

Extracted from

Citizenship in the Context of European Values: Recommendations for teaching in higher education

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ISBN: 978-80-7603-414-3

DOI: 10.14712/9788076034143

Chapter 1 What are ‘European’ Values, and how do they relate to Citizenship Education in Universities

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This chapter introduces what are termed ‘European Values’, and relates these to both their general significance in how young people develop an understanding of these values, and the particular role that Universities have to play in this.

1) What are ‘European’ values?

The term ‘European Values’ may sound rather strange to many people. It could be read to imply that ‘Europeans’ have some particular and specific values that distinguish them from the rest of the world, yet another example of Eurocentrism. This is not what is meant in the context of this chapter, or this book.

Human societies have tried to express and codify values that underpin their social and political organisations from the earliest times: an early example might be Hammurabi’s code of law (c 1750 BCE). These have very largely been with reference to a single territory or state power, but texts such as the Universal Declaration of Human Rights (1948) have attempted to represent wider-ranging aspirations. But most of these remain declamatory, without binding force. In Europe, nearly all the states are signatory to a different kind of document, the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECPHR), originally agreed by The Council of Europe (CoE) in 1950. Every European state is a member of the CoE (with the exception of Belarus, never a member, and the Russian Federation, suspended from membership in March 2022, no longer a member from September 2022).

Many of its provisions are also found in the declamatory documents, but this Convention has legally enforceable provisions, which are overseen by a specific European Court of Human Rights (ECHR). This means that the values set out in the Charter are qualitatively different, having supranational power of enforcement. Other states (and individual European states themselves) may refer to these values as being ‘their’ values. Other countries in the world may hold the same values. The values that are set out within the document are in no way exclusively European: they can equally be described as belonging to a particular state; they may not be recognised as ‘European’ by many people who avail themselves of its powers, but they are enforceable – and have been enforced, through over 10,000 judgments since 1950. There are specific characteristics of the application and practices of the CoE and the ECHR, which are considered below in Section x.

This is why, for the purposes of this book [chapter??] we refer to these values as being ‘European’: from this point onwards, they are referred to as simply European.

2) The core documents

European values have been defined in two core documents: the Council of Europe's *Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR) (1950) and the European Union's *Charter of Fundamental Rights of the European Union* (CFREU) (2009).

The Council of Europe (CoE) was established in 1949, and the European Convention on Human Rights (ECHR) was created the following year. Both were a response to both the serious violations of human rights that occurred before and during the Second World War and the development of what were seen as non-democratic regimes in the Soviet sphere of influence in east-central Europe, following the Yalta and Potsdam conferences in 1945. Many provisions in the ECHR refer to the principles 'necessary in a democratic society' (which was not defined). The Convention draws on many earlier statements of values and rights, such as elements of the Scottish Claim to Rights (1689), the English Bill of Rights (1689), the French Declaration of the Rights of Man and the Citizen (1789), the USA Bill of Rights (1791) and the German Basic Law (1949), and the Universal Declaration of Human Rights (1949).

By March 2022 46 internationally recognised states in Europe were members of the Council of Europe and signatories to the Convention – all states apart from Belarus and the Russian Federation.

The European Court of Human Rights is the CoE Court which interprets and enforces the Convention. The Court hears applications alleging that a state has breached human rights, which can be made by individuals, groups, or other states. The court's judicial interpretation is 'a living instrument doctrine', meaning that the Convention is interpreted in the light of current conditions.

The European Union's (EU) Charter of Fundamental Rights of the European Union sets out political, social and economic values and rights for EU citizens and residents. It was initially proclaimed in 2000 by the EU's three major legislative and executive institutions, the European Parliament, the Council of Ministers and the European Commission, but its legal position was unclear, and it only has had full legal effect from the time of Treaty of Lisbon in 2009, when the Charter was ratified as an independent document. The United Kingdom and Poland negotiated opt-out arrangements from the Charter.

These values apply both at the level of the individual state with respect not simply to its citizens, but to all those living in the territory of the state. Thus a person within the 46 territories of the signatory states can say that they do not feel themselves to be a European, but only feel (say) German or Iraqi, or both, but nevertheless hold some or all of the 'European values', and have their rights protected under the Convention. With respect to these values, we do not need to consider whether individuals feel themselves to be European, but the extent to which they hold these values, described below.

3) The Values

The European Convention is set out in a series of Articles. The first of these set out the obligation of all the CoE member states to provide everyone in their territory the rights and freedoms set out in the Articles 2 to 18 of Section 1, on Rights and Freedom. (Section 2 set out 32 Articles on how the European Court of Human Rights should operate.) These are listed in the appendix to this chapter. This sequence of these rights is rather confusing, and is simplified in the table below, alongside the European Charter of Fundamental Rights six substantive Chapters, within which 50 Articles describe each right. These are also listed in the appendix.

We have, for the purposes of our analysis, simplified and condensed all the various rights into thirteen rights, and grouped these into what we describe as three meta-values, which have basically different purposes:

The Structural Values set out the organisational values that create a framework for defining and delivering rights: there are two of these: democracy and the rule of law.

The Fundamental Values are the basic human rights that provide the underlying principles: we set out six of these with a seventh ('human rights in general', that was used where none of the six specific rights was identified: the tolerance of diversity, respect for other cultures, respect for life, the safety of other humans, inclusion in society and the rights that prohibited capital punishment, slavery, cruel punishment and persecution.

The Process values that create the means of defining specific rights and freedoms: Solidarity (or Fraternity), Equalities, and Freedoms (the later divided into the specific freedom of movement between countries (in the Schengen agreement), and fundamental freedoms (of speech, the press, religion, etc).

Table: simplified set of European values, and their origins

Simplified set of 'European' Values		Origins in the Council of Europe <i>Convention of Human Rights</i> (1950)	Origins in the European Union <i>Charter of Fundamental Rights</i> (2009)
Meta values	Individual values	Charter/protocols. Articles (see key below)	Chapters, articles
Structural Values	Democracy	P1 , art 3	Ch 5 (Citizens Rights) arts 39 - 44, art 39 – 44
	Rule of Law	ECHR , arts 6, 7, 13,17; P4 arts 1, 3; P7 arts 2, 3, 4	Ch 3, art 20; Ch 7 (Justice) arts 47 – 50
Fundamental Values	Tolerance of Diversity		Ch 3, art 22
	Respect for other cultures	ECHR , art 14	Ch 3, art 22
	Respect for Life	ECHR , art 2	Ch 1, art 2; Ch 2, art 6
	Safety of others	ECHR , art 5	Ch 2, art 6
	Inclusive society	ECHR , art 14	Ch 3 (Equality) arts 22, 25, 26
	No capital punishment/torture/ (HR in general)	ECHR , arts 2, 3, 4; P6 arts 1, 2; P13 art 1	Ch 1 (Dignity) arts 2, 4, 5
			Ch 1 (Dignity)
Process values	Free movement	P 2 art 2	EC Treaty of Rome, 1956 Schengen
	Fundamental freedoms	ECHR , arts 8, 9, 10, 11, 2; P1 , arts 2, 4; P4 , arts 3, 4	Ch 5 (Freedoms) , arts 6 to 19
	Equalities	ECHR , art 14; P7 , art 5; P12 , art 1	Ch 2, art 7; Ch 3, (Equality) arts 21 to 26
	Solidarity	P2 , art2	Ch 4 (Solidarity) arts 27 to 38

European Convention on Human Rights 1950. Subsequent amendments I Protocols (shown as 'P1', etc) - P1:1952 P4:1963 P6:1983 P7: 1984 P12: 2000 P13: 2003 P16: 2013

4) Characteristics of how these values are developed and upheld

These values are regulated by the European Court of Human Rights (ECHR) (not to be confused with the Court of Justice of the European Union, which oversees the Union's Treaty provisions). The ECHR interprets the Convention as a 'living instrument' (ECHR, 2022), that is, in the light of contemporary

knowledge and understanding. It builds up rulings based on case law and precedent, acting in a 'dynamic' way in interpreting and applying these values. Its rulings are based on the changing conditions of modern society, for example, related to new technologies, bioethics or the environment. Rulings on matters such as abortion, assisted suicide, body searches, domestic slavery, adoption of children by same-sex partners, and the retention of DNA data have led to changes in the policies of member states.

The Court's judgements are binding: states which commit a violation must provide redress for the damage, and make sure that no similar violation occurs in future: changes in legislation may follow. Examples of this include:

- Cyprus abolishing the criminal offence of homosexuality;
- membership of a union no longer being required in Denmark;
- France recognising equality of rights between legitimate children and those born out of a marriage; and
- the United Kingdom prohibiting corporal punishment in State schools.

The Court interprets its work in the light of present-day conditions: Case Law judgements continually interpret and extend the rights set out in the Convention. The Convention is not inscribed on stone: it moves to meet modern conditions.

The Convention refers to the freedoms carrying 'duties and responsibilities' that necessarily limit the absolute application of these freedoms in all cases, and the ECHR adjudicates and rules on how rights must be exercised with a degree of responsibility: freedom of speech does not mean, for example, that an individual has the liberty to speak or write in a way that is defamatory, spreads misinformation about public health, creates public disorder through hate speech, etc..

Further, the exercise of an individual's right may be curtailed by the extent which it may infringe upon another individual's rights. For example, the freedom to practice one's religious beliefs does not include religious practices that might, for example, include female genital mutilation, human sacrifices, or marriage below the age of consent. But this is not simply a utilitarian application of 'the greatest good for the greatest number': the protection of minority rights in Article 14 means that these cannot simply be swept away by a majoritarian form of democracy or plebiscite.

These qualifications were significant introductions when they were originally formulated in 1950, in part the consequences of the experience of Europeans in the preceding 30 years: they create a fundamental point of difference from the rather simpler and less qualified nature of the freedoms set out in the USA's Bill of Rights in 1779-9.

As well as the need to balance the rights of individuals when they conflict, solidarity measures may compete with other values. For example, the right to respect an individual's private family life was seen to conflict with the need to inoculate children against COVID-19. The European Court of Human Rights ruled that it was valid for a state (in this case, the Czech State) to require vaccination as 'is fully consistent with the rationale of protecting the health of the population' (*Vavříčka and Others v. the Czech Republic* (2021)). Róbert Spanó, a former President of the Court, explained this: 'While individuals in society all have rights which have to be respected by the State, they do not live in isolation in their community. A community is made up of other individuals and our communities develop on the basis of specific social and political practices. Some human rights must therefore develop contextually by taking account of our collective responsibilities for the well-being of each' (Spanó, 2021). Our Rights and Equalities are thus not simply concerning the individual's rights against others (and the state), but are also exercised in a context-specific way to take account of the

rights of others, and the proportionate obligations of the holder of those rights: ‘some rights must be exercised in accordance with some understanding of civic or collective duty’ (Spanó, 2021).

A further significant change in the manner that the principles of the ECPHR were applied began after the fall of the Berlin Wall in 1989, and the consequent political changes across central and eastern Europe. As many states formerly in the Warsaw Pact area (and new states formed as the USSR, the Soviet Union and Czechoslovakia broke up) sought membership of the CoE, the Council recognised that sustainable democracies could only be built in a constitutional framework based on the rule of law. They established the European Commission for Democracy through Law (known as ‘The Venice Commission’) as an advisory body of independent experts in the field of constitutional law to offer support and advice individual countries in constitutional matters to improve the functioning of democratic institutions in the protection of human rights. Composed of senior academics in the fields of constitutional or international law, supreme or constitutional court judges and members of national parliaments, the Commission offers advice, assistance and opinions to individual countries on constitutional matters, as well as documents of advice on the principles of values such as The Rule of Law (Council of Europe, 2016) – in order to improve functioning of democratic institutions and the protection of human rights.

Complementing the judicial function of the ECHR, the Venice Commission offers a non–directive approach based on dialogue, providing opinions, discussing with national authorities and others, on democratic standards on the basis of common experience.

For example,

- It issued an opinion on whether blasphemy should ever be considered illegal (it should not) (Council of Europe, 2010);
- It published advisory papers on good practice in the area of creating constituency boundaries (Venice Commission, 2017);
- It responded to the request of President of the Verkhovna Rada (the Ukrainian Parliament) for an opinion on improving the procedures for selecting Candidate Judges for the Constitutional Court of Ukraine (2023). registered in the Verkhovna Rada. This draft law replaces draft law.

5) Why these values are important

These values underpin the nature of civic society in Europe in particular ways. They apply to all inhabitants – citizens, temporary residents, visitors, migrants, refugees, asylum seekers and so-called ‘illegal’ residents. They are not only common across nearly all European states, but they are synchronised so that they are applied and upheld in very similar ways. They thus underpin the peaceful relationship between signatory states and confirm the territorial integrity of these states.

The development of the new social media, and the association of some of this with ‘false news’ and disinformation, make some of these values particularly vulnerable to distortion and misunderstanding. Young people now are digital natives, and have grown up with social media and its implications from birth, a significant minority have found themselves victims of misinformation and distortion about values and rights, perhaps particularly about the civic values that have been outlined here. Others have developed sophisticated ways of checking and evaluating social media, but all need to sustain and develop strategies for handling potential false and subversive information. There is a considerable volume of hostile and undermining information and messaging about social and civic values, largely generated by a small minority, that is, however, echoed to a

much larger proportion of adults and young people, some of whom become confused or to take on false information.

Young People

These values are particularly important for young people to understand – not simply to ‘know’ the particular values, but to appreciate their complexity, their sometimes contested and evolutionary nature, and their significance in European safety and development. There is considerable evidence that young people actively develop values in the early, formative years of their life, before they reach their mid-twenties (eg. Alwin and Krosnik, 1991, Dinas, 2010, 2013; Jennings, 1990); Kitanova, 2018; Sears and Valentino, 1997; Ross, 2019). In particular, the European Commission Jean Monet study of which this book is part, surveyed 324 small group deliberative discussions of 1,998 young people aged between 10 and 20, across 29 European states in 104 different locations, and found that, unprompted, 81% of them mentioned one or more of these values. Individual values were mentioned to explain their explanations of their identities (as nationals, Europeans, or others) on over 5,000 occasions: over 90% of these were positive, and just 4% negative references. Solidarity (79%) and democracy (44%) were particularly prominent. A parallel volume to this, *Young People understanding of European values: Enhancing abilities, supporting participation and voice* (Ross, Loughran and others, 2024), describes this study in detail, providing a detailed account of how young people (largely of pre-university age) are acquiring, using and developing an understanding many of these values, and offering university educators a starting point from which to further support their students.

Universities

Universities across Europe have a particular role to play in supporting young people to develop an understanding of the nature of European values.

Universities are responsible for the higher education of a considerable proportion of the young people of Europe at this formative stage, and for the development of a particular cohort of young people who are likely to achieve more prominent leadership roles in the sciences, technology, humanities and the arts, and in the social professional roles of our future societies. All young people need to understand these values, but University students in particular are more likely to exercise future leadership and opinion-forming roles in this. This is a critical informative stage for them all.

Universities also educate the many professions who will work with younger people in a variety of capacities – as teachers, youth workers, health and medical professionals, social workers, police and probation officers in the youth justice system, nursery and child care workers. Their professional practice needs to be informed about how young people come to understand these values, and the way that their developing nature is contested and resolved, augmented and amended. Their University courses all need to reflect the future role of these students in working with the young people for whom they are responsible for supporting, and to whom they have a professional duty of care, so they can sympathetically encourage the development of their understanding. We have developed detailed analyses and guidelines as to how they might do this, based on what we now know about how young people can discuss these values, in what context, and with what resources. These are given in some detail in Chapter four of this volume, and in the final section of this chapter.

However, Universities need to consider how they can support all their students, across the disciplinary range, and not only those who will be professionally involved with young people, in developing their understanding of these civic values.

5) Identifying the values that young people hold, supporting their understanding

The degree of European feeling is regularly monitored in the EU states by Eurobarometer surveys.

There are intrinsic difficulties in identifying which values an individual might subscribe to and hold.

The sociologist Pierre Bourdieu described this in a 1973 article '*L'Opinion Publique n'existe pas*'. In

this he argued that asking members of the public to respond to questions to determine the state of

'public opinion' at any particular moment of time was unlikely to produce meaningful results:

Any opinion poll assumes that everyone can have an opinion; or, in other words, that the production of an opinion is within the reach of all. At the risk of undermining a naively democratic feeling, I will dispute this first postulate. Second postulate: it is assumed that all opinions are equal. I think it can be shown that this is not the case and that to combine opinions that do not have the same real strength leads to the production of meaningless artefacts. Implicit third postulate: in the simple fact of asking the same question to everyone involved is the assumption that there is a consensus on the issues, ie there is agreement on the issues that deserve to be addressed. to be asked. These three postulates imply, it seems to me, a whole series of distortions which are observed even when all the conditions of methodological rigor are met in the recollection and analysis of the data.

Bourdieu, 1973, p222

This 'third postulate' is particularly noted when asking questions that are rarely considered by individuals. While most people do have values that they use to make decisions, these are rarely

articulated, and even more rarely formulated as a prioritised list. But take, for example, the

Eurobarometer questions asked in 2013 (European Commission, 2017)

QD9 In the following list, which are the three most important values for you personally?

The rule of law	Equality	Respect for other cultures	Religion
Respect for human life	Democracy	Solidarity/ support others	Self-fulfilment
Human rights	Peace	Individual freedom	Tolerance

This was put to a panel of about 1,000 people, 16 years old or more, in each European Union state and the states in the accession process. How might a person respond to such a question? One might hypothesise that most respondents might feel that they *ought* to be able to make a response – they are unlikely to say that they have no values, or that they are unaware what values might be being considered in a survey of this nature. But the list provides a useful *aide memoire* as to what 'values' matter in the terms of the survey. But will all respondents – any respondents – have considered which are most important? The question implies that they should be able to do this. Is such a question 'within the reach of all'? But all, or nearly all, respondents selected three items.

They are then confronted with the next question:

QD10 Which three of the following values best represent the EU? (same list as above).

This question appears to assume that (1) the EU might have very similar values, which the respondent should know; (2) that these might be expected to differ in some respects from those selected in the previous question. If the respondent feels some affinity with the European Union (the majority, in most countries, do), then they might feel that they ought to respond in much the same way to the first response given, but not perhaps not identically so – they might assume that there was an assumption that these values might be, or should be, a little different to their previous

selection. So perhaps one or two the same, the other one or two different. But if they were antipathetic to the idea of 'being a European', they might wish to demonstrate this by selecting three completely different values.

So the data collected is in response to a list of possibilities, which the respondent might not be aware of or understand, with conditions set around as to which are 'personally are most important' or 'best represent for the EU'.

It is extraordinarily difficult to envisage a survey of values that does not include a series of prompts, with an expectation that similar understandings can be inferred for each respondent. The same critique would apply to a series of hypothetical situations demanding the application of the principle of a series of values. Most respondents would assume they were being subjected to a test.

This framework, of thirteen values, grouped into three meta-values, was used to explore and classify young people expressions of rights. It was a framework, rather than a set of particular titles: we found that young people very often used other formulations and words to describe the principles that underpinned these specific rights, rather than these actual formulations.

What we have done to assess young people's understanding of values is to analyse a data set of small group conversations, as described above, who were deliberating their construction of themselves as possibly nationals of a particular country, and or of Europe, their immediate locality, or as globalists. In the course of this, and total unprompted (unless they specifically mentioned 'values', when they might be asked to give examples), some 81% used values to describe how and why they felt themselves attached to several of these political entities. Using their own vocabulary, values that could be correlated with the list of 'European' values were mentioned over 5,000 times. 90% of these mentions were positive about the values, 4% negative, and the remainder ambivalent. These values were usually described in a specific application, about half of them were references to the non-application of the values, and in many cases were debated. This process allows us to analyse their perceptions with far more confidence than the Eurobarometer survey, and to meet more effectively Bourdieu's critiques of the opinion poll.

In the report of this study (Ross, Loughran et al, 2024), available on the European Commission website (ref), we set out which values were discussed, how intensively, and in what conditions. We suggest that our research technique (of deliberative discussions held around very open questions) should also be employed as a way in which professionals (teachers and others) might successfully engage as moderators in discussions with groups of young people, using their own vocabulary and formulations. Our evidence is that young people often want to discuss contemporary civic values, but are inhibited because of the ambivalence of their teachers to engage in discussion.

The Paris Declaration

On January 7th 2015 members of the Islamist terrorist group Al-Qaeda in the Arabian Peninsula attacked the offices of the Paris-based satirical magazine, *Charlie Hebdo*, killing twelve members of staff as a response to the publication of cartoons of the prophet Muhammad. There were widespread demonstrations against the murders, and supporting the freedom of the press in *Marches républicaines* across France, and a public demonstration led by 40 European Union leaders in the Champs Elysee on 11th January. This was followed by a formal reiteration of the European values set out in the European Union's *Charter of Fundamental Rights of the European Union* (CFREU) (2012), made by the Education Ministers at their meeting in March, known as the Paris Declaration (EU Education Ministers, 2015).

we reaffirm our determination to stand shoulder to shoulder in support of fundamental values that lie at the heart of the European Union: respect for human dignity, freedom (including freedom of expression), democracy, equality, the rule of law and respect for human rights. These values are common to the Member States in a European society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail. ... As Ministers responsible for education and as European Commissioner, we have a special duty to ensure that the humanist and civic values we share are safeguarded and passed on to future generations. ... We therefore call for renewed efforts to reinforce the teaching and acceptance of these common fundamental values and laying the foundations for more inclusive societies through education - starting from an early age. The primary purpose of education is not only to develop knowledge, skills, competences and attitudes and to embed fundamental values, but also to help young people - in close cooperation with parents and families - to become active, responsible, open-minded members of society.

A series of educational initiatives in most EU member states followed this, and a summary these was produced the following year (Eurydice, 2016). Of the 28 then member states, action was patchy. Six states had taken no action on any of the proposed initiatives, and only three had acted on all four initiatives.

Initiatives proposed for Children and Young People (CYP)	Policies implemented	Policies partially implemented/under discussion	no action reported
Ensuring CYP acquire social, civil and intercultural competences	17	3	8
Enhance critical thinking and media literacy	10	3	15
Foster such education for disadvantaged CYP	4	2	22
Promoting intercultural dialogue with CYP	14	4	10

(this analysis treats the various units within the UK and Belgium as a whole)

There is clearly some progress yet to be made. This book, and this project, hope to progress this policy more effectively, and with more speed.

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Appendix

(1) The Council of Europe's *European Convention for the Protection of Human Rights and Fundamental Freedoms*: 1950. Articles and amending Protocols

In 1950, each Article had a title, followed by a brief description explaining the provisions.	A series of Protocols agreed, between 1952 and 2013, some adding further rights:
2 Right to life	1952: 1 Protection of Property
3 Prohibition of torture	2 Right to education
4 Prohibition of slavery and forced labour	3 Right to free elections
5 Right to liberty and security	1963: 1 Prohibition of imprisonment for debt
6 Right to a fair trial	2 Freedom of movement
7 No punishment without law	3 Prohibition of the expulsion of nationals
8 Right to respect for private and family life	4 Prohibition of collective expulsion of aliens
9 Freedom of thought, conscience and religion	1983: 1 Abolition of the death penalty
10 Freedom of expression	2 Death penalty in time of war
11 Freedom of assembly and association	1984: 1 Procedural safeguards relating to the expulsion of aliens
12 Right to Marry	2 Right of appeal in criminal matters
13 Right to an effective remedy	3 Compensation for wrongful conviction
14 Prohibition of discrimination	4 Right not to be tried or punished twice
15 Derogation in time of emergency	5 Equality between spouses
16 Restrictions on political activities of aliens	

- 17 Prohibition of abuse of rights
- 18 Limitation on use of restriction on rights.

2000 1 General prohibition of discrimination
 2003 1 Abolition of the death penalty¹
¹ made absolute, the 1983 Protocol Article 1 allowed some exceptions

(2) The European Union's *Charter of Fundamental Rights of the European Union 2009*).

50 Articles arranged in six Chapters

CHAPTER I: DIGNITY

- Article 1: Human dignity
- Article 2: Right to life
- Article 3: Right to dignity of the person
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Produced as part of the Jean Monnet Network Network Project: Citizenship Education in the Context of European Values

Published on the European Commission website December 2025