KÁROLI GÁSPÁR UNIVERSITY OF THE REFORMED CHURCH IN HUNGARY

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BUDAPEST COMPARATIVE
LAW SEMINARS

Chair: Prof. Dr. Zoltán J. Tóth

FORTHCOMING EVENT

PROF. TANJA KARAKAMISHEVA-JOVANOVSKA

(Ss. Cyril and Methodius University of Skopje, North Macedonia)

CONSTITUTIONAL IDENTITY IN THE EUROPEAN UNION: BALANCING BETWEEN UNITY AND DIVERSITY?

Abstract Generally speaking, there is no consensual definition in the EU as well as in its Member States about the constitutional identity. The European institutions, and before all, the Court of Justice of the EU, are diminishing the significance of this concept by moving in a Descartes philosophical direction of explaining the meaning of the wax and the candle. Namely, when the wax melts, its form changes, but it does not lose its identity, despite the modification in the eyes of the observer. Or, reflected on the EU institutions, the Member States should be seen only as a wax, and not as individual candles, contrary to the EU principle of "united in diversity" which underlines the elements of national differentiation. Against the CJEU's relativization, the EU Member States are striving to defend their constitutional identity by referring to the Theseus Paradox, as explained by Plutarch, who asks whether a ship remains the same if all its parts are replaced with new ones over time. If it is not the same ship, the question arises: at what moment did it cease to be the ship of Theseus? And if it is the same ship, can all the removed parts be returned to their place, and can it again be the ship of Theseus? With the entry into force of the Maastricht Treaty, the European identity is opposed to the Member States identity, with repetitive references to the sovereignty. From the EU standpoint, in principle, the MS are considered as 'constituent units' whose main purpose is to converge towards the Union. But what are they really?

DATE OF THE SEMINAR: 9TH APRIL 2025, 16:45 P.M.

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