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Digital Sovereignty and Identity in the European Union: A Challenge for Building Europe

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Summary: This paper aims at showing how the concepts of national sovereignty and national identity are challenged by the digital revolution. In the age of modernism, both concepts were defined as a condition for society's loyalty to the political framework, but this long-established format changed with the new technologic developments. The digital revolution requires a postmodern – heterogeneous and fluid – idea of identity, as well as a postmodern idea of sovereignty, which is non-territorial, neither hierarchical. Therefore, the postmodern idea of sovereignty and the concept of identity are significant for the development of the concepts of digital sovereignty and European digital identity.

Keywords: digital identity, sovereignty, national identity

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1. The Concept of National Identity

The rise of nationalism in Western Europe dates back to the Enlightenment. The nation and nationalist ideologies are considered modern phenomena, which arise

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with industrialization, Enlightenment and bourgeois culture.[1] The nation has been the bearer of sovereignty since 1789, when the French Revolution dismantle the previous system based on loyalty to the king and the nobility. The article 3 of the *Declaration of the Rights of Man and of the Citizen* reflects that „the principle of all sovereignty resides essentially in the nation. No body nor individual may exercise any authority which does not proceed directly from the nation."[2]

The notion of nationalism slowly spread all over Europe in French, Italian (national unification), English language (already started with the Glorious Revolution years before), while strengthening national pride and striving for the supremacy of one people.[3] Romanticism, referring to the medieval legends that lay the foundation of nations, contributed to the development of nationalism.[4] Looking to the past for the foundations of the future, building in the past to unite the society in the present. Nationality is generally understood as an essentialist category, as the essence of people, i.e. a set of characteristics according to which people differ from each other. The romantic conception of the people is based on a common language and origin. Herder considers the nation to be a living being, going through different periods of life – youth, maturity and old age.[5]

Benedict Anderson defines the nation as „an imagined political community – and imagined as both inherently limited and sovereign."[6] According to Anderson, the nation „is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion."[7] Anderson believes that the discourse of nationalism that seeks to establish ‚an imagined political community' by generalizing signifiers as common, must rest on a single, common sign system, which consists of language and the printed word. Therefore, he connects the universalism of the national community with the development of printing and capitalism. He emphasizes that „the lexicographic revolution in Europe (...) created, and gradually spread, the conviction that languages (in Europe at least) were, so to speak, the personal property of quite specific groups – their daily speakers and readers – and moreover that these groups, imagined as

1 ERIKSEN, T. H. *Ethnicity and Nationalism: Anthropological Perspectives*. London: Pluto Press, 2002.

2 National Assembly of France. *The Declaration of the Rights of Man and of the Citizen*, 1789 [online]. Available at: https://constitutionnet.org/sites/default/files/declaration_of_the_rights_of_man_1789.pdf

3 GODECHOT, J. *Les Révolutions de 1848*. Paris: Albin Michel, 1971.

4 Ibid.

5 HERDER, J. *Outlines of a Philosophy of the History of Man*. London: Johnson, 1784.

6 ANDERSON, B. *Imagined Communities: Reflections on the Origin and Spread of Nationalism*. New York, London: Verso, 2006, p. 6.

7 Ibid.

communities, were entitled to their autonomous place in a fraternity of equals.“[8] The establishment of standard languages as well as the development of the press, have contributed to the cultural connection of people in a certain territory, i.e. cultural homogenization, which is considered a prerequisite for creating a nation state and national identity.

Anderson emphasizes that it is difficult to give a scientific definition of a nation.[9] According to him, there are three characteristics that can be ascribed to the nation –it is imagined as limited, sovereign and community. Anderson emphasizes that: „The nation is imagined as limited because even the largest of them, encompassing perhaps a billion living human beings, has finite, if elastic, boundaries, beyond which lie other nations. No nation imagines itself coterminous with mankind. The most messianic nationalists do not dream of a day when all the members of the human race will join their nation in the way that it was possible, in certain epochs, for, say, Christians to dream of a wholly Christian planet.“[10]

According to Anderson, the nation is imagined as sovereign since the concept was established in a period when the legitimacy of the divinely-ordained, dynastic, hierarchical realm was being destroyed by Enlightenment and Revolution.[11] Anderson argues that the nation is envisioned as a community because, „regardless of the actual inequality and exploitation that“ exists in each, the nation is always envisioned as a profound, „horizontal comradeship.“[12]

According to Popper, the national state principle was a political demand that every state's territory correspond to „the territory inhabited by one nation.“[13] However, Popper emphasizes that „even if anyone knew what he meant when he spoke of nationality, it would be not at all clear why nationality should be accepted as a fundamental political category, more important for instance than religion, or birth within a certain geographical region, or loyalty to a dynasty, or a political creed like democracy.“[14] According to Popper, territory, religion and political beliefs can be more or less clearly defined, no one has ever been able to explain what he or she means by a nation in a way that can be employed as a foundation for practical politics.[15] Popper emphasizes that „none of the theories which maintain that a nation is united by a common origin, or a common language, or a common history, is acceptable, or applicable in practice.

[8] Ibid, p. 84.
[9] Ibid, p. 15.
[10] Ibid, p. 7.
[11] Ibid.
[12] Ibid.
[13] POPPER, K. R. *The Open Society and its EnemiesVolume 2*: *The High Tide of Prophesy: Hegel, Marx and the Aftermath*. London: George Routledge and Sons, 1947, p. 49.
[14] Ibid.
[15] Ibid.

The principle of the national state is not only inapplicable but it has never been clearly conceived. It is a myth. It is an irrational, a romantic and utopian dream, a dream of naturalism and of tribal collectivism.“[16]

National ideology is based on homogenization and binary oppositions such as: we/they, national/post national, local/global and so forth. It is founded on the idea of metaphorical kinship.[17] Habermas emphasizes the dynamic nature of the term „nation“, which once meant pre-political identity, while in the era of modernism it was given a constitutive role in defining the political identity of citizens in a democratic community.[18] The unity on which national identity rests has never actually existed, because different identities such as cultural, religious, regional, linguistic, and so on, have been subsumed under national identity.[19]

In the modern age, the state has become the most important institution of territorial control, but also an effective mediator in the processes that take place at different levels of spatial organization (transnational, national, local, regional).[20] „Territoriality, ie. the way territorialism was understood was a dominant theme of international politics in the 19th and first half of the 20th century, when wars were waged mainly between states (often colonial empires) and peoples seeking to achieve their independence.“[21]

The terms „state“ and „nation“ should not be understood as synonymous. If nation and state are viewed as synonyms, then any group of individuals who view themselves as a nation could legitimately establish themselves as an autonomous state.[22] All countries of the world are heterogeneous in a certain way, that is, to a certain extent multinational, multireligious and multiracial, so the state and the nation cannot be viewed as synonymous.[23] The nature of the concept of nation is dynamic and historical, because they are based on collective memory, political ideology, administration and so forth – elements that also have their own historicity.[24] According to Balibar, the concept of nation does not stop transforming,

16 Ibid.

17 ERIKSEN, T. H., op. cit.

18 HABERMAS, J. Citizenship and National Identity: Some Reflections on the Future of Europe. *Praxis International*. 1992, vol. 12, no. 1, pp. 1–19.

19 Ibid.

20 KURECIC, P. *Teritorijalnost i identitet u postmodernim geopolitičkim uvjetima: fundamentalne ili evolutivne promjene?* 2014 [online]. Available at: https://www.bib.irb.hr

21 Ibid.

22 BALIBAR, É. *Nous, citoyens d'Europe? Les Frontièrs*, *l'État, le peuple*. Paris: La Découverte, 2001.

23 Ibid.

24 Ibid.

which is a consequence of economic, technological, religious and cultural processes, and their interaction with heterogeneous social forces.[25]

The consequence of defining the idea of citizenship as „membership of the nation" is a discrepancy between „membership" and „belonging". And while the idea of membership is clear, the notion of belonging is much more complex and includes a psychological aspect. „Belonging" cannot be determined by simple categories that include inclusion and exclusion, as can be argued for the idea of membership. Nationalism is usually determined by different binary oppositions: we/they; political/cultural; civic/ethnic; citizen/foreigner; Western/Eastern and so forth. According to Smith, both nation and ethnicity are based on common myths and collective memories.[26] Nevertheless, unlike a nation that is tied to a certain territory, the connection between ethnicity and a certain territory is always only symbolic.[27]

Within the study of nationalism, the sharp distinction is made between civic and ethnic nationalism.[28] „In the former case, nationality is at least in principle open and voluntarist, it can and sometimes must be acquired; in the latter it is believed to be inherent, one can neither acquire it if one does not have it, nor change it if one does; it has nothing to do with individual will, but constitutes a genetic characteristic. It must be emphasized that ethnic homogeneity of a population (whether linguistic, racial, or other), even when seen as a characteristic of a nation, does not necessarily result in ethnic nationalism."[29]

Civic nationalism is mostly associated with the West, constitutional patriotism, impartial constitutionalism, separation of state and ethnicity, and anti-discrimination, while ethnic nationalism, based on primordial forms of identity that produces xenophobia and various forms of violence, is largely attributed to Eastern societies.[30] Civic nations rely on common civic norms, and ethnic ones on common origins and the ideas of „patriotism" and „nationalism" as the basis of political membership.[31] Countries where examples of civic nationalism can be found are the United States, Denmark, Canada, Sweden, while examples of ethnic nations are found in Japan and most Eastern European countries.[32] The basic principle that defines civic nationalism refers to common duties and civil

[25] Ibid.
[26] SMITH, A. D. *Nations and Nationalism in a Global Era*. Cambridge: Polity Press, 1995.
[27] Ibid, p. 68.
[28] HORVÁTH, E. *Mandating Identity: Citizenship, Kinship Laws and Plural Nationality in the European Union*. The Netherlands: Kluwer Law International, 2008, p. 46.
[29] GREENFIELD, L., CHIROT, D. Nationalism and Aggression. *Theory and Society*. 1994, vol. 23, no. 1, p. 83.
[30] KYMLICKA, W., OPALSKI, M. (eds.). *Can Liberal Pluralism be Expored?* Oxford: Oxford University Press, 2002.
[31] Ibid.
[32] Ibid.

rights, and therefore the notion of citizenship that derives from it is open to all individuals who accept this set of rules. Contrary to this approach, ethnic nations are closed to newcomers because they are determined by origin.

The generally accepted view is that ethnic nationalism is a destructive form of nationalism, while civic nationalisms are considered constructive nationalisms.[33] However, many scholars reject this dualistic typology, noting that the distinction between civic and ethnic nationalism is often used to distinguish one's own „good, legitimate, and civic nationalism" from the one's illegitimate ethnic nationalism.[34] Constructive nationalism is not based on a totalizing idea or any form of privileged, homogenizing discourse, but constitutes a political community on democratic and multicultural principles that solve the problems of the majority community as well as minorities.[35]

Neither the civic nor the ethnic conception of nationalism is functional in modern pluralistic societies, because it denies the importance of culture. The idea of the nation is inseparable from the culture, since the nation is indisputably related to the collective identity. Each type of nationalism, in fact, represents cultural nationalism, which creates a common symbolic universe that includes national literature, collective memory, flags, monuments and so forth. The individual, therefore, identifies with the symbols of the nation and the existing society. Anderson argues that communities are characterized, „not by their falsity/genuineness, but by the style in which they are imagined".[36] According to Greenhouse and Chirot: „The type of nationalism, as nationalism in general, is a result of cultural construction; it reflects choices made by its architects rather than ‚objective reality' of whatever sort. Historically, the first nationalism to emerge, in England, belonged to the individualistic and civic type. The second, a mixed type that appeared in France, was civic and collectivistic. The third type to emerge consisted of collectivistic and ethnic nationalisms. These were exemplified first by Russia, and then by Germany. This type of nationalism was destined to become the most frequently imitated one in the late nineteenth and in the twentieth centuries."[37]

The idea of *political*, according to Jacques Derrida, is built on the idea of the union of nation and nature, state and family.[38] Derrida claims that the concept of „brotherhood" (*fraternité*) underpins the idea of the political concept from Aristotle's philosophy to the French Revolution.[39] Derrida emphasizes that categories

[33] SUBOTIC, M. *Na drugi pogled: prilog studijam anacionalizma*. Beograd: Institut za filozofiju i društvenu teoriju, 2007.
[34] Ibid.
[35] Ibid.
[36] ANDERSON, B., op. cit., p. 6.
[37] GREENFIELD, L., CHIROT, D., op. cit., p. 83.
[38] DERRIDA, J. *Politics of Friendship*, trans. George Collins. New York: Verso, 2005, p. viii.
[39] Ibid.

such as nation, culture and community are socially, politically and historically constructed – they cannot be derived from brotherhood.[40]

„The term ‚nationalism', in its neutral, general sense, refers to ideas and sentiments that forms the conceptual framework of national identity. National identity is one among many, often coexisting and overlapping identities – occupational, religious, tribal, linguistic, territorial, class, gender, and more."[41] According to social-constructivist approach, concepts of „identity", „borders", „nation, „political" and so forth, are not essentialist and fixed but contingent concepts which are produced by political and social practices.[42]Godechot explains the distinction between patriotism and nationalism.[43] Patriotism represents love for what is considered the source of one nation, while nationalism comes from the binary opposition self/other, i.e. from the opposition of „our" (national) identity to the (national) identity of „others", where the *Other* is often belittled and rejected.[44]

According to Huntington: „The fundamental source of conflict in this new world will not be primarily ideological or primarily economic. The great divisions among humankind and the dominating source of conflict will be cultural. Nation states will remain the most powerful actors in world affairs, but the principal conflicts of global politics will occur between nations and groups of different civilizations."[45] This clash of civilizations is based on binary opposition we/they.

„Recent worldwide political developments indicate that simultaneous and contrary to leveling of nations through globalization, there is a process of further differentiation among the nations, characterized by an ever increasing number of ethnic groups looking for their political and territorial independence and by progressively stronger statements of obvious national interests of world's most powerful nations."[46]

According to Forca and Puaca, nationalism is based on the determinants that are formed in relation to the „Other", which makes it subject to the logic of „differentiation and underestimation", which in nationalism views the „Other" as hostile and/or less valuable.[47] „Whenever one attempts to generalize about the relation between nationalism and other phenomena, one has to take the fundamental

[40] Ibid.

[41] GREENFIELD, L., CHIROT, D., op. cit., p. 79.

[42] JUNG, H. The Evolution of Social Constructivism in Political Science: Past to Present. *SAGE Open*. 2019, vol. 9, no.1, pp. 1–10.

[43] GODECHOT, J., op. cit.

[44] Ibid.

[45] HUNTINGTON, S. P. The Clash of Civilizations? *Foreign Affairs*. 1993, vol. 72, no. 3, p. 22.

[46] MILOSEVIC-DJORDJEVIC, J. Primordialistic Concept of National Identity in Serbia. *Psihologija*. 2007, no. 40, no. 3, pp. 386.

[47] FORCA, K., PUACA, M. Nacionalizam podrazumeva diskriminaciju. In: RILL, H., SMIDLING, T., BITOLJANU, A. (eds.). *20 poticaja za buđenje i promenu. O izgradnji mira na prostoru bivše Jugoslavije. Beograd, Sarajevo: CNA, 2007, p. 51.*

distinctions between the types of nationalism into account, because the character of these relations varies in accordance with the latter."[48]

In the 19th century, nationalism imposed itself as the dominant ideology in the world, and often, in accordance with other ideologies, played a key role in important events, such as the outbreak of the First and Second World Wars, and a number of ethnic conflicts.[49] „In the 19th and 20th centuries, it served as a basis for racism and fascism, and at the end of the 20th century it began to manifest itself as religious fundamentalism and imperialism."[50]

Nationalism can manifest as part of official state ideology. In nationalism, the differences between one's own and other nations stand out, presenting one's nation as superior to others. In their extreme forms, fascism in Italy and National Socialism in Germany in the first half of the 20th century, nationalisms advocated an authoritarian state with limited individual rights. „Not even collectivist and ethnic nationalisms have all been equally harsh and a brutal and murderous, as Nazi Germany, Stalinist Russia, or Cambodia under the Khmer Rouge. They have not all led to the same levels of internal paranoia as Kim Il Sung's North Korea or Enver Hoxha's Albania. They need not always create a condition of almost permanent war as has Saddam Hussein's regime in Iraq."[51]

2. Creation of the European Union: Separating the Nation and Politics

The founding fathers of the European Union presented to separate nation and politics in a wider political community including many different European states in order to avoid conflicts between European nations, especially between French and Germans. Robert Schuman, the French foreign minister from 1948 to 1952 and one of the founding fathers of European integration, argues in his book *For Europe* that Europe must move away from fruitless fights and move toward unification as a guarantee of peace, security, and progress.[52]

The origins of the European Union can be traced back to World War II, a war of national states. The determination to prevent such horrors from happening was building a new political structure separate from the concept of nation – rationality over collective emotions. French Foreign Minister Robert Schuman proposed the

48 GREENFIELD, L., CHIROT, D., op. cit., p. 86.
49 FORCA, K., PUACA, M., op. cit., p. 51.
50 Ibid.
51 GREENFIELD, L., CHIROT, D., op. cit., pp. 122–123.
52 SCHUMAN, R. *For Europe*. Paris: Nagel, 1964.

idea of European unification in a speech on May 9, 1950 as a peace project, to overcome the past and secure the future. According to Fountain: „Schuman's declaration on May 9, 1950, was a dramatic breakthrough that virtually overnight created the conceptual architecture of the European House within which half a billion Europeans live in peace with each other today. It was a modest but concrete step, containing the embryonic elements that would be expanded eventually into today's EU."[53]

Historians have long portrayed European integration as a narrative in which the „European continent progresses from the dark ages of nationalism to the bright present and future of Europeanism"[54]; from a period of conflict and destruction to one of peace, prosperity, and supranationalism.[55] The European Union is frequently depicted as a „peace project" based on Kant's ideas presented in his essay „Perpetual Peace."[56]

Fear of new wars and conflicts, among other things, caused by the Cold War situation and the world's bloc division, which contributed to the need for European countries to unite, is the foundation on which the three European Communities were formed – 1. The European Coal and Steel Community (ECSC) established in 1951, 2. The European Economic Community (EEC) established in 1957, and 3. The European Atomic Energy Community (EURATOM) established in 1957.[57]

According to Penda, the expansion of collaboration in all various sectors resulted in the spread of common interests, which led to the adoption of new political values, which in turn contributed to the formation of a new European unity.[58] Within what would later become the European Union, common European policies began to address all relevant spheres of social life, with the most exposed being: the creation of a European area of stability and peace; creation of a certain political union; some extend of common foreign policy, economic integration (creation of a common open market; single customs and monetary union); establishment and development of the area of „four freedoms" – free movement of people, capital, goods and services; foreign policy,

[53] FOUNTAIN, J. A Christian Europe(an): The Forgotten Vision of Robert Shuman. *Encounters Mission Journal*. 2011, no. 36, p. 1.

[54] VAN DE BEETEN, J. Book Review: Project Europe: A History by Klaus Patel. *LSE*, 2020 [online]. Available at: https://blogs.lse.ac.uk/europpblog/2020/09/27/book-review-project-europe-a-history-by-kiran-klaus-patel/

[55] Ibid.

[56] KANT, I. Perpetual Peace. In: REISS, H. (ed.). *Kant: Political Writings*. Cambridge: Cambridge University Press, 1991, pp. 93–130.

[57] PENDA, I. A. Temeljne vrijednosti Europske unije – od utopije do stvarnosti. *Politička misao*. 2005, vol. 42, no. 3, p. 158.

[58] Ibid.

common security and defense; environmental protection; development of European identity; cooperation in justice and home affairs; cooperation in justice and home affairs.[59]

At a time when one phase of the European integration process was over, European politicians began to talk about the „soul of Europe"„as a result of the turbulent historical events of 1989–1991, the original vision of Europe was beginning to lose its force for its citizens, and there was no" unanimity over new goals.[60] Jacques Delors, who was President of the European Commission from 1985 to 1995, had the target to formulate new goals for the European Union. Delors emphasized that cultural values are more important than economic values, and that while the economy is necessary for the survival of Europe, culture is what makes life worth living.[61] Delors, on the other hand, stressed that Europe continues to portray itself primarily as an economic force, prioritizing economic and political values over cultural, social and spiritual ones.[62]

Romano Prodi, the then-President of the European Commission, invited the Institute for Human Sciences in Vienna to assemble a group of European experts to reflect on and advise him on the values that are especially important to the ongoing process of European unity in the spring of 2002. A reflection group was organized, and a report titled „The Spiritual and Cultural Dimension of Europe" was produced.[63] This report states: „As the old forces of integration – desire for peace, external threats, and economic growth – are losing their effectiveness, the role of Europe's common culture – the spiritual factor of European integration – will inevitably grow in importance as a source of unity and cohesion."[64]

The European Union is a supranational and hybrid political community that includes subnational, national, and supranational levels. The European Union's hybrid nature stems from the fact that it combines the characteristics of both intergovernmental and supranational political communities.

Numerous actors beyond the borders of the state are involved in the project, thus create new, transnational social spaces.[65] Economic flows, multinational companies, various social movements, environmental protection and human rights

[59] Ibid.

[60] KUHN, M. *The Appeal to the „Soul for Europe".* Europe-Infos, 2017 [online]. Available at: http://www.europe-infos.eu/europeinfos/en/archive/issue163/article/5918.html

[61] LIAGRE, G. Foreword. In: HOGEBRINK, L. *Europe's Heart and Soul: Jacques Delors' Appeal to the Churches*. Geneva: Globethics.net, 2015, p. 10.

[62] Ibid.

[63] EUROPEAN COMMISSION. *The Spiritual and Cultural Dimension of Europe*. Brussels, 2005 [online]. Available at: https://www.files.iwm.at/uploads/michalski_091104_report_annexes_en.pdf

[64] Ibid.

[65] KURECIC, P., op. cit.

activists, NGOs and so on, have an impact across national borders. New forms of communication also call into question the traditional notion of sovereignty. Global flows of capital and information reduce the influence of the state, because investments, activities and individuals are no longer focused primarily by states, but by global market.[66] These are the proofs of the strengthening of the postmodern geopolitical conditions – reducing the power of the modern territorial state.[67]

In today's world, there are three levels of challenge to the nation-state: subnational, transnational, and supranational. Various notions of local, cultural and regional identities represent challenge to the nation-state at the subnational level. Multinational corporations, non-governmental organizations, and other groups operate at the transnational level, undermining the power of nation-states. Europeanisms and the European Union as a supranational political community are examples of supranational political identities that transcend national boundaries.[68]

„The European Union represents a new political and historical category, which differs from modernist political communities, whose main form is the sovereign national state. The EU represents a post sovereign model of political community, and it shows the traits of both intergovernmental and supranational political communities, which is why its nature is hybrid and ambivalent. Its intergovernmental character is reflected by the European Council. On the other hand, supranational traits of the European Union are reflected by the European Commission and Parliament, because they represent the interests of the European Union as a whole."[69]

The European Union is a model of political community in which powers and responsibilities are shared. The notion of subsidiarity, which allows national and European authorities to coexist, reflects this viewpoint.[70]National issues gain transnational importance. The impact of several issues are supranational, therefore the national authorities lack the power to control them. Then, it is logical that supranational authorities (European Union) will manage the common

[66] Ibid.

[67] Ibid.

[68] KERIKMÄE, T., HOFFMANN, T., CHOCHIA, A. Legal technology for law firms: determining roadmaps for innovation. *Croatian International Relations Review*. 2018, vol. 24, no. 81, p. 91–112.

[69] IVIC, S. *European Identity and Citizenship: Between Modernity and Postmodernity*. London: Palgrave Macmillan, 2016, p. 137.

[70] Article 5 (3) of the *Treaty on European Union* states: „Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and insofar as the objectives of the proposed action cannot be sufficiently achieved by the Member States, either at central level or at regional and local level, but can rather, by reason of the scale or effects of the proposed action, be better achieved at Union level. The institutions of the Union shall apply the principle of the subsidiarity as laid down in the Protocol on the application of the principles of subsidiarity and proportionality. National Parliaments ensure compliance with the principle of subsidiarity in accordance with the procedure set out in that Protocol."

sovereignty to cover common issues in a more effective way than the sum of the individual efforts of the states involved.[71]

The European Union has been confronted with a number of issues recently, including the migration crisis, the pandemic crisis, the erosion of democracy and liberal values, the growth of populism and nationalism, the economic and financial crisis, terrorist acts, and so on. The European Union is returning, to some extent, to the ideals of nations, nationalism, and binary oppositions: we/they, national/post national, European/non-European, and so on, as a result of many types of crises (economic, pandemic, migration, political, and so on) and security reasons. In times of crises, European narratives and public discourse resemble nationalist exclusionary rhetoric reflecting binary oppositions: democracy/Islam, self/other, European/non-European, and so on.[72]

Nevertheless, the building of Europe to avoid nationalist confrontation and manage more efficiently the global challenges of our times faces the problem of a common demos. European Union will be democratic or will not be.[73] Currently, democracy is a requirement to join the European Union and a part of its identity. The term democracy comes from classical Greek, δῆμος (people) and κράτος (power or government). The first to classify the forms of government was Herodotus, then Plato, and finally Aristotle, whose systematization continued to be used for millennia. Aristotle, after studying more than 158 constitutions, considered that the forms of government could be divided into 2 groups: the pure, and the impure. In the first category (pure) included: a) the monarchy, which is the government exercised by a single person; b) the aristocracy, government exercised by a select minority, the wisest; and c) democracy, government exercised by the multitude or majority of citizens.[74]

Therefore, the concept of citizenship is crucial for the idea of democracy. From a political approach a citizen is a member of the society with rights and duties in the common management of the society. A citizen is a political subject participating in the public life, regardless the cultural identity (nation), ethnic group, or any other consideration beyond politics. The idea of citizenship is very logical, as long as you fulfill your public duties and use your rights, you are

[71] RAMIRO TROITIÑO, D. La „Década Digital" de la Unión Europea: desarrollos e impactossobresuciudadanía y economía. *IDP: revistad'Internet, dretipolítica*. 2021, no. 34, pp. 1–14. DOI: https://doi.org/10.7238/idp.v0i34.387532

[72] IVIC, S. Brexit and the Emergence of Nationalist Narratives in Europe: Creating a New Narrative for the European Union. In: SACCO, M. (ed.). *Brexit: A Way Forward,* Wilmington: Vernon Press, 2019, pp. 1–22.

[73] OUTEDA, C. C. *El proceso de constitucionalización de la Unión Europea: de Roma a Niza*. Santiago de Compostela: Universidad de Santiago de Compostela, 2001.

[74] HAMUĽÁK, O, KISS, L. N., GÁBRIŠ, T. „This Content is not Available in Your Country" A General Summary on Geo-Blocking in and outside the European Union. *International and Comparative Law Review*. 2021, vol. 21, no. 1, pp. 153–183.

a full member the society. In addition, a citizen must be loyal to the democracy in order to establish a functioning model. The issue of the people's loyalty is crucial because without it the societal model established will simply collapse. In the case of democracy it is a free will loyalty based on a common identity that can be political, emotional, or the combination of both (national state). The most effective way to secure the allegiance of the society is nationalism because it is a cultural system based on emotions and feelings. In times of crisis nationalism (emotions and feelings) are much more effective as they are irrational and the nationals are willing to sacrifice even their own life for the sake of the nation.[75] The examples are countless, and one of them is focus given to the nation by the Soviet Union during the German aggression.[76] The Second World War was denominated the Great Patriotic War and was presented to the Soviet citizens as a nationalist hostility from Germans rather than an ideological confrontation. The USSR, a political structure highly united to the concept of citizen as a part of the proletariat, used nationalism to protect itself as it was more effective uniting the society for a common goal, the defeat of Nazi Germany.[77]

Consequently, the European Union, as a hybrid system with increasing democratic power, needs to attract the loyalty of the European citizens to secure its functionality. Its supranational character prevents the use of nationalism, the most effective tool. In addition, it would not be wise to generate a European nationalism because it would reproduce the previous problems within Europe in a higher level of supranational entities with world conflicts. Therefore, the European Union focuses on the idea of common identity, less intense than nationalism, linked with the concept of common sovereignty from a rational approach based on a general pattern, common problems and common solutions.[78]

The current technological developments allow new opportunities impossible to apply before. Consequently, the future actions to advance in the direction of a common European digital identity have the potential to change the model based on national politics, a goal pursued by the European Union since the Schuman declaration.

[75] RAMIRO TROITIÑO, D. La „Década Digital" de la Unión Europea: desarrollos e impactossobresuciudadanía y economía. *IDP: revistad'Internet, dretipolítica*. 2021, no. 34, pp. 1–14.

[76] PULERI, M. *Narrazioniibride post-sovietiche: Per unaletteraturaucraina di lingua russa*. Firenze: Firenze University Press, 2016.

[77] TROITIÑO, David Ramiro, et al. (ed.). The EU in the 21st century: Challenges and opportunities for the European integration process. 2020.

[78] RAMIRO TROITIÑO, D. The Essence of Europe: Understanding Europe Through Its Designers.

3. The Concept of Digital Sovereignty

The new digital economy will trigger a change in terms of political identity in Europe as the national identity cannot embrace the digital environment. New information and communication technologies presuppose „the disappearance of the local in favor of the spatial."[79] According to Agnew, „sovereignty is neither inherently territorial nor is it exclusively organized on a state-by-state basis."[80] The necessity to rethink the terms of the sovereignty discussion is suggested by the negotiation and reinterpretation of political authority in spatially complex and diverse ways.[81]

According to modern political theory, the world is divided into continuous geographical units, with the territorial state as the basic building block from which other territorial units (such as empires, alliances, and so on) emerge or evolve.[82] The digital revolution offers a framework for rethinking and re-conceptualizing the modern idea of sovereignty and implies that territorial organization of polities is not required.[83]

The modern conception of „sovereignty is generally defined as the supreme authority over a political entity (a polity)."[84] Philpott defines three principles on which the modern idea of sovereignty is based:

1. A holder of sovereignty possesses authority which is derived from some mutually acknowledged source of legitimacy – natural law, a constitution, hereditary law, international law and so forth[85];
2. A holder of sovereignty possess supreme authority[86];
3. Territoriality is the final component of sovereignty.[87]

The notion of digital sovereignty presupposes „strategic autonomy" that aims at making the European Union „a digital powerhouse", which is another resemblance with the modern idea of sovereignty as it emphasizes authority, exclusivist notion of identity and territoriality.[88] The European Council stated that „strategic

[79] RAULET, G. The New Utopia: Communication Technologies. *Telos*. 1991, no. 87, p. 40.

[80] AGNEW, J. Sovereignty Regimes: Territoriality and State Authority in Contemporary World Politics. *Annals of the Association of American Geographers*. 2005, vol. 95, no. 2, p. 437.

[81] Ibid, p. 438.

[82] Ibid, p. 441.

[83] Ibid.

[84] COUTURE, S., TOUPIN, S. What does the Notion of ‚Sovereignty' Mean when Referring to the Digital?. *New Media & Society*. 2019, vol. 21, no. 10, p. 2308.

[85] PHILPOTT, D. *Sovereignty.* Stanford Encyclopedia of Philosophy, 2003 [online]. Available at: https://plato.stanford.edu/entries/sovereignty/

[86] Ibid.

[87] Ibid.

[88] EUROPEAN COUNCIL. *Digital Sovereignty is Central to European Strategic Autonomy – Speech by President Charles Michel at Masters of digital 2021*. 2021 [online]. Available at:

autonomy is about being able to make choices. We want greater autonomy and greater independence in an open and global environment. This means reducing our dependencies, to better defend our interests and our values. We want a more level playing field and more fairness in today's globalized world."[89]

In various ways, the modernist concept of sovereignty has been questioned and criticized. It is difficult to retain an absolutist stance on sovereignty in the face of global interdependence.[90] Multinational corporations, the emergence of global communications infrastructures, international or regional treaties, or planetary challenges such as global pandemics, may limit the sovereign authority's scope.[91] According to Agnew, the reinterpretation and negotiation of political authority in spatially complex and different ways suggests the need to reassess the terms of the sovereignty debate.[92]

The suitability of the concept of sovereignty is questioned by postmodernists. This concept is considered to be rooted in the Western history of imperialism and colonialism.[93] Couture and Toupin state: „While digital sovereignty might currently be trendy and somewhat useful, many of the issues discussed are usually addressed without reference to colonialism, imperialism, and a critique of sovereignty itself. So the question is then: what is to be gained and to be lost in the use of sovereignty when thinking about the digital?"[94]

The concept of digital sovereignty should acknowledge that numerous agents might wield digital sovereignty at the same time, implying that sovereignty is something that can be shared. Digital sovereignty should not be defined by fixed borders, instead digital sovereignty should be defined „as something that can be held across political communities and spatial networks" that are not restricted to the nation-state.[95] However, the concept of digital sovereignty is not completely detached from the notion of sovereign.[96] For example, „companies like Facebook and national governments are redefining, through their interactions and equilibria, the sense in which an agent can hold and exercise sovereignty."[97]

https://www.consilium.europa.eu/en/press/press-releases/2021/02/03/speech-by-president-charles-michel-atthe-digitaleurope-masters-of-digital-online-event/

89 Ibid.

90 COUTURE, S., TOUPIN, S., op. cit., p. 2308.

91 Ibid.

92 AGNEW, J., op. cit., p. 438.

93 COUTURE, S., TOUPIN, S., op. cit., p. 2319.

94 Ibid.

95 ROBERTS, H., COWLS, J., MORLEY, J., TADDEO, M., FLORIDI, L. Safeguarding European Values with Digital Sovereignty: An Analysis of Statements and Policies. *Internet Policy Review*. 2021, vol. 10, no. 3, p. 7.

96 Ibid.

97 Ibid.

Only European digital identity as well as the idea of digital sovereignty in the European context related to postmodernist ideas of identity and sovereignty have the capacity to change the model of identity based on national policy.

The European Union has stated its goal to reinforce its „digital sovereignty" as a foundation for defending European identity and values in the digital era. „The widespread adoption of the term ‚sovereignty' – a concept loaded with legal and political connotations – to describe authority over the digital is a more recent phenomenon."[98] In particular, this term has started to be used in the context of the European Union.[99]

The COVID-19 pandemic has highlighted the importance of digitization in today's world, as well as its role in responding to global crises. „Before COVID-19, the European debate over digital sovereignty was rooted in a widespread perception that Europe had been disadvantaged by large US tech companies – and, more recently, by Chinese companies – that had come to dominate its market and, in this view, impeded the growth of a European tech sector."[100] The significance of „digital sovereignty" for the future of the European Union was emphasized by Viviane Reding, former Vice President of the European Commission back in 2016.[101] Digital sovereignty is presented „as a means of promoting the notion of European leadership and strategic autonomy in the digital field" and defined as „Europe's ability to act independently in the digital world."[102]

One of the first definitions of Europe's digital sovereignty is presented by Pierre Bellanger, who defines it as „the control of our present and of our destiny as they manifest and orient themselves through the use of technologies and computer networks."[103] Bellanger then criticiized France's and Europe's lack of sovereignty and independence over the creation of digital networks, arguing that Europe must build an economic and legal environment that encourages technological innovation within European borders.[104]

Raulet argues that „the technical Utopia of a society decentralized by telecommunications signifies a spatialization of communication so that all localization becomes impossible. It means that final dissolution of all ties and places

98 Ibid, p. 2.

99 Ibid.

100 BURWELL, F. G., PROPP, K. *The European Union and the Search for Digital Sovereignty: Building ‚Fortress Europe' or Preparing for a New World?* Atlantic Council, June 2020 [online]. Available at: https://www.atlanticcouncil.org/wp-content/uploads/2020/06/The-European-Union-and-the-Search-for-Digital-Sovereignty-Building-Fortress-Europe-or-Preparing-for-a-New-World.pdf

101 REDING, V. *Digital Sovereignty: Europe at a Crossroads.* EIB Institute, 2016 [online]. Available at: https://institute.eib.org/w p-content/uploads/2016/01/Digital-Sovereignty-Europe-at-a-Crossroads.pdf.

102 MADIEGA, T. A. *Digital Sovereignty for Europe.* EPRS Ideas Papers, 2020 [online]. Available at: https://www.europarl.europa.eu/RegData/etudes/BRIE/2020/651992/EPRS_BRI(2020)651992_EN.pdf.

103 COUTURE, S., TOUPIN, S., op. cit., p. 2312.

104 Ibid.

that symbolically structured traditional society."[105] However, current definitions of Europe's digital sovereignty do not lead to the idea of post-sovereignty, but point to the modernist idea of sovereignty. Raulet argues there is a danger that the new information and communication technologies will not transform „the already-existing social structures", but they will exaggerate them „by reinforcing the hierarchies."[106] European debate over digital sovereignty is based on binary hierarchies: European Union/United States, European Union/China and European/non-European, as it was argued that the European Union has been disadvantaged by Chinese and US tech companies.[107] The European Commissioner for the Internal Market, Thierry Breton stated: „Faced with the ‚technological war' being waged by the United States and China, Europe must now lay the foundations of its sovereignty for the next 20 years. It is not a question of giving in to the temptation of isolation or withdrawal into oneself, which is contrary to our interests, our values and our culture. It is a question of making choices that will be decisive for the future of our fellow citizens by developing European technologies and alternatives, without which there can be neither autonomy nor sovereignty."[108]

One of the main goals of the European Union is to strengthen its „digital sovereignty" as a basis for protecting European identity and values in the digital age.[109] According to Thierry Breton, the idea of digital sovereignty is based on three pillars: control over data, computing power and secure connectivity.[110]

The idea of digital sovereignty is not clearly defined, and is used in a variety of ways throughout EU policy documents.[111] Even essential questions remain unanswered, such as whether the EU already has digital sovereignty or whether it is a goal for which the EU should aspire.[112] This lack of conceptual clarity raises questions about the EU's specific goals and makes it difficult for the EU to gain support for and successfully implement „a clear policy agenda".[113]

Thierry Breton called for „building Europe's technological sovereignty".[114] Despite the importance attached to technological and digital sovereignty, the

[105] RAULET, G., op. cit., p. 40.
[106] Ibid, p. 55.
[107] BURWELL, F. G., PROPP, K., op. cit.
[108] EUROPEAN COMMISSION. *Europe: The Keys to Sovereignty (Vol. 11). The Keys To Sovereignty*, 2020. [online]. Available at: https://ec.europa.eu/commission/commissioners/2019-2024/breton/announcements/europe-keys-so vereignty_en.
[109] ROBERTS, H., COWLS, J., MORLEY, J., TADDEO, M., FLORIDI, L., op. cit.
[110] EUROPEAN COMMISSION, op. cit.
[111] ROBERTS, H., COWLS, J., MORLEY, J., TADDEO, M., FLORIDI, L., op. cit., p. 3.
[112] Ibid.
[113] Ibid.
[114] EUROPEAN COMMISSION. *Questions to the Commissioner-Designate Thierry Breton*, 2019 [online]. Available at: https://ec.europa.eu/commission/commissioners/sites/default/files/commissioner_ep_hearings/answers-ep-questionnaire-breton.pdf

meaning of these terms is not clearly defined, and it is not clear whether digital and technological sovereignty are synonymous.[115]

4. The Concept of European Digital Identity

The European Commission presented a framework for a European digital identity on June 3, 2021, which will be open to all EU citizens, residents, and enterprises in the European Union.[116] „Citizens will be able to prove their identity and share electronic documents from their European Digital Identity wallets (...) They will be able to access online services with their national digital identification, which will be recognized throughout Europe."[117] The creation of European digital identity is in accordance with the European Commission's goal to accelerate „European digital transformation."[118] The European digital transformation should be in accordance with European values, as stated in the 2030 Digital Compass.[119] According to Jacobs and Maier, the goal of transforming the European Union into a supranational force overlaps and contains components of the other projects, which promote discourses of social development, human rights and democratization.[120]

Nevertheless, the terminology used by the European Commission might be confusing. The concept of „European digital identity" implies static notion of identity which is linked to the territory. Nevertheless, „the concept of identity cannot be defined in a static way, purely as a result of a historic process. Identity necessarily also involves the question of ‚*what do I want to be*' together with an assessment of the conditions, means and capacities to realize the future project(s)."[121] For this reason, the term „European digital identification" would be more appropriate for the European Commission's objectives than the term „European digital identity", because this term could also be confused with the European Union's objectives of creating a common European identity based on a set of political and cultural values (reflected in the *Declaration on European*

[115] BURWELL, F. G., PROPP, K., op. cit.

[116] EUROPEAN COMMISSION. *Commission Proposes a Trusted and Secure Digital Identity for all Europeans*, 2021 [online]. Available at: https://ec.europa.eu/commission/presscorner/detail/en/IP_21_2663

[117] Ibid.

[118] EUROPEAN COMMISSION. *2030 Digital compass: The European Way for the Digital Decade*, 2021 [online]. Available at: https://ec.europa.eu/info/sites/default/files/communication-digital-compass-2030_en.pdf

[119] Ibid.

[120] JACOBS, D., MAIER, R. European Identity: Construct, Fact and Fiction. In: GASTELAARS, M., RUIJTER, A. (eds.). *A United Europe*: *The Quest for a Multifaced Identity*. Maastricht: Shaker, 1998, 13–34.

[121] Ibid.

Identity[122] and EU treaties). The term „identification" refers to „appropriation of and commitment to a particular identity or series of identities on the part of an individual.[123]" The term „identity", on the other hand, is ambiguous depending on whether it refers to the Latin *idem* or *ipse*.[124] Paul Ricoeur differentiates identity as „sameness" („Latin: *idem*, German: *Gleichheit*") on the one hand, and identity as „selfhood" („Latin: *ipse*, German: *Selbstheit*") on the other.[125] He emphasizes that identity encompasses not just the self (sameness), but also the otherness in which the self is produced (selfhood).[126] Otherness is always included in the Self as a source of development and change. Thus, the concept of identity is dynamic.

The idea of European digital identity, which will enable EU citizens to share electronic documents, access online services and so forth, reduces the concept of identity „to pure functionality."[127] In this way, the structure has priority over the identity.[128] According to Raulet, „identity has always been a fiction constituted at the intersection of individual and social games. But the new communication technologies challenge this very mechanism."[129] The concept of European digital identity reflects a collision between „the logic of technique, on the one hand, and the logic of society, on the other."[130]

At the beginning of creating a European digital identity, it is necessary to revisit the political and cultural question of creating a common European identity, which started in 1973 with establishing the *Declaration on European identity*.[131] European identity has two dimensions – legal and cultural. The legal dimension refers to democratic values such as democracy, the rule of law and human rights.[132] These values point to Europe's liberal democratic heritage and their nature can be considered to be universal, not specifically European.[133] „Robert Schuman, for

[122] EUROPEAN COMMUNITY. *Declaration on European identity*. Copenhagen, 1973 [online]. Available at: https://www.cvce.eu/obj/declaration_on_european_identity_copenhagen_14_december_1973-en-02798dc9-9c69-4b7d-b2c9-f03a8db7da32.html

[123] FOOTE, N. N. 1951. Identification as the Basis for a Theory of Motivation. *American Sociological Review*. 1951, vol. 16, no. 1, p. 17.

[124] RICOEUR, P. *Oneself as Another*, trans. Kathleen Blamey. Chicago: University of Chicago Press, 1992.

[125] Ibid, p. 116.

[126] Ibid.

[127] RAULET, G., op. cit., p. 51.

[128] Ibid.

[129] Ibid.

[130] RAULET, G., op. cit., p. 55.

[131] EUROPEAN COMMUNITY, op. cit.

[132] IVIC, S., op. cit.

[133] DELANTY, G. Models of European Identity: Reconciling Universalism and Particularism. *Perspectives on European Politics and Society*. 2002, vol. 3, no. 3, pp. 345–359.

instance, saw one of the early treaties that led to later EEC, the *Treaty of Paris*, as a continuation of the *Declaration of the Rights of Man and Citizen*. This was also the conception of Europe of Jean Monnet.“[134] According to Delanty, the legal aspect of European identity can also be criticized as being Eurocentric, because it universalizes the values of European civilization.[135] *The Declaration on European Identity* emphasizes the European peoples' common values.[136] This declaration defines European identity as attachment to shared values, principles, and civilization, awareness of common interests, similarity of life conceptions, and determination to participate in the construction of Europe.[137]

The cultural dimension of the European identity is based on the primacy of cultural heritage.[138] European identity is presented as being shaped by European historical roots that can be traced back to the classical Antiquity, Christianity and the Enlightenment. In this way, Europe is described as a homogeneous and exclusive entity.[139] It is often perceived as Christian (Catholic and Protestant). The Orthodox and Islamic traditions are either excluded or marginalized.[140]

However, the nature of European identity is still contested[141] and the question is whether the creation of European digital identity will strengthen the concept of a common European identity defined by European treaties, declarations and charters.[142] Another question is what impact it will have on the concept of national identity in the European Union.

On the other hand, European digital identity should be in accordance with European values[143], but the nature of the concept of European values is still unclear.[144] They are differently defined in different EU legal documents (in the *Charter of*

[134] Ibid, p. 347.
[135] Ibid.
[136] EUROPEAN COMMUNITY, op. cit.
[137] HORVÁTH, E. *Mandating Identity: Citizenship, Kinship Laws and Plural Nationality in the European Union*. The Netherlands: Kluwer Law International, 2008, p. 71.
[138] IVIC, S., op. cit.
[139] DELANTY, G., op. cit.
[140] Ibid, p. 349.
[141] See: KOFMAN, E., SALES, R. Towards Fortress Europe. *Women's Studies International Forum*, 1992, vol. 15, no. 1, pp. 23–39; WILLIAMS, A. *EU Human Rights Polices*: *A Study in Irony*. Oxford: Oxford University Press, 2005; MINESASHVILI, S. 2020. *European Identity Discourses in the Contested Neighborhood of Europe and Russia: The Case of Ukraine*. Discussion Paper No. 2, Institute for European Integration, 2020. [online]. Available at: https://www.econstor.eu/bitstream/10419/224926/1/1734848227.pdf
[142] BARTESAGHI, I. La ASEAN y el MERCOSUR: Similitudes, diferencias y potencialidades. Universidad Católica del Uruguay, 2014. Available at: https://ucu.edu.uy/sites/default/files/facultad/fce/dnii/La_ASEAN_y_el_MERCOSUR_similitudes_diferencias_y_potencialidades.pdf
[143] EUROPEAN COMMISSION, op. cit.
[144] PATEL, K. K. *Project Europe: A History*. Cambridge: Cambridge University Press, 2020.

Fundamental Rights of the European Union, the *Treaty on European Union* and so forth) and the distinction between common European values, on the one hand, and principles, on the other, is not clearly defined in European legal documents.[145]

Within the Treaty of Rome, which promotes „ever-closer union among the peoples of Europe", common values, such as solidarity, economic and social progress, peace and liberty are emphasized.[146] The Treaty of Maastricht advocates „common values", such as solidarity, respect for human rights and fundamental freedoms, democracy and the rule of law.[147] The Treaty of Lisbon emphasizes „the universal values of the inviolable and inalienable rights of the human person, freedom, democracy, equality and the rule of law."[148]

In the preamble to the *Charter of Fundamental Rights of the European Union*, a distinction is made between „values" and „principles", and solidarity is defined as a value.[149] However, Article 21 of the *Treaty on European Union* defines solidarity as a principle[150], while Article 2 defines it as a value.[151] Therefore, there is no clear distinction between principles and values in the EU legal documents.[152]

The question is whether the term „European digital identity" is adequate to the future goals of the European Union, given that the political and cultural issue of European identity is still contested, and the concept of European values is unclear. On the other hand, the creation of a European digital identity should involve much more than the sharing of electronic documents, the digitization

[145] IVIC, S. The Concept of European Values. *Cultura. International Journal of Philosophy of Culture and Axiology*. 2019, vol. 16, no. 1, pp. 103–117.

[146] EUROPEAN COMMUNITIES. *Treaty Establishing the European Economic Community*. Rome, 1957 [online]. Available at: http://aei.pitt.edu/37139/.

[147] EUROPEAN UNION. *Treaty on European Union*. Luxembourg: Office for Official Publications of the European Communities, 1992 [online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0026

[148] EUROPEAN UNION. *Treaty of Lisbon Amending the Treaty on European Union and the Treaty Establishing the European Community*. Lisbon, 2007 [online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12007L%2FTXT

[149] EUROPEAN UNION. *The Charter of Fundamental Rights of the European Union*. Nice, 2000 [online]. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=LEGISSUM%3Axy0026

[150] Article 21 TEU states: „The Union's action on the international scene shall be guided by the principles which have inspired its own creation, development and enlargement, and which it seeks to advance in the wider world: democracy, the rule of law, the universality and indivisibility of human rights and fundamental freedoms, respect for human dignity, the principles of equality and solidarity, and respect for the principles of the United Nations Charter and international law."

[151] Article 2 TEU states: „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."

[152] WILLIAMS, A. Taking Values Seriously: Towards a Philosophy of EU Law. *Oxford Journal of Legal Studies*. 2009, vol. 20, no. 3, pp. 549–577.

of public services at European level and the use of European digital identity wallets. According to Kasza: „Constructing the identity by embracing the cultural meanings and constructing the world (cultural and symbolic reality) in the process of (digitalised) communication, implies intensive psycho-cultural discourse, dialogue between individual and over-individual narratives (personal myth – cultural myth), rituals of transition (rite the passage) of subjective realities or micro-worlds, and constant re-creating (actualisation) of the personal myth (dropping our own identity and re-creating it again over and over).“[153]

The concept of European identity is still not clearly defined and includes both modernist and postmodernist approaches and the notion of digital identity is not yet sufficiently explored. According to Roberts et al., the European Union still does not have adequate control over digital technology to ensure the protection of European values.[154]

„The EU still lacks a clear, coherent vision of digital sovereignty, with different actors from different EU institutions emphasizing different domains in which, and mechanisms by which, digital sovereignty should be sought and strengthened.“[155] The postmodern idea of sovereignty as well as the postmodern concept of identity are important for the development of the concepts of digital sovereignty and European digital identity.

5. The Postmodern Ideas of Identity and Sovereignty

The postmodern era influenced the development of postmodern geopolitical imagination. Global economic change blurs traditional geographical perceptions of the space and levels at which events take place.[156] The multiplication of different levels at which imaginary communities are created (local, regional, and transnational level) leads to the multiplication and coexistence of different identities.[157] The intensification of globalization, but also the process of integration, which we can best follow in the case of European integration, changes and weakens the hitherto ingrained political concepts, institutions and political practices.[158] Contrary to the claims about the emergence of new political forms (and spaces), it could be concluded that new concepts of territoriality and

[153] KASZA, J. Post Modern Identity: „In Between“ Real and Virtual. *World Scientific News*. 2017, no. 78, p. 53.

[154] ROBERTS, H., COWLS, J., MORLEY, J., TADDEO, M., FLORIDI, L., op. cit., p. 18.

[155] Ibid.

[156] KURECIC, P., op. cit., p. 8.

[157] Ibid, p. 7.

[158] VAN HAM, P. *European Integration and the Postmodern Condition: Governance, Democracy, Identity*. London, New York: Routledge, 2001.

sovereignty are emerging, different from modern ones.[159] These concepts could be called new medieval and postmodern concepts.[160] These new concepts of territoriality and sovereignty point to the more complex and heterogeneous nature of geographical space.

Postmodernists argue that the notion of identity is historically, socially and politically constructed. Postmodern idea of identity reflects a separation from territorial and especially from national identity.[161] Since the emergence of the idea of European identity, many scholars have argued that European identity, if constructed as a postmodern, heterogeneous, multilayered and fluid form of identity, can transcend national identity.[162] However, the current idea of European identity as well as the idea of European digital identity contain tension between national/modern fixed categories of identity and postnational/postmodern polyphonic and multilayered categories of identity.

From this perspective, the postmodern concept of identity helps to create European digital identity as a postnational category corresponding to the European Union as a supranational political community, and helps to overcome the limitations of modernist, fixed notion of identity. Kurecic emphasizes that „postmodern subjects and objects are mostly ‚hybrid and borderline creations', of obscure outlines. These are networks of actors, which are more than technological or social networks. In postmodern conditions, characterized by deterritorialization, configurations of people, places and heritage lose all indications of isomorphism.“[163]

With the entry of the world into the postmodern era, perceptions of territoriality and identity changed, due to the changing conditions in which the world transforms.[164] The two elements of the modern geopolitical world, territoriality and identity have also been transformed. „A geopolitical discourse that recognizes solid, unchanging, or almost unchanging geographical identities that are in constant rivalry or conflict must, in the postmodern, adapt to less entrenched, less solid, and less homogeneous entities, whose boundaries become fluid and permeable.“[165]

In the postmodern era, a new society composed of networks is emerging, which now, for the first time, due to technological progress, intertwine the whole

[159] KURECIC, P., op. cit., p. 7.
[160] VAN HAM, P., op. cit.
[161] BUTLER, C. *Postmodernism: A Very Short Introduction*. Oxford: Oxford University Press, 2002.
[162] GÁBRIŠ, T., HAMUĽÁK, O. Pandemics in Cyberspace – Empire in Search of a Sovereign? *Baltic Journal of Law & Politics*. 2021, vol. 14, no. 1, 103–123.
[163] KURECIC, P., op. cit., p. 9.
[164] BUTLER, C., op. cit.
[165] KURECIC, P., op. cit., p. 3.

society.[166] Networks form a new social morphology of societies, and the diffusion of networking logic significantly changes the action and results of production processes, culture, power, and experiences.[167] „In the postmodern age, societies that coexist are separate, but in fact at the same time inextricably linked, because there are mechanisms of connection through which information and capital circulate, but also goods, and to some extent people.“[168]

According to postmodernists, the concept of identity is not fixed and not shared by all the inhabitants of a particular location. Postmodernists point to fluid, hybrid feelings of culture and identity that are created through exchange, flows and relationships.[169] Identity is no longer considered predetermined and immutable, nor is it more tied to a particular unit (usually a state), but is considered heterogeneous and variable.

National identity carries within it the complex dimensions of nationalism and the nation-state. Territorial identification is usually not only territory-based but also requires other elements that integrate people living in different parts of the territory. Various abstract symbols expressing physical and social integration (for example, flags, coats of arms, emblems) are also needed.[170] Identity and power are inextricably linked, and identities are not neutral or „naturally given“ but constructed for a specific purpose.[171] Due to the connection with territory, which is unbreakable, national identity is connected, often almost identical, with the territorial identity. At least that was the case during modernity and the development of the system of modern territorial states, which constantly tried to achieve a unity of identity that creates a national community with the territory inhabited by that community, and whose borders in theory coincide with state borders.[172]

The notion of the postmodern identity suggests that the subject, previously experienced as having an integrated and stable identity, has become fragmentary, composed not of one but of several, often contradictory and polyphonic identities.[173] The postmodern concept of identity is not fixed, coherent and stable. The postmodern idea of subjectivity assumes different identities at different times – identities that are not united around a coherent „self“.[174] According to postmodernists, the modernist idea of a fully integrated, complete, secure and

[166] Ibid, p. 8.
[167] CASTELLS, M. *The Power of Identity.* Oxford: Blackwell, 2004.
[168] KURECIC, P., op. cit., p. 8.
[169] BUTLER, C., op. cit.
[170] KURECIC, P., op. cit., p. 12.
[171] BUTLER, C., op. cit.
[172] KURECIC, P., op. cit., p. 12.
[173] STEVANOVIC, B. (Post)modernizam i identitet. *Godisnjak za sociologiju*. 2007, no. 3, p. 50.
[174] Ibid.

coherent identity represents a fantasy.[175] „Instead, as the systems of meaning and cultural representation multiply"[176], so do we confront the confusing, transient mass of possible identities with which we can temporarily identify.[177]

Postmodernism affirms pluralism and heterogeneity, advocating a politics of difference.[178] Postmodernist approaches to the problem of identity emphasize the incompleteness, and contradictions of personal and collective existence, which means heterogeneity, ambivalence, diversity, multiplicity, and openness to various perspectives, which is the basis for creating a European digital identity.

Kurecic argues that in the postmodern era, visions of territorially limited national cultures are called into question.[179] Myths about „national cultures" that should be culturally homogeneous and exclusive, are especially questionable.[180] Instead, the hybrid nature of identities is emphasized. „The meanings of the terms territory and identity become ambiguous, so that on the one hand territorial identity is very important, on the other hand it is not too relevant."[181] Many individuals are able to change identities or reflect multilayered notion of identity.

New transnational communities and identities are emerging, and traditional ones are transforming or disappearing at the same time. Territoriality is changing into a continuity of practices and discourses of different territorialities that in some cases overlap and in some cases clash.[182]

The European Union can achieve its original goals dissociating politics from cultural aspects via digital developments.[183] The hybrid essence of the Union, straddling between intergovernmentalism, neofunctionalism and federalism, allows an effective transition from the national sovereignty to the European sovereignty via digitalization, dealing with new concepts beyond territories, or traditional conceptions. The EU Member States, incapable of implementing their authority in the digital world, will look to the European Union to exercise

[175] Ibid.

[176] HALL, S. 1996. The Question of Cultural Identity. In: HALL, S., HELD, D., HUBERT, D., THOMPSON, K. (eds.). *Modernity: An Introduction to Modern Societies*. Oxford; Blackwell, 1996, p. 598.

[177] Ibid.

[178] BUTLER, C., op. cit.

[179] KURECIC, P., op. cit., p. 12.

[180] Ibid.

[181] Ibid.

[182] Ibid.

[183] MARTÍN DE LA GUARDIA, R., PÉREZ SÁNCHEZ, G. A. *En el cincuentenario de los Tratados de Roma: Introducción Histórica*, 2007. [online]. Available at: https://uvadoc.uva.es/bitstream/handle/10324/2316/CincuentenarioTratadosRoma.pdf?sequence=1&isAllowed=y

effective policies protecting their citizens.[184] Therefore, following the neofunctionalist notion that the loyalty of the citizens tends to move to the institutions solving their problems, digital sovereignty will foster digital identity and the desire for a Europe that is more united to its citizens.

The path is full of obstacles, concepts that require new definitions and numerous challenges should be addressed that have been outlined by this research. Therefore, the full development of European sovereignty via digital tools is hard, but the rewards and possibilities are so high that the European Union will definitely be developed in this direction.

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