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ABSTRACT

After the political standstill of European unification with the known pronouncement against the European Constitution from the public opinion of some countries and after the decision from the governments to reflect better on the modalities for a definitive approval of the document that had to be of guide both to the peoples of Europe by pointing out assumptions, finalities and features of the shared by all the Europeans and which in a certain sense constitute their identity.

They have to demonstrate that Europe has had a history that has delineated the deep cultural and speculative unity of all peoples. The conviction that there is a spiritual identity of the Europeans is strengthened by the fact that today nearly all the scholars agree on the individuation of important moments of European history. Europe saw its first unification with the creation of the Holy Roman Empire of Charlemagne; with approximately from the Pyrenees to Elba and from Sicily to the Scandinavian countries.

The first identification of a unity that is embryonally Europe is due to the conquest of Charlemagne and to the idea of Pope Leo III to create an universal authority like the Roman Empire, based on the countries of centre-north Europe. After this constitution, during the Middle Ages and Renaissance, there was a unitary development of culture, which has its point of force in the universities, Scholasticism and the Humanistic movement. Europe becomes an ideal entity and a community of thought despite the split among the Christians due to the Protestant Reformation.

The attempt to overcome the differences, created among the European peoples, produces the thought of natural right and people's right. Leading figures were the Dominican Francisco de Vitoria and the Calvinist Hugo Grozio.

The Christians and the laymen of modern European thought understood there was an initial and fundamental code of rights of liberty and dignity that no religious positive faith could force with its assumption of being absolute and founded upon a decisive revelation.

The adhesion to a faith, it was said, must be free and this faith can never be against Man's fundamental rights, inscribed in his own conscience and rational structure and character. It was agreed, in the troubled history of European conscience, during the Enlightenment and Romanticism, that human rights passed over positive religiousness although it was not possible to declare oneself Christian without recognizing and practicing them.

During the late Enlightenment and the French Revolution there were misunderstanding between both the Christians and the laymen about the contents of human rights and the modalities of their implementation. There were resistance from Catholic Church in recognizing the rights of liberty as if they were not fundamentally human rights.

At present, thanks to the dialogue between the Christians(the Catholics, above all, after Second Ecumenical Vatican Council) and the laymen, the expectations of liberty have been understood and also the appeals of the religious laws, considered fundamental human values and the appeals against the spirit of laity have been marginalized. Lay exponents consider the religious rules to be positive and rich aspects of human life.