitly the thorny question of Europe's 'spiritual and moral heritage' and its disputed role in the genesis of those supposedly 'universal values', it is unlikely that such a proclamation can have the desired effect of inscribing those values as uniquely, particularly, or simply poignantly 'European' (2006:81).

### **Problematizing the 'European spiritual heritage'**

Defining 'soul', 'spirit', 'spiritual' or 'spirituality' can be a perplexing exercise in the 21<sup>st</sup> century as their respective original definitions have undergone transformations in accordance with cultural and contextual evolution. A basic lexicon review shows that meanings overlap, leading to the initial distinction of the terms being so diluted that they are almost indistinguishable and tend to be as synonyms of each other. 'Spirituality', in particular, has emerged as an umbrella term encompassing all of the above; and as an alternative (generic, neutral and inclusive) expression favoured in European political discourse.

'Soul', for instance, is seen as the spiritual, immaterial and immortal part of a sentient being. Its usage also infers a moral, emotional and intellectual quality as the essence or true nature of one's identity. Certainly, European officials believe the Union's 'living and sharing soul' (Figel 2006) to be the inner compass and inner understanding of the constituent elements of its identity, intrinsically linked to an understanding of 'its traditions, basic values, civilisation, ideas about the future, emotions and ambitions' (Ferrero-Waldner 2006). Europe's soul is cultural (Barroso 2006) and based on common core and non-negotiable values such as tolerance, respect, freedom, the rule of law, human dignity, diversity, conflict resolution and creativity. These are the foundational elements which permeate the Union's identity-making and bonding processes and ensure its peaceful continuity. These are the elements which constitute the European spirit (Barroso 2006).

'Spirit' is said to be the incorporeal part of a being or their true self; and is also synonymous to the real intended meaning of something as opposed to its literal or strict interpretation. As such it bolsters a loftier understanding of identity rather than a tangible characterisation of the self. The 'European spirit' generally evokes the identity or essence of Europe in an imperceptible manner. In turn, the European spirit means 'being conscious of belonging to a cultural family and to have a willingness to serve that community in the spirit of total mutuality without any hidden motives of hegemony or the selfish exploitation of others' (Schuman 1949). It also stands for 'the abolition of war as the continuation of diplomacy by other means' (Ferrero-Waldner 2006).

It follows that 'spiritual' is an adjective referring to the human spirit or soul beyond the material and physical realms; which seems to be the intended meaning of the word when labelling the EU as

spiritual, political or economic for instance. The adjective might also refer to an emotional, mental or religious experience; to religious denominations and values; or to secular principles (i.e. neither material nor temporal). Its use as a synonym for religious-related matters is commonplace. Discussions about the Union's 'spiritual dimension' invariably insinuate references to its religious roots and historical relationship with Christianity. It is indeed widely accepted that originating from 'Jerusalem, Athens and Rome the Union is founded on the triad of spirituality, democracy and individual freedom based on law' (Ferrero-Waldner 2006). In other words, Europe was built on Greek rationalism and culture; Roman concepts of justice, law and state organisation; and Judeo-Christian values and principles (Blei 2002). This leitmotiv is further evidenced in the debates on a reference to Europe's Christian roots or to God in the failed European Constitution (Cvijic & Zucca 2004) and on the place of religious civil society in the governance of EU affairs (McRae 2010). The interrelation between Christianity and European cultural identity is a historical fact also observed in social science studies where it is posited that 'a shared religious heritage based on Christian values... may be seen as one formative cultural influence at the heart of and giving substance to 'European' civilisation' (Harding 1986:29).

As mentioned above, the founding fathers of the European project were Christian-Democrats who drew on their faith to advocate European unity and spiritual integration. It is therefore not surprising that in both political and public discourses religion and spiritual are usually synonymous. The latter is thus used as an alternative word to suit secular sensitivities and the inclusiveness imperatives of a pluralist society. Indeed, it is widely presumed that the Charter's mention to a 'spiritual heritage' is an implicit reference to Europe's religious origins (Mirabelli 2006). Admittedly, it can be seen as a tokenistic compromise aimed at appeasing both religious and secular interests in the negotiations over whether to include a reference to religion, God or Christianity in the EU Charter of fundamental rights. In particular, the French government categorically opposed any reference to a *religious* heritage in the Charter (Loncle 2000). Despite being a minority view (Deloche-Gaudez 2001), the Convention on the drafting of the Charter nevertheless relented and chose instead to refer to the 'spiritual and moral heritage' of the Union, an expression borrowed from the preamble of the Statute of the Council of Europe (Loncle 2000). Both the Treaty on the European Union and the Charter affirm that the Union is based on fundamental values which originate from the spiritual, religious, humanist and cultural roots of Europe's diverse traditions and peoples – reinforcing the often unquestioned association between spiritual and religion.

Yet when both 'religion' and 'spiritual' are relatively distinguished, there is still no convincing or systematic attempt at defining 'spiritual' in the European context. Delors said that we would not 'succeed with Europe solely on the basis of legal expertise or economic know-how. If in the next ten years we haven't managed to give a soul to Europe, to give it spirituality and meaning, the game will be up'. This invitation, presented to European churches leaders in Brussels in 1992 led to the setting up of the initiative *A Soul for Europe*, charged with giving the Union a spiritual and ethical dimension and to facilitate an interfaith dialogue between EU institutions and religious communities. Nevertheless, if 'religion' and 'spiritual' are interchangeable terms dictated by the needs of a secular society – and in light of Europe's Christian roots – why would we need to *give spirituality* to the Union? Delors's call was arguably equivocal. On the one hand, it might be argued that it was interpreted literally, i.e. spirituality sourced in religious connotations. This seems to be the approach of the initiative which took a functional perspective and instead endeavoured to define 'the role of churches as representatives of the civil society and partners of good governance' (Foret 2004). The focus remained squarely on the exterior structural framework of the EU and its relations with institutional religious and denominational organisations; rather than on the interior self-reflective search for meaning and purpose.

On the other hand, it is contented that Delors's call has been misinterpreted. Given both the persistent assumption of an implicit relation to Europe's religious history and the interchangeable use of spiritual-related terms, current political and academic discussion offer little clarity regarding

the intrinsic and practical understanding of the Union 'spiritual' heritage. More to the point, the interspersed definitions and meanings of the terms cannot in themselves convincingly underpin an effective conceptualisation of Europe's spirituality, which therefore remains deceptive, contested, intangible, evasive and intrinsically ambiguous; yet it is also intriguing and propitious to a new era of European integration.

The term 'spirituality' has itself undergone an extensive transformation through the ages leading to its *éloignement* from religion whilst retaining its immaterial and metaphysical qualities. In its plural form it traditionally referred to the material belonging or property of the church. Its meaning evolved in 17<sup>th</sup> century to highlight the difference between the sacred and the secular, i.e. the spiritual or metaphysical dimension of an object as opposed to its worldly condition (Todd 2004). In response to the autocratic absolutism, religious/Christian obscurantism, intellectual repression, superstition and bigotry of the Dark Ages came the Enlightenment. With the Age of Reason human being became autonomous; the point of reference for right and wrong; and acquired freedom: democratic values and political rights gained importance, as did the protection of individual human rights. In 18<sup>th</sup> and 19<sup>th</sup> centuries, the growing divide between the human- and spiritual-being was further cemented by scientific discoveries and theories; and by the material advancements of the industrial revolution. This reinforced the perception of a human-centred reality based on reason, order, reductionism and determinism (Altes 2008, Geyer 2003) and underpinned the sweeping secularisation of European states and institutions. Secularism can take many forms, including church-state separation; the privatisation of religion or denial of religious influence in the public sphere; state neutrality in a pluralistic society; or a rival alternative to religion.

With modernisation and the spread of secularisation that gripped Europe in 20<sup>th</sup> century, it is not only the separation and marginalisation of the church from state that was achieved. The dissociation between human- and spiritual-being has effectively stripped European society of its 'enchanted self, myths, magic and the sacred' (Speers 200). This has contributed to the rise and dominance of a new reality: the market economy and the technological world. In a consumerist and materialistic society, disconnected from the natural world and pillaging its resources, the dominance of the 'competition, efficiency and profit' leitmotiv underpins conflictual and confrontational relationships, often to the detriment of environmental protection, animal welfare and human integrity (Altes 2008). The growing influence of corporate lobbying, occurrences of corruption and arguably undemocratic decision-making processes at the European institutional level also contribute to the impression that the Union lacks moral fibre and social justice.

The denial of interconnected solidarity in the face of excessive market imperatives and self-interest has since been wearing thin. Claims that the inevitability of modern progress would lead to the complete secularisation and disappearance of religion in European society have also proved unfounded. Instead, whilst public allegiance, membership and participation within a religious institution are dwindling, personal interests in a spiritual life either remain or have increased. Accordingly, secularisation has not stifled personal beliefs but rather transformed the nature of religion and contributed to a spiritual landscape where people can believe without belonging to a religious denomination (Davie 2007). The transformation of traditional religion and the increasing rejection of a materialistic world view have heralded a rise in popular interest regarding spiritual matters over the last four decades. Western society is in the thrall of a 'spiritual revolution' with the emergence of a subjective-life spirituality and concomitant decline of congressional and religious denominations' influence; there is growing empirical evidence that an increasing number of people identify themselves as 'spiritual' but not 'religious' (Zinnbauer 1997; Berghuijs 2013; Keller 2013). Religion is said to be progressively eclipsed by modern spirituality or spiritualities stemming from personal experiences (Heelas 2005). Despite reservations expressed as to the validity of the claim (Voas & Bruce 2010) global interest in spirituality has propelled the topic on the research agenda of several academic disciplines, starting a megatrend that is changing how reality is perceived (Aburdene 2010).

A semantic exploration of the word suggests that 'spirituality' is the combined result of both the Latin *spiritus* (breath) and Greek *enthousiasmos* (God within). Thus 'spirituality' literally means 'the breath of the God within' or 'divine inspiration' (Todd 2004), which could be Delors's interpretation: this breath, whether divine, metaphysical or secular, is what should give the Union life, purpose, meaningfulness and identity. Just as notions of citizenship, democracy and governance have evolved to adopt and reflect a singularly Euro-centric understanding, spirituality needs to be re-examined and recast in light of the Union's protean nature. In the same vein as citizenship, which can be qualified as ancient or modern, the distancing of spirituality from the strictly religious can be described as 'old spirituality' (i.e. religion) *versus* 'new spirituality' (or modern, contemporary or progressive).

The conceptualisation of this 'new spirituality' has opened new fields of research (e.g. psychology/sociology/anthropology of spirituality). In light of the above discussion, the same should apply to the field of European studies so as to provide a more informed debate on the meaning and significance of the Union spiritual heritage.

### **Conceptualisations of spirituality**

Spirituality is not a 'pin-able' term but instead is used to cover a multitude of meanings, including but no longer restricted to religion. Holmes aptly highlights that overtime spirituality has emancipated itself from its religious origins to plant new roots in various academic and professional disciplines thus 'defy[ing] efforts to treat it as a single discipline with a single definition' (Holmes 2010). It is highly contextual, subjective and means different things to different people. For some, it is broader than religion for 'although all humans are spiritual, not all humans are religious' (Sessana 2011). Although 'spirituality' may be understood as the universal search for meaning (Hall 2004) it is not a universal concept or phenomenon. Whilst the study of spirituality has grown into an acceptable research topic in theology, psychology, care sciences, education, public administration, economics, management, sociology and social theory; the term is addressed in a myriad of different ways by scholars of diverse backgrounds. Academic views, definitions and methodologies on the study of spirituality vary greatly across and within disciplines – here is a brief overview.

In UK education, spirituality is not tied to religious education and now permeates a child's learning and personal development strategy in the fostering of a sense of self, identity, meaning, purpose and self-worth (Ofsted 2004). In the field of leadership and workplace spirituality an individual's spiritual dimension in the work environment is described as 'the sum of the influence of family and peers and interactions with mandated and chosen social structure and systems.' (Geroy 2005:67). As spirituality takes on different connotations from religion, leadership becomes associated with the facilitation of spiritual development in the organisational community; interconnectedness (transcendental capacity building) and self-actualisation; whilst transcendence of meaning (existential capacity building) encourages the internalisation of organisational and work commitment (Geroy 2005).

Spirituality has indeed become a megatrend in the world of economics, business and management, especially in light of the economic and banking crises. The meaning of spirituality in this context is understood as 'the desire or transcendental search for the ultimate meaning of life'; human values; relationship with 'God/universe/divinity/ultimate reality'; interconnection and reconnection with the self. As the more direct route to the sacred, spirituality has a public good character and should inform a more ethical form of market economy (Bouckaert 2007). Accordingly, Thompson posits that the *Homo Economicus* needs to evolve into *Homo Spiritualis*. The former is motivated by reason and self-interest, where acts of kindness, goodness and altruism are grounded in instrumental and utilitarian imperatives. By contrast, '*Homo Spiritualis* is a spiritual being with a passion for truth, justice and goodness beyond self-interest [and] is a moral being. *Homo Spiritualis* has a sense of hope for humanity and a worldview that there is something more, however undefinable, than the materialist desires of life' (2007:36). He concludes that the flourishing in virtue, purpose and

quality in business will bring balance and spirituality to global economics. Globalisation certainly presents many challenges at the economic, political and social levels. In that regard, Verhelst (2007) posits that a new equilibrium paradigm is required – one that is not male dominated but that reunites the female and male qualities of human culture. This new paradigm would thus be based on ‘interconnectedness and spiritual depth rather than rivalry and meaningless rat-race’. Interconnectedness is thus associated with mindfulness, wholeness, the sacred and the re-enchantment of the world. Verhelst stresses the need for balance and to move away from dualistic and separatist approaches, what he equates to ‘physical, structural and cultural violence’. Therefore, just as *Homo Spiritualis* combines the material and spiritual dimensions of human being, interconnectedness joins the spiritual and rational understanding of reality together (2007:88-89).

It can be argued that spirituality in this context means the development of an economic consciousness linked to the human spirit and thus to meaning, values, sacredness, transcendence and connection; and founded on the principles of balance and interconnectedness. Essentially, this spiritual awareness is prompted by a desire for change in order to become... something more. Equally, spirituality is seen as a force in movements for political and social change. Here spirituality is linked to notions of consciousness and connection, a supernatural source, community and human potential (Pulido 1998). Spirituality thus has transformative powers that touch the individual human being, collective community and ultimately the world. Pulido distinguishes the mind from the heart and soul. She posits that whilst the mind is more concerned with logic and reason e.g. (political arguments), the spirit is more important and a more effective way to initiate profound and sustainable in in the heart and soul of society. In other words, spirituality in this sense is linked to motivation and inspiration; and possibly morality, although she stresses that spirituality and ethics are distinct since ‘it is spirituality that informs the visionary dimension of activism’ (1998:19). Spirituality is thus perceived as a force or a ‘resource for creating power’.

Spirituality is also conceptualised as a form of intelligence, the latter understood as the ‘focus on adaptive problem solving’ (Emmons 2002:6). On the premise that intelligence is not a one-dimensional concept but is in fact multifaceted (Gardner 1993), Emmons argues that ‘spirituality may be conceptualized in adaptive, cognitive-motivational terms, and may underlie a variety of problem-solving skills relevant to everyday life situations’ (2002:8). He concludes that spirituality passes Gardner’s test for intelligence for it fulfils the neurological, developmental, evolutionary and psychological criteria. In nursing, spirituality is studied in relation to its meaning and significance for patient care and well-being, as practitioners become more attuned to instances of ‘spiritual distress’ (Holmes 2010). As an ‘integrative energy’ in patient care, spirituality can be facilitated through ‘a conceptual consensus on the precise operational definition of spirituality from a scientific perspective’, i.e. a non-religious, non-partisan concept (Goddard 1995:285-288). The spiritual dimension inherent to the human condition is also recognised as a biological and scientific truth, as ‘by virtue of being human, all persons, at all ages, are bio-psycho-social-spiritual beings... everyone is spiritual’ (Burkhardt 2002:8). As an intrinsic physiological element and biologically structured dimension of human beings, spirituality is embedded in ‘relational consciousness’ to ensure our survival and evolution on the planet (Hay 2009).

Despite claims of reductionism levelled at the above approaches, the human being and mind placed at the heart of spirituality is recognised as the highest authority in many disciplines. According to Helminiak (2006:12), the confounding of the human spirit as an expression of God or the divine is a historical quirk which dates back to the birth of Christianity. Inspired by Pythagoras’s theorem of the perfect triangle – product of the human mind and insights – Plato believed that ideas were ‘the really real, eternal and unchanging’ and that their expression in the physical world could not reach their ideal state of perfection. Helminiak explains that Plato then ‘projected the insightful achievements of the human mind into a supposed separate, spiritual realm, the World of Ideas and Forms, where perfect realities exists’. Transposed into the Christian paradigm, the World of Ideas became heaven where God dwells. Therefore, if insights (inspiration, motivation, values) of the

human mind originate from the World of Ideas, then in Christian terms they originate from God or the divine. This embroilment of spirituality with theology is explained as 'an accident of history, enshrined in religious faith, and become intransigent'. Relying on the distinction between the spiritual (firmly rooted in the human) and the religious or divine, Helminiak promotes a non-theistic approach to the conceptualisation and eventual operationalization of a psychology of spirituality.

Ultimately, 'spirituality is not only about what is beyond human limits; it is the sensibility of incompleteness in the journeying. For something so intangible, spirituality produces its own tangibilities felt and known by those with the wisdom to quest and perhaps to find' (Flanagan 2010:1). The current global, regional and national upheavals faced by the Union could be the turning point for Europe's consciousness. Just as it seems that the Union is struggling to remain relevant, a broader conception of spirituality would break down the self-imposed limitations inherent to a mechanistic tunnel-vision of European integration rooted in economic objectives and religious/Christian influence. A re-interpretation of the Union spiritual dimension and heritage could inspire a more holistic and meaningful imagined reality and identity for Europe – heralding a spiritual age. This would echo principles of quantum mechanics that all reality is interrelated; that the world is an indivisible whole which is greater than the sum of its parts; and that 'natural systems flow from stability to chaos to a re-ordering to a higher state of self-organisation' (Rosado 2003).

### **On the value of the Charter preamble**

As the Charter is addressed to the EU institutions which are under an obligation to respect, protect, promote and conform to Charter rights in the exercise of their powers and other EU-related activities, the Charter preamble might be utilised in the legislative and decision-making process. Furthermore, given the creative judicial activism of the European Court (ECJ), which is inspired by the legal traditions of the Union Member States, it is not implausible to envisage that the Charter preamble could be used to interpret or found new EU legal principles. With the right set of circumstances, considering the preamble's objectives, principles and values might be required to shed light on existing EU law provisions. Indeed, although the Charter preamble has yet to be interpreted, it has nevertheless already been referred to in case-law.

The Charter, alongside the Treaties on the European Union and on the Functioning of the European Union, is primary legislation of constitutional value. Constitutional/treaty preambles are often seen as political statements highlighting the historical context, background, and/or objectives, values and principles of a given state or organisation. Orgad (2010) posits that preambles have three main functions: educational, explanatory and legal. The latter can be sub-divided in a further three categories: ceremonial-symbolic, interpretative and substantive preambles. The first two categories do not give preambles any legal force; whilst the third category is the substantive type of preambles which bear legal force. Orgad refers to countries where constitutional preambles have either been awarded constitutional legal status and used to produce substantive rights (France), or been given explicit legal force by either the judiciary (India) or a specific constitutional provision (Nepal).

In the EU legal order, it is argued that the function of Treaty preambles is more than merely declaratory or perfunctory for they can have persuasive, interpretative and legal influence in the EU law- and decision-making processes. Preambles are as binding as the main substantive component of any treaty for 'any principle secured in any part of an international treaty has indisputable legal force and must be observed by the parties adhering to it' otherwise this would lead the way to arbitrary ignorance or derogation from treaty provisions (Bogdanov 1972:29-30).

Schepers (1981) further states that it is possible for a Union Treaty preamble to be more than an interpretative tool and can, in instances where given conditions are met, have the same legal effect as the Treaty's substantive part. Basing his examination on the French approach, he argues that two criteria have to be met for a preamble statement to be given legal significance: as an interpretative tool the provision must be sufficiently precise (i.e. no mere abstract general principles); as a provision of equal legal force to substantive obligations, the application of the preamble provision

should not require further introductory act or regulation (Schepers 1981:359). As to the first criterion, Schepers believed that most of the provisions of the EEC Treaty preamble fulfilled it. As to the second criterion, he proposed that the fifth recital of the Treaty preamble could serve as the legal basis for the EEC regional policy 'as nowhere else in the Treaty [could] such a fundamental formulation of regional policy be found' (1981:361). More recently, and unwittingly it is assumed, it seems that the ECJ may have given effect to the preamble of the Charter of fundamental rights in case C-555/07 *Kücükdeveci*. Fontanelli argues that in 'ruling that EU citizens must bear part of the cost for the actual implementation of the Charter's rights, the ECJ finally accomplished the preamble of the Charter, which warns the beneficiaries of the rights protected therein that ('[e]njoyment of these rights entails responsibilities') ... suggestive of a new notion of solidarity, which for once is not based on an opportunistic reading of citizenship" (2010:22-23). A point which can be reinforced by the fifth recital of the Charter preamble which states that due regard is to be given to the *Praesidium's* Explanatory Notes in the interpretation of the Charter by both the ECJ and domestic courts – though the Explanatory Notes themselves have no legal force, this exhortation to have recourse to them cannot and will not be ignored, thus giving further credence to the claim that the Charter preamble may have legal ramifications.

## Conclusion

Hot on the aftermath of World War II, the European venture was created to ensure peace, unity and the well-being of European peoples. However, regardless of its previous forms and successive reforms, the European edifice had never actually been tested against direct challenges to its primary goals and underpinning *raison d'être*. In these times of economic and political crises the EU should be weathering the storm with conviction, faith and confidence. It should be leading and not simply reacting with knee jerk strategies.

What the EU is lacking is indeed its moral compass, its 'life philosophy', its inspiration... the EU has lost itself in endless reflections on its nature and inevitably reverts back to what it knows best: its economic origins. However, European economic markets, cities and populations do not need to be rebuilt, only tweaked. It is no more a question of survival therefore the point is not where we start, but where we go next. Whilst the first 60 years were spent consolidating the common market it is not an end in itself. Economic integration is a functional condition necessary to support unification and serve the peoples of Europe in their quest for a good life – and it is time to focus on the latter. In order for European integration to continue, the Union must clearly and radically redefine itself as more than a regeneration project or mere economic fixer. The Charter preamble might provide us with a tool to visualise a different and meaningful Union through a close examination of the meaning and significance of the Union 'spiritual and moral heritage'. As observed by the Reflection Group on the Spiritual and Cultural Dimension of Europe, new sources of energy must be found in Europe's common culture to ensure genuine political cohesion and solidarity. Therefore, the spiritual factor must become an essential element of a sustainable European integration (Biedenkopff 2005).

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