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NATIONAL CULTURAL IDENTITY IN THE CONTEXT OF EUROPEAN MULTICULTURALISM

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Abstract

European Union's motto - "Unity in Diversity", involves, necessarily, Providing an overview of national identities, but do not attempt to transfer an identity from one nation to another.

The objectives of cultural policy of the European Union were reduced to coordination actions and support the cultural policies of the Member States without offering solutions to any "clashes intercultural" that may be due to free movement of persons in the European Union in open space without borders.

The European Union is facing a massive immigration, which implies an increased interest for development of generally acceptable policies aimed at both the interests of ethnic and national interests.

Culture is a core element of national identity. Cultural interests of a nation are closely linked to its political interests.

The existence of different cultures in a national space led to the necessity of defining and analyzing the concepts of "multiculturalism" and "interculturalism".

Keywords

national cultural identity; European multiculturalism; European public space; European cultural policy ; European integration.

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1. General effects of world globalization

We live in a globalized world, with multiple interdependencies in all areas.

In this context, we find that stalele began to lose monopoly coordination of international relations in favor of international structures, which claims the right of economic coordinate right decision and jurisdiction, to the detriment of the rights of sovereign national states.

The direct impact of globalization aims primarily economic, but not restricted to this area.

National governments have lost control over the circulation of money in favor of international bodies like the World Bank, International Monetary Fund, regional banks.

Also in the context of intensifying globalization, we see the difficulties of management by governments circulation of ideas, technologies, goods and services.

Information technology, the scientific knowledge to overcome monopoly control of the nation-state.

Globalization is an interconnection of the state all global aspects of contemporary international society.

Given that all fields interfere, we see a trend to standardize international law.

Although nation states remain the main topics of public international law, we find an increase in cases of transfer of sovereignty from the states to the international structures, the most representative case is that of integration in the European Union.

Loss of sovereignty resulting from the dynamics of current international realities.

Diminution of sovereignty appears as a necessary step to achieve common goals current international threats such as terrorism, climate change cannot be managed at the level of nation states.

Promoting joint action at the international level involves ceding some national sovereignty prerogatives of the structures able to implement such actions.

The nation state is at the crossroads tendency to preserve national sovereignty with the need to participate in joint actions, overall.

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2. European public space and the tendency of creating a European identity

"European public space", a new concept, not yet outline theoretical terminology of European integration, but used in the literature to describe the mechanism systemic functioning of the public sector and European administrations, based on connections of administrative, economic, social or political of them.

European public space is imagined by politicians and jurists as being the place of confluence of the notion of state citizenship, democracy.

The concept of "public space" was defined as a "symbolic space in which they exchanged speeches, most of them contradictory, of different social actors, religious, cultural and political that make up a society"[2]

Conceptual premises of "public space" can be found in philosophical works of Kant (I., Kant (2010):12-15), who said that "man must be free to argue publicly with his fellow men."

Starting from the general notion of public space, we find that their European level prevailing political component, the other components (economic, legal, democratic and social) having a low weight, which still cannot legitimize the establishment of a European public space.

Conditions necessary existence of a European public (I., Alexandru (2008):874):

- A Union founded on integrated law;
- Establishment of an institutional structure that Functional democratic principles;
- The existence of a mechanism to allow public expression;
- Creating a framework allowing legislating public debate through public law.

Within the European Union we find constituted only the first two conditions, the mechanism of public debate and citizen initiatives is only in its infancy, in principle provided by the Treaty of Lisbon.

European Union through a comprehensive process of integration. Integration involves several stages: free trade area, customs union, common market, economic union, political union. The European Union is the classic example of design and practical realization of economic integration.

Economic integration is a process contemporary complex evolving economy countries of the world, based on a stage superior quality of the

[2] Al., G., Ferariu. „*European Administrative Space: concept, construction, institutions*", Annals fssp. - http://anale.fssp.uaic.ro/texte/pub3/.pdf.

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interdependencies between them, resulted in the creation of joint entities, of vast spaces that ensure the free movement of goods, capital and people by unifying customs policy, economic, financial, aimed at achieving a political and economic union of member states.

Represents a response to numerous contradictions and vital needs of Europe, European integration has generated over decades, a strong legal foundation, a comprehensive institutional framework consisting of a variety of community bodies, specific ways of implementing policies that are proper common policies in agriculture, social, monetary, fiscal, etc.

European integration is a first step in the creation of a European identity, a process referred to specialists by the concept of "Europeanization"

Europeanization is model specific manifestation of globalization in the European Union.

In the face of this ongoing process the question is whether national cultural identity can be shown in specific forms national.

Under EU policies find and concern for promoting a cultural policy.

Cultural Policy of the European Union has benefited from legal regulation contained in the original treaties.

➲ Maastricht Treaty inserted into the EC Treaty art. 151 which form Title I (now XIII) - "Culture".

New provisions introduced by that treaty had not covered the harmonization of national policies in the field of culture by promoting common policies at EU level.

Community action in this area is complementary to national policies, the European Union exerting a subsidiary jurisdiction. Although, through Community action is to monitor compliance with national and regional cultural diversity, however, we have found the need to promote a policy of recovery and highlighting the common European cultural heritage.

➲ Charter of Fundamental Rights of the European Union states in the Preamble that the Union contributes to the preservation and development of common values with respect for diversity of cultures and traditions of the peoples of Europe and the national identity of the Member States. In art. 22 of the Charter set out fundamental right on "Cultural, religious and linguistic diversity", whereby the Union shall respect cultural, religious and linguistic diversity of Member States.

➲ After changes by the Lisbon Treaty, regulations on cultural policy framework of the European Union are contained in art. 167 TFEU (ex art.151TCE).

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In the Preamble consolidated version of the Treaty on European Union (according to the amendments introduced by the Treaty of Lisbon), it is recorded determination of member states to strengthen solidarity between their peoples while respecting their history, their culture and traditions.

According to art. 167 par.1TFUE Union Member States contribute to the flourishing culture respecting their national and regional diversity and highlighting their common cultural heritage.

➲ In art. 167 par.2 are set general objectives of cultural policy, pointing out that the Union's action aimed at encouraging cooperation between Member States and, if necessary, supporting and complementing their action in the following areas:

- Improving the knowledge and dissemination of culture and history of European peoples;
- Conservation and safeguarding of cultural heritage of European significance;
- Non-commercial cultural exchanges;
- Artistic and literary creation, including in the audiovisual sector.

Union and the Member States shall foster cooperation with third countries and international organizations competent in the field of culture and in particular the Council of Europe - in accordance with art. 167 par.3TFUE.

In art. Par.4 167 states that the Union shall take into account cultural aspects in its action carried out under other provisions of the Treaty, in particular in order to respect and promote the diversity of its cultures.

Hence two aspects:

- On the one hand, concern for policy coordination unit in order to achieve objectives in the Member States;
- Secondly, achieving a relationship of coordination of European cultural diversity within a common European framework.

Cultural Policy of the European Union should be the foundation on which the foundation of national cultures can express themselves.

The basic elements of culture are language and religion, elements that the European Union has not proposed to standardize.

3. National cultural identity in the context of European multiculturalism

The existence of different cultures in a national space led to the necessity of defining and analyzing the concepts of "multiculturalism" and "interculturalism".

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Although the phrase "multiculturalism" is well known, there is no consensus on a comprehensive definition of it. It is estimated that multiculturalism is considering ethno-cultural communities manage living in the country.[3]

Multiculturalism is a state recognition of differences, a way of expressing group identity and social status reflects.

Multiculturalism represents the crossroads of several cultures in a certain space, intercultural dialogue; expresses the idea of cultural tolerance, the presence of more crops in the same space, who want to protect their identity, values and practices.

Multiculturalism expresses the idea of harmony between two or more cultures that tolerate each other without discrimination.

Interculturalism is a process of interpenetration of cultures and building a common culture, representing an aspiration, an invitation to all ethnic groups who live in a geographical area in a dialogue for sustainable development - guarantor of peace. Interculturalism reflect social dynamics.

European Union during its evolution has ensured that economic integration should be accompanied by political integration, losing sight of the fact that the cultural component, which, among other things, based on political interests, an issue particularly sensitive. Even on the economic component, the transfer of powers from Member States to the Community / Union has been received with reservations from some European countries, which have shown a steady conservatism during the course of the European Union[4]. For example, in the UK 65% of the population believes that immigration is more a problem than an opportunity for the country.[5]

The failure of European multiculturalism, recorded by some European leaders[6] must lead to the redefinition of social policies targeting ethnic minorities or immigrationist inflation. Ethnic minorities are carriers of their national culture, which manifests itself in the host Member State's national space.

[3] http://ebooks.unibuc.ro/Sociologie/voinea/2.htm

[4] See in this respect the evolution of relations with the European Union Great Britain.

[5]http://www.cogitus.ro/politica/efectul-domino-al-multiculturalismelor-esuate-esecul-multiculturalismului%E2%80%93esec-al-europei-unite

[6] Nicolas Sarkozy (http://www.france24.com/fr/20110210-le-multiculturalisme-est-echec-affirme-nicolas-sarkozy); Angela Merkel (http://www.bbc.co.uk/news/world-europe-11559451); David Cameron (http://www.telegraph.co.uk/news/newstopics/politics/david-cameron/8305346/Muslims-must-embrace-our-British-values-David-Cameron-says.html)

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European multiculturalism record of failure is recorded after a period in which this concept has been a political priority for the European Union, European political leaders denouncing this reality currently being long supporters of European multiculturalism theories.

The failure of European multiculturalism could be viewed as a manifestation of "the tendency Union suffocation due to its own success." (E., Dragomir. D., Niţă (2009): 67)

"In a changing world, people seek new connections on identity and security". (S., Hunington (1997):181)

Bibliography

I., Alexandru. (2008), *Treaty Administration*, Legal Universe Publishing.

E., Dragomir. D., Niță. (2009) *Lisbon Treaty,* Nomina Publisher.

S., Hunington. (1997), *Clash of civilizations*, Antet Publisher.

I., Kant. (2010), *Critique of Practical Reason (1788),* Publishing House Encyclopedic.

Web pages

D., Cameron (http://www.telegraph.co.uk/news/newstopics/politics/david-cameron/8305346/Muslims-must-embrace-our-British-values-David-Cameron-says.html

Angela Merkel (http://www.bbc.co.uk/news/world-europe-11559451);

http://ebooks.unibuc.ro/Sociologie/voinea/2.htm

http://www.cogitus.ro/politica/efectul-domino-al-multiculturalismelor-esuate-esecul-multiculturalismului%E2%80%93esec-al-europei-unite

Nicolas Sarkozy (http://www.france24.com/fr/20110210-le-multiculturalisme-est-echec-affirme-nicolas-sarkozy).

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