

# Can Values Education Promote Cohesion in Europe?

## Considerations on the Example of the EU Values of Freedom, Equality, Solidarity and Human Dignity

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“The European Union (EU) has been misunderstood for a long time as a purely economic community. Although the EU economy plays an important role, it should not be forgotten that the EU is a community of values in the first place.” With these words the former president of the European Commission, *Jose Manuel Barroso*, inaugurated one of his speeches in the European Parliament, and he added (giving the gist of his words): “For both, the ‘Treaty on European Union, 2009’ and in, the ‘EU Charter of Fundamental Rights, 2000’ as well in the ‘European Convention for the protection of Human Rights and fundamental Freedoms, 1950’, values are laid down, which are applicable to all EU citizens and which impose on all of them equal rights and equal duties. These values often extend the significance of what is codified in the national constitutions of the 28 States of the EU.”

Is it possible to promote a European identity based on shared values? Is Barroso right in seeing the EU primarily as a community of values? In case he is: What are the values? Furthermore, it must be asked, whether the EU is a community of values, or whether it should become such a community any time soon? And in what way, can the values given in the three EU Corpora be realised? By education? Or by economic prosperity? Or by meetings with members of different European nations? Or especially by the application to the democratic constitutions and by just policy? The realisation of freedom, equality, solidarity and human dignity, for example, depends in all individual cases in the particular states on social and political conditions. A pure awareness of freedom, equality, solidarity and human dignity is insufficient under any circumstances.

We would have had a better basis for European values, of course, if a common European *Constitution* had been concluded – a Constitution that would encourage the citizens of the Union to jointly confess the common values. But such efforts, as is known, have recently failed. With such a constitution, a common “*European Constitutional Patriotism*” (*J. Habermas*) could have been developed. Although the EU Charter of Fundamental Rights has been added in the Treaty of Lisbon, it is laid down that it is addressed to the Union and to the Member States only when they are implementing Union law (Art. 51.1 EUCFR), but the assumption of *direct*

third-party effects of the EUCFR, i. e. direct third-party effects between private-law subjects, is controversial.<sup>1</sup>

A common “Constitutional Patriotism” is difficult to develop. Respect for the enforcement of European values is therefore dependent on the fact, that even the common basic standards are directly addressed to the constitutional systems of the particular states, and not immediately to the citizens of the Union. In what way are the decisions upon values in the EU taken and how are they implemented?

## 1 Values in the Codified Corpora of the EU

### 1.1 Values in the “*Charter of Fundamental Rights*”, 2000<sup>2</sup>

We are inclined to assume that the list of values in the preamble of a treaty or a fundamental declaration of rights initially has declamatory character or that it is only declaimed as a possible target of the future. The text of the “EU Charter of Fundamental Rights” specifies the realisation of values, however, explicitly by normative broader obligations and prohibitions.

Some articles include implicit valuations, which go far beyond normative broader fundamental rights in the constitutions of particular states. So (human) “dignity” (Title I EUCFR) is not only, as otherwise frequently declared in documents, implemented by the “right to life” (Art. 2.1 EUCFR), but also by the right to physical integrity (Art. 2 and 3 EUCFR), the prohibition of torture, slavery and forced labour and inhumane treatment, finally by the prohibition of genetic selection and breeding of human beings as well as the prohibition of abuse of the human body for a profit-orientated trade in human organs (Art. 4 and 5 EUCFR).

Most of the rights under the heading “Freedoms” (Title II EUCFR) are specified as rights that are already set down in many European constitutions (freedom of thought, conscience, religious freedom, freedom of expression and information: Art. 10 and 11 EUCFR). In addition, the Charter (Art. 7 EUCFR) explicitly requires “respect for private and family life”.

Among the professional freedoms (Art. 15 EUCFR) it is “everyone” to whom the “right to engage in work” is granted – as well as the right “to pursue a freely chosen and accepted occupation.” (Art. 15.1. EUCFR). All EU citizens are free “to seek employment . . . and to provide services in any Member State” (Art. 15.2 EUCFR). Even “nationals of third countries . . . are entitled to working conditions equivalent to those of citizens of the Union” (Art. 15.3 EUCFR). This includes

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<sup>1</sup> A general *direct* horizontal effect of the fundamental rights of the Charter is rejected by the prevailing view, but an indirect effect is supported; cf. recently Müller-Graff 2014, p. 5 (with footnote 28) and 29; for a direct horizontal effect, Sonnevend 2011 who refers to Case C-438/05, *Viking* (ECJ 11 December 2007) para 84.

<sup>2</sup> Regenbogen and Regenbogen 2001.

elsewhere the guaranteed titles to “protection in the event of unjustified dismissal” (Art. 30 EUCFR) and “fair and just working conditions” (Art. 31 EUCFR).

The principle of “Equality” (Title III EUCFR) is already applied in Art. 15.2 and 3 EUCFR, as has been shown above. The value of “Equality” is implemented especially in articles that go beyond the ones generally formulated in norms of equality of rights to all persons (“everyone” in Art. 20 EUCFR) – for example the prohibition of discrimination (Art. 21 EUCFR), especially for “reasons of nationality” (Art. 21.2 EUCFR). The granting of “specific advantages” to the right of equality of men and women does not preclude equality (Art. 23.2 EUCFR). Explicit priority has the legal rights of children (Art. 24 EUCFR), elderly people (Art. 25 EUCFR), and “persons with disabilities” (Art. 26 EUCFR).

Under the value “Solidarity” (Title IV EUCFR) rights under the employment agreement, which was already mentioned hitherto (Art. 15 EUCFR), are clarified once again: In addition to the multiple guaranteed rights in constitutions, as the right for the workers, the employees, and their organisations to defend their interests, including strike action (here: Art. 27 EUCFR), the EU Charter guarantees even the “right of access to a free placement service” (Art. 29 EUCFR) and the right to “health, safety and dignity” (Art. 31.1 EUCFR), which include as well a limitation of maximum working hours and the right to rest and to be paid during the annual leave of absence (Art. 31.2 EUCFR).

## ***1.2 Values in the EU Treaty, Lisbon 2009***

In the preamble to the Lisbon Treaty, to which all 28 EU Member States are committed, the EU contracting partners declare:

Drawing inspiration from the cultural, religious and humanist inheritance of Europe, from which have developed the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law, confirming their attachment to the principles of liberty, democracy and respect for human rights and fundamental freedoms and of the rule of law, desiring to deepen the solidarity between their peoples [...], resolved to establish a citizenship common to nationals of their countries, [...], to implement a common foreign and security policy including the progressive framing of a common defence policy, [...] (they) have decided to establish a European Union [...].

The basic value of freedom and the values of democracy are so named as special values. And the norms and values systems of human rights, the rule of law and fundamental freedoms are combined with the goals of a “common citizenship”, a common foreign and defense policy.

“Citizenship” implies an obligation of the EU community for its citizens and a commitment of individual EU citizens to the EU Community. It complements national citizenship and is a prerequisite for the realisation not only of a common citizenship, but also for special union civil liberties. But who is an EU citizen? In the TFEU it is laid down that “Every person holding the nationality of a Member State shall be a citizen of the Union” (Art. 21.1 sentence 2 TFEU), i. e. whether

he/she is a national citizen because of refugee, migrant, asylum seeker or resident status. For example: A certificate of naturalisation for a “foreigner” to become a “German” and at the same time an EU citizen in Germany can be acquired with respect to the *ius sanguinis*, in so far as the parents or a parent are German (practised for people of German descent from Russia or Romania), or under the *ius soli*, if anyone is born in Germany, irrespective of the citizenship of her or his parents.

With regard to this regulation the legal rights that are codified by the EU relate to all citizens in the Member States, where persons are nationals and EU citizens at the same time. In respect of this point of view only a community of all EU citizens is established, confirmed by the European Charter and EU treaties. But in particular EU countries’ “civil” rights (not human rights in general) are introduced as privileges for genuine citizens (“nationals”), unlike the remaining specific human rights which apply also to the so-called foreigners as well. According to the EU Charter and EU treaties all European citizens should be entitled in the long run to total equality of rights. Native nationals then lose their preferential status when compared to the “foreigners”. Thus, EU standards should be introduced uniformly in all Member States in the same way for all European citizens. This would require the complete equality of all EU citizens in each of the Member States.

In Art. 2 TEU, the scope of European values is explicitly extended to previously disadvantaged groups:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

And Art. 2.5 supplements:

[T]he Union shall [...] contribute to peace, security, the sustainable development of the Earth, solidarity and mutual respect among peoples, free and fair trade, eradication of poverty and the protection of human rights, in particular the rights of the child, as well as to the strict observance and the development of international law [...].

The three fundamental values of human dignity, freedom, and equality are mentioned, in reference to everyone, to each man and woman equally. Furthermore, the six standard values of solidarity, tolerance, justice, democracy, security and peace, and after these values nine standard catalogues are enumerated, which may be essential for the realisation of the nine values: human rights, children’s rights, fundamental social rights, rule of law, pluralism, sustainable development, eradication of poverty, and (again) “citizenship”. The respect of these values and value systems is not supervised, as we know, by an EU police, but for aggravating cases there is a European Court, which can be appealed to.

The transmission of European values through education and personal training was added in a “Memorandum on lifelong learning” of the European Commission in 2000, which clearly links lifelong learning to the basic values of the EU and

the European peoples.<sup>3</sup> This is to be understood as a direct call for education in values as an “instrument” to implement said common values within the EU. Value education should promote the feeling of fellowship in the EU Community. Is this possible and is there a realistic expectation for it?

## 2 European Values – a Challenge for Education<sup>4</sup>

### 2.1 *Does Values Education at School Have Any Chance?*

Evidently, almost all countries of the EU show a strong demand for reliable values education at school. Parents, training managers, business managers, universities, and large parts of the public expect pedagogical teaching to be offered that educate children and adolescents in such a manner that they commit themselves to constructive value behaviour in Europe. The claim is justified. But is it also feasible? Can we educate and form children and adolescents at school by teaching them aesthetic, political, and religious values? Of course it is not possible for us to analyse this question for the whole of Europe. Therefore, we restrict ourselves to experiences in Germany.

Adolescents often discover a great discrepancy between the claim of values and their own social reality. Their confidence in existing legal practise is often destroyed when confronted with violations of human rights. Every day they hear and read in the media for example about Turkish girls, who are forced to get married by their parents, even in EU Member States; or about the inhumane treatment of refugees trying to reach “Fortress Europe”. These permanently disadvantaged groups obviously are left without dignity as governmental policies do not sufficiently protect the dignity bestowed on them. Conditions of life set as a basis for legal principles to be applied at a general and not just regional level should actually be of universal validity.

In European school classes, moral, political and religious value standards should be tested. Whether they pass or fail, will depend mainly on the individual level of knowledge and morality of the students. Many of them are confused as far as their moral orientation is concerned; some are threatened by neglect. Media with socially destructive content, bad parenting, development injury, familial pressures that promote identification with negative peer groups, and negative public examples are responsible for a growing social immorality. It is difficult for moral educators to fight against factors that act in such a negative way.

Conversely, some students show an impressive moral and ethical behaviour. Illustrative teachers, good school conditions, reliable family constellations, positive peer groups, media design and the wide possibilities of political participation often

<sup>3</sup> European Commission, SEC (2000) 1832, [http://tvu.acs.si/dokumenti/LLLmemorandum\\_Oct2000.pdf](http://tvu.acs.si/dokumenti/LLLmemorandum_Oct2000.pdf)

<sup>4</sup> Mokrosch and Regenbogen 2009, esp. p. 32–40.

proved to be supportive in these cases. Of course it is a lot easier to discuss values with these children and adolescents and it is because of such positive experiences that one feels encouraged to continue with values education in schools.

## ***2.2 The First Step: To Promote a Legal Consciousness***

What could be the key in formal education to teaching the moral and political principles that define the peaceful coexistence of Europeans today? The disclosure of the currently valid European fundamental rights could encourage at least a respect for the observance of laws. But moral education is much more than merely guaranteeing the observance of legally binding laws and standards. It should promote active appreciation of the respective principles and values implied.

First of all, however, we shall turn to the question of how it is possible to convey legal consciousness to pupils at school.

During their school life, adolescents learn in very different school subjects all about laws, legal prescriptions and their respective applications, for example in history, politics, philosophy, religion, ethics, etc. Children, however, usually learn about general standards for regulated behaviour already at pre-school age, which helps them to develop an awareness of values at an early age. Later they learn such rules as components of a catalogue of standards: They develop a social horizon, for example, by acquiring knowledge on important provisions of the Road Traffic Act and information about the traffic criminal law. All of this knowledge already gained and tested is used for easier orientation in terms of their behaviour and assessing what is right or wrong. Children learn informal rules of behaviour and conduct, even before they start with the school curriculum. What counts is their willingness to try out the values they hold true for themselves within the larger context of values and norms of the society they live in. And it is obvious that adolescents are expected to respect the general norms of society and act accordingly even before they know the exact character of sanctions they would face in case they violated any even not strictly codified norm of action. Although all these skills are important for developing a proper sense of justice, they do not suffice to ensure the forming of a habit based on a respect for life, be it man or animal, nor do they give room for criteria that justify the appreciation of legal orders between rights and duties.

## ***2.3 The Second Step: Raising the Awareness of Values Which Constitute the Legal Norms***

If adolescents feel that the prescribed standards of behaviour are imposed on them by outside authorities, they may evade them in certain cases, deny them individually or discuss their rightfulness. Unreflected standards without any argumentation or

fear of being punished are of no help when it comes to gaining insight into a value system that is generally considered to be reasonable and of high priority. Consequently, it is obvious to both, educators as well as parents that values education can by no means be restricted to the communication of norms and rules alone. What skills do young people need to be able to develop their own values during discussions that relate to competing opinions and values? Which values do young people need to develop a common respect or even a general appreciation of conventional norms and not just a mere obedience to a rule imposed on them? If rules and regulations and the claims of others are to be accepted quite naturally just as well as obligations that result from a peaceful coexistence with our fellow human beings, then it is indispensable for values education to be a part of education.

Despite the many difficulties that may arise from particular circumstances related to the structure of pupils or school facilities, the subject of values education will stand a good chance of being successful at schools, if it is organised in the form of dialogue, mentoring and from a relational perspective. In a direct or indirect manner, values education might be integrated into nearly all school subjects and topics and assume a major role. Education in general encourages pupils to take their own stand in situations of conflicts of values and norms and to give rational reasons for their opinions.

This holds particularly true for those value standards and their explanatory contexts that are generally accepted to be of universal validity in one's own cultural tradition. Thus, the members of our culture will mostly only accept an assertion of rights if the legal order referred to and justified in a convincing manner is of the same binding character for all addressees.

In the European key treaties and catalogues of fundamental rights, "values" are being employed as both, benchmarks for the adoption of legally binding norms across Europe as well as objectives of future political action. Therefore, European values education should primarily be oriented towards the core fundamental rights of the EU. These require namely the willingness of young people to adopt European values and beliefs not just for acknowledgement, but – as (future) EU citizens – to decide on the basis of their own values to adopt these values and to publicly advocate for them.

In the following I will present problems of values education in an exemplary manner when dealing with the fundamental values listed in the EUCFR: "Freedom" (Title II), "Equality" (Title III), "Solidarity" (Title IV), and human "Dignity" with a claim to universal human rights (Title I).

### 3 Values Education with Respect to the EU's Fundamental Values of Freedom, Equality, Solidarity, Human Dignity and Human Rights<sup>5</sup>

#### 3.1 Digression: How are Values Formed in the Consciousness?<sup>6</sup>

Values education takes place in the form of a triangle:

- (1) The *evaluated object* is usually a desired good, for example that all EU citizens should be free, equal, solidary and dignified. This is because they carry worthiness in themselves, which everybody likes to implement by means of the values of freedom, equality, solidarity and human dignity. Only when EU citizens are equal, free, solidary and dignified, will these four values – within the EU framework – become real.
- (2) The *evaluating subject* only depicts these four values during the process of evaluation itself. For example, stating: Yes, this is where EU Citizens are free, equal, solidary and dignified, or where they are not free, unequal etc. The evaluating person helps to bring these values to life so that, on a basis of having been tested under EU conditions, they become real and vivid in people's consciousness, and the values do not exist independently of their evaluation (of course, the evaluating person has previous preconceptions of liberty, equality, etc.).
- (3) It is this *Act of Evaluation* that enables the evaluating person to fill each value with life. Also, he/she objectifies these values, as others who witness this act of evaluation might agree by saying: Yes, this is where Union citizens are free, etc., and this where they are not ... etc.

What does this imply for values education? It shows that values education is an act of self-assessment. Only if students evaluate themselves and make ratings, can they develop an awareness of values. Education in values is education in rating values. Individuals are verifying values only by rating them and filling them with life. Values education will remain unsuccessful if it remains on the outside and does not include self-education. It is the task of the teachers or trainers in values education to stimulate the act of rating in the hearts of their pupils. Norms, however, are instilled and set up externally although they also pass through the students' experience. Values in their semantics are borne in the consciousness of the individuals and not mediated by society.

In accordance with such values education as an education in rating, the following four values should be interpreted.

<sup>5</sup> With respect to the following analysis of the fundamental values of freedom, equality, solidarity and human dignity cf. Mokrosch and Regenbogen 2009, p. 52–60, 70–94.

<sup>6</sup> With respect to this digression cf. Mokrosch 2013, p. 43–64.



### 3.2 *Freedom as a Political Benchmark and Educational Target*

The main questions in a social, legal and political democracy are: Under what conditions may a European society be recognised as a free society? Under what conditions may EU citizens be recognised as free and equal citizens? What action should the EU take so that their citizens feel free under both, political and legal aspects? Perhaps it might help to take a look at the historical development of the socio-political understanding of freedom.

In 1651, shortly after the end of the 30-year war, the persecuted English philosopher *Th. Hobbes* (1588–1679) established the thesis that everyone would wage war on everyone, if the citizens did not come to an agreement to establish a national community.<sup>7</sup> This structure was to appoint a government or a sovereign, called Leviathan,<sup>8</sup> to which all citizens would have to transfer voluntarily their rights of self-preservation. No one should defend him/herself or should take revenge; everybody would have to wear artificial chains in the form of state laws. Only after this, would everybody be politically free. Political freedom consequently presupposed an act of voluntary submission to a political sovereign, who in turn guaranteed freedom. Hobbes was merely interested in negative political freedom which for him implied being free of political constraints. It would be then up to the citizens themselves for which purpose they would like to employ their freedom.

This idea of public order and of (negative) political freedom is still found today and it is represented by a state, which – neutral under religious and ideological criteria – intends to protect its citizens from hardship, poverty, violence, and disease, but does not give instructions on how to use their political freedom. In such a manner, negative political freedom may be turned into the opportunity to develop positive political freedom. It is recommended that one explain to students such a concept of political freedom under the condition of an ideologically neutral secular state.

Therefore, it is not only about justifying one's own claim to freedom, which is clearly stated in Title II of the EUCFR ("Freedom"), for it often opts for the formulation: "everyone has the right to [...]" This refers to the claim to grant liberties not only to EU citizens; but to all persons, irrespective of their legal status as a national citizen, a Union citizen or a national citizen from outside the EU.

Nevertheless, education in terms of freedom will start off from the point that the addressees are initially dependents (children and adolescents). Therefore: Does education not always imply some accounted heteronomy and therefore rather entails dependency than freedom? Also: Does not the claim for individualisation and privatisation, in particular of young persons, compete with the concept of education for responsible freedom? Can education for freedom straighten out anything at all in view of stereotyped slogans such as "Free ride for free citizens!", "Freedom to choose for every free consumer!" and "Free choice of religion and belief

<sup>7</sup> Hobbes 1651, Part 1, Chap. 13 and 14; cf. also Hobbes 1642/51, Chap. 5.

<sup>8</sup> Ancient Near Eastern term for a mythological figure, in: Hobbes 1651, frontispiece: an emblematic of an artificial human form that is capable of acting the state manmade.

offered on the market of opportunities!”, which reduce freedom to individualistic self-sufficiency.

Teachers are well advised to take such objections seriously and to deal with these questions in a very careful and responsible manner, thereby observing the following principles:

- The teacher must accept students as free individuals with an actual value consciousness. Students are not objects, but mature personalities with a right to be educated in freedom.
- Nevertheless, this also implies that any possible abuse of his right of freedom on part of the pupil should be sharply criticised by the teacher. Freedom can only be lived in a responsible manner if the limits of individual freedom are known and observed.
- Also, the teacher should criticise any given concept of freedom that is narrowed by egocentric and privatistic ideas. It should remain that individual claims can be associated with socio-political claims. Although students may submit a guarantee of freedom from state and society, they also have the duty to protect and promote the freedom of their classmates and other parts of the surrounding society. Facilitating social learning also serves the principle of continuous expansion of social behaviour and provides the basis for an understanding of the described positions of socio-political freedom.
- The teacher should rationally discuss the aspirations of children and adolescents for negative and/or positive freedom, as described above. But overall the teacher should motivate them not to be content with negative freedom, but should ask the pupils, what they want to do with their independence and negative freedom – in lively discussions with others. In this way, teachers support an inner drive for responsible use of freedom.
- Freedom should be taught as an emotion, as a right, and as a duty. Freedom as an *emotion* gives freedom a sense of liberation. This may happen in the conscious moments of falling in love or in the experience of becoming healthy again, or by looking back at the end of a stressful friendship or above all in the process of emancipation.
- Students need support for their personal development. Then they will be able to understand the meaning of freedom as a *right*: that every person is entitled to such feelings of personal and socio-political freedom, that it is a fundamental right and a human right. In this context, negative freedom as a freedom from something should be combined with positive freedom as a freedom to something, because the experience of a self-released freedom goes hand in hand with the idea of a social obligation in general. This relationship assumes that freedom arises only in community and can be confirmed only in community, if the desired effect is to promote the negative and possibly also positive freedom of others. Considering these principles, education for freedom could be possible at school.

### 3.3 *Equality as a Benchmark in Education for Legality and in Value Development*

The principle of equality in the EUCFR is, as shown above, guaranteed to all EU citizens and to all people from countries outside the EU (e. g. Art. 15.2 and 3 EUCFR). It is, as shown above, specifically redeemed in articles, which exceed the mere norm of equality of rights of all persons (e. g. Art. 20 EUCFR). The value of equality is usually measured by the standard of “fair” treatment of all concerned. But what is justice, if you not only consider equal treatment with regard to the law, but also think of comparable opportunities in professional life and when claiming social benefits?

A social order is most likely to be called a just order, when the distribution of goods and burdens is settled between the parties in mutual agreement, largely irrespective of the question which of the popular principles of justice was enforced. In his treatise on the scales of justice,<sup>9</sup> *Aristotle* distinguished between the orientation towards material equality on the one hand and towards proportional distribution of achievements on the other. A further aspect to consider is that a scale may be called just, if previously disadvantaged persons are compensatorily preferred by the measure – an important idea of the modern welfare state.

But how can such a different understanding of justice lead to an allocation rule, which is accepted by all citizens despite their different individual value concepts? The principle of equitable distribution of goods according to the principle of equality or according to the benchmark of achievement or according to the needs of the previously disadvantaged is acceptable to the individual, if previously a consensus was reached in society.

In his study “About Justice”,<sup>10</sup> the legal philosopher Chaim Perelman tried to find such a common formula, in which all these different criteria of justice were united. He formulated the high standard: Everyone should agree that justice implies to treat all persons in the same manner in case of individual decisions.

The imperative of equality before the law is precondition and part of most modern constitutions. Under moral, not only legal aspects, the respect for equal treatment of persons is also prescribed for those areas which have not introduced any respective provisions yet. The principle of gender equality, for instance, not only applies to the public sector, but also to education in the family and to private forms of employment. Until 1994, the principle of gender equality was merely expressed by the phrase “men and women are equal” as formulated in the German Basic Law (Art. 3.2 BL). But the EUCFR in addition allows the granting of “specific advantages in favour of the under-represented sex” (Art. 23.2 EUCFR). Since the reform of the German Constitutional Law after the reunification, the provision of legal gender equality was extended by a national objective which not only provides equal rights for woman, but also equality on a par with men: “The state shall promote the

<sup>9</sup> Aristotle (322 BC/1934), Vol. V.

<sup>10</sup> Perelman 1945/67.

actual implementation of equal rights for women and men and is working towards the elimination of existing disadvantages” (Art. 3.2 sentence 2 BL).

There is thus a difference in the principle of equality between equality of rights and equity with respect to the reduction of inequality. If this subject is to be treated in class as a lesson with a focus on legal education, it will require special treatment. A respective discussion could be opened with a dilemma that reveals different interests of adolescent boys and girls: equally qualified men and women apply for the same job, the employer decides in favour of a woman, in an attempt to rebalance the existing discrimination of women in higher positions. Boys – disadvantaged by this decision – will find it hard to accept this modern principle. It seems as if their generation now has to make up for something that privileged men of previous generations left behind.

The task, therefore, may not be solved by taking recourse to the quoted principle of parity in the German Constitution (Art. 3 BL) and the EUCFR (Art. 23). If autonomous legal awareness is to be promoted in legal education, different patterns of thought should be discussed that are not coded in civil rights. The question whether coded rights are always morally acceptable, must basically be admissible. Otherwise, it will hardly be possible to promote moral respect for a legal order. To discuss the problem of different criteria of values in the context of legal issues in the name of equality is therefore a fundamental prerequisite for the promotion of justice perception. Simple information about current legal decisions do not suffice, it would rather be worthwhile to have all legal principals checked according to the sense of justice of the young person. In addition, this could lead to the question, which moral, philosophical and ethical principles should form the basis for a just society.

### ***3.4 Solidarity – a Long-Range Educational Goal***

Solidarity is feasible at both individual and global level in relations between different societies. Education in solidarity, therefore, should consider both aspects. On one hand, children and adolescents should be educated to act in solidarity with their visible neighbour with the intention to help him, promote him, defend and support him, in short to act in solidarity with *him*. At the same time, they should be educated to act in solidarity with strangers (plural!) or even with the not-yet-born generation with the objective to provide for their life conditions and possibilities of survival – in short: to live in solidarity with *them*.

Besides this difference we should promote personal and structural solidarity. Human solidarity is a personal one, realised in relationships of “me” and “you” in ego-centred relations. These occur in relations between people – the relationship is usually asymmetric, because (with respect to *charity*, not to *friendship*!) it is the individual who takes care of others. Structural solidarity occurs, if an individual is related to the environment as a whole, for example in a relation between the self and the whole of nature, or with reference of the actually living to the not-yet-born,

but as well between a specific individual and organisations or institutions as legal entities.

Both forms of solidarity are practised in an inter-individual radius of action, as well as in an inter-societal, therefore remote, area of action. For example, we can be jointly liable also in an area that demands structural solidarity, for example by sponsoring an African child over the long term and thus feel collectively responsible; and we can sponsor someone in a form of essentially human solidarity, if we wish to be collectively responsible for a structural solidarity within a structural context that is designed as “nature” as a whole, for example – for the preservation of living beings – or if we feel the need to feel responsible for the efficacy of social movements and institutions, or similar units.

This way of handling problems could help us:

- to eliminate prejudices and forms of hostility in relation to contexts which previously were experienced as “strange”, and
- to respect others in their peculiarity and to get involved in social justice.

These are several educational objectives and competencies desirable in the long run that would include:

- to promote the ability to think globally and at the same time to act locally,
- to focus our attention on distress, poverty, and repression,
- to evolve an ability to proceed from a local area to a remote area of ethics,
- to encourage the open-mindedness to meet other cultures and religions.

In the first age-classes in secondary schools, these goals could be achieved by topics concerning social injustice and inter-religious conflicts in a society with immigration, as well as to such topics as terrorism and fanaticism, climate change, problems with the armament of legal and illegal forces and other forms of structural (and cultural) violence. And at college level, it is recommendable to study questions of war and peace and the problems of international military operations, of a worldwide economic order, and of international terrorism. In relation to these subjects, varieties of actions for peace in world religions could be discussed.

Therefore, when planning subjects of instruction it is necessary to differentiate between the two forms of solidarity: between inter-individual and inter-societal solidarity. Both are desirable goals of an education in solidarity.

This dual challenge is immensely difficult to deal with today. Children are often mature and socialised divisively. They often lack brothers and sisters, they are isolated from social groups, they are faced with patterns and role models on TV and in videogames that are examples of non-solidarity, and they are mainly focused on individual gratification in a consumerist world; this makes it difficult for teachers to provide an education in solidarity even in primary schools. Of course, children may come to know a community evolving solidarity and respect for common goods in schools, within groups of friends, even during one-time events like parties, festivals, and similar extraordinary meetings, but they often lack forms of lasting solidarity in their daily life. This makes it difficult for the teacher to respond with calls for solidarity in everyday life.

These experiences certainly do not correspond to the results of education of 6- to 12-year-old children with respect to solidarity from a global viewpoint. These children may feel more solidarity with impoverished, disenfranchised, and degraded children in the Sahara than with those in their own neighbourhood, as shown from experience. And they are more willing to offer small sacrifices to those from afar than to those nearby. Sponsorship of an African or Asian child can often be arranged easily. This is conceivable as the children do not worry about the distance to persons they do not even know; so they could not deny this sense of solidarity, as they do when face to face with comrades who are condemning them as “silly” or “foolish”. With respect to these companions children feel they are being asked only to *think* in terms of solidarity but are not invited to *act voluntarily* according to this value. Therefore, it is obvious we need to connect education in solidarity with both the short- and long-range in terms of distance, so that children do not end up contradicting their own volition.

This is possible, because children have long practised a form of personal solidarity and not a structural one. They see only the individual cases of people suffering, but they do not even see through the social structures in foreign countries. It is all right that the previous mentioned point of view is able to intensify the awareness in the children’s consciousness.

Young people are harder to win over to the valuation of solidarity on the one hand, because they already come from a childhood mostly free of feelings of fellowship, and on the other hand, because they are sceptical about the gossip in relation to solidarity. They seem to suffer from a negative view of social justice and the welfare state. Many of them do not believe – rightly or wrongly, as is to be seen – in the guarantee of job security, or of the redemption of pension rights and thus they have too little trust in a future based on social solidarity. And many of them do not know to whom they should demonstrate a claim of solidarity in our pluralistic society – and to whom it is not necessary. Therefore, values such as justice, equality, friendship and tolerance, are more important to them than the value of solidarity. In their narrow peer groups, however, they practise solidarity and friendship. But this seems to be not more than a form of clan solidarity; it does not include solidarity with strangers and foreigners, who have a deprived, dishonourable, and threatening status.

### ***3.5 Human Dignity and Human Rights – Can Humanity be Generalised?***

Parents and teachers again and again are confronted with an ethically important question with respect to the validity of present orders of right: Why do parts of our legal systems up to now only apply to Germans and EU-nationals, and not likewise for all people, without regard to their native country?

The ethical claim of respect for human dignity is laid down twice: in the EUCFR (Art. 1) as well as in the German Basic Law (Art. 1 BL) as one of the fundamental legal and policy-designing principles and rights. Examples of humiliation, or what young people understand by them, may be faced then with the importance of the right to dignity claimed for everybody, not only for persons with German and/or European citizenship, but also for aliens from outside the EU, albeit legally or illegally residing in Germany/the EU. The principle of generalisation (universality) of rights is expressed in catalogues of fundamental rights by the formulation: “Every person has the right to ...”. This requires the formation of values and a discussion of the need to extend the scope of fundamental rights: These rights actually seem to be privileges of contemporaries. Why are they not in the same way also the rights of the not-yet-born? And how can the rights of plants and animals be taken into account? Some students call into question the legitimacy of traditional anthropocentric worldviews in a fundamental way. They combine their questions sometimes with demands for protection not only for humans but also for the whole of organic nature, a demand relating to the conservation of species, or even the preservation of the biosphere as a whole.

Another important aspect for the promotion of protection of human dignity has to do with the fact that young people almost on a daily basis experience serious violations of human rights in those States in which human rights are not implemented by applicable laws. Insights into the drama of this disregard of rights lead one to ask the fundamental question of the universality of all basic human rights.

Only if we assume that there are universally valid human rights (written or unwritten), can we distinguish between individual rights – which are granted because we are citizens of a country and at the same time citizens of the Union – and those that would have come to us as cosmopolites.

In this way we could promote an awareness of the dignity of all people, whether they live within or outside the EU, thus helping us to implement and to strengthen respect for human dignity in daily life. Therefore, education in values is to be introduced into or strengthened in families, kindergartens, schools, and institutes of the churches.

#### **4 Can Values Education Promote Cohesion in Europe?<sup>11</sup>**

In relation to the almost daily experienced violations of human rights by children, adolescents and adults, including denial of fundamental rights, perforation of the rule of law, dilution of democracy and economically, politically and socially caused danger to liberty, equality, solidarity and human dignity in Europe we should ask: What kind of answer to the question in the heading can be expected? First of all a clear “no” as an answer. Although the European Court of Justice tries to prevent the greatest injustices, the striving for solidarity among Union citizens is crumbling

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<sup>11</sup> Mokrosch 2008, p. 164–166.

or has been rocked by populist “movements”. Even if human rights are at least theoretically protected worldwide, resistance against international law violations is demanded. Our jubilee *Albrecht Weber* focuses continuously on them.

Those who try to implement values in families, kindergartens, schools, churches etc. should address local educational institutions where the possibilities of education in values are to be realised. Children and adolescents, despite socialisation difficulties, are open to European values – as described above – and develop an awareness of the realisation of values according to the principle “Think globally! Act locally!”

Is this sufficient for a growing cohesion in Europe? Not entirely; but as far as conscious valuations and goals really can influence factual circumstances, such base-oriented values, if taught in more than 300,000 schools, could lead to some results within the EU. But this is pure speculation. Up to now there have been no relevant empirical studies. This should be left to later research.

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