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re:constitution

Fellowships 2020/2021

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Contents

Preface	3
Programme	
What is it all about?	5
Programme partners	6
Collegium and Team	
Meet the Collegium	7
Meet the Team	10
Fellows	
Fellowship	12
Events	14
Reflections by Jakub Jaraczewski, Democracy Reporting International	16
Reflections by Cristina Blasi Casagran, re:constitution Fellow	19
Get to know the Fellows 2020/2021	
Angelina Atanasova	20
Bojan Baća	22
Cristina Blasi Casagran	24
Pola Cebulak	25
Anna Damaskou	26
Matteo de Nes	28
Robin Gadbled	30
Aravind Ganesh	31
Francesco Luigi Gatta	33
Núria González Campaña	34
Daniel Hegedüs	36
Felipe Hernández	37
Amélie Jaques-Apke	39
Monika Kareniauskaitė	40
Alexandra Mercescu	42
Manuel Müller	44
Lea Raible	45
Cecilia Rizcallah	47
Stefan Szwed	48
Zuzana Vikarská	50
Looking ahead	52

Preface

Just as many doors closed this year, almost as many opened in the online sphere, where the Fellows continued to share thoughts and ideas about democracy, rule of law and the protection of fundamental rights in Europe in front of their screens. The contributions of the Fellows in various interactive online sessions and the virtual Fellow Talk series—culminating in their upcoming working papers—are a testament to the ongoing vibrancy of the re:constitution network.



The COVID-19 pandemic not only constrained our personal lives but also challenged European constitutional values. Many discussions this year have focused on how constitutional law should adapt to such circumstances while keeping to its original premise: to constrain public authority and safeguard individual liberty. We are observing continuous threats to democracy and the rule of law in the EU, ultimately challenging the foundational values of the common European endeavour. The re:constitution Fellows came together precisely for these reasons this year: They discuss these complex legal, constitutional, political and social issues from their different personal and professional backgrounds, thereby identifying possible solutions to these challenges.

This magazine invites you to revisit the 2020/2021 academic year and explore in the Fellows' own words how they navigated these adverse conditions to make their projects a reality, to contribute to European discourse around democracy, the rule of law and the protection of fundamental rights.



László Detre, re:constitution Academic Advisor

What is it all about?

re:constitution is all about a new kind of European network. Though it may be a buzzword to many, it is the core of what this programme sets out to achieve: building a sustainable network of experts from academia and practice concerned with upholding democracy and the rule of law in Europe.

Within the European Union, challenges to the rule of law and democracy persist, threatening not only the functionality of the Union's legal order, but also its self-conception as a community of values.

Though these developments have been the subject of many discussions, papers and studies, there is a lack of real exchange on these issues between people from various countries across EU member states.

And that's where the re:constitution programme comes in. We award **20 Fellowships** to academics and practitioners to look at questions of democracy and the rule of law in the context of their personal projects. We are offering these early-career professionals:

- **time** to work on individually chosen topics for a whole academic year;
- **independence** to liaise with institutions, organisations and experts of choice;
- **mobility** to travel to institutions of scholarship and practice across Europe, and
- **exchange** in personal meetings, seminars and workshops.

The outcomes of these projects may vary, ranging from academic articles, essays, policy papers, book contributions, reports, podcasts, feature stories to pieces of analysis etc., thereby enriching academic and public discourses.

The second element of the re:constitution programme is a content-driven series of events, the re:constitution Seminars. Senior experts from academia and practice, joined by Fellows, re-evaluate the very basic definitions underlying the debates within re:constitution—"What do we mean by the rule of law?"—and to then focus on a multitude of specific topics the rule of law is intricately connected with.

Our programme partner Democracy Reporting International (DRI) reaches out to the media and opinion-makers, offering timely **analysis** of rule of law developments and a network of experts to promote an informed and fact-based public debate on the issue. DRI also engages with the re:constitution network by involving Fellows in its analytical work and collaborating on the development of seminars and other joint projects.

The global pandemic along with its ongoing mobility restrictions has caused quite a bit of disruption for re:constitution, urging us to adapt. Virtual meetings have replaced personal exchange, but we hope we will be back on track and meet personally again not before long, because the power of personal exchange is at the heart of re:constitution and fuels the extension of our network.

On a different note, the pandemic has brought more urgency into debates about the rule of law and democracy, because in this public health emergency it is now increasingly necessary to talk about changing legal frameworks and democratic governance.

Programme partners

The Berlin-based **Forum Transregionale Studien** is a research platform that promotes cross-border cooperation between scholars of different expertise and perspectives on global and local issues. It provides scope for exchange, debate and communication across national, regional or cultural borderlines. The Forum appoints researchers from all over the world as fellows, engages in research programs and initiatives with partners from universities and research institutions in and outside of Berlin, and develops formats of transregional scientific communication. The Forum is a registered society, its members are universities and research institutions in Germany.

The Forum currently supports the research programs: EUROPE IN THE MIDDLE EAST—THE MIDDLE EAST IN EUROPE (EUME), PRISMA UKRAÏNA: Research Network Eastern Europe, and re:constitution—Exchange and Analysis on Democracy and the Rule of Law in Europe. It is part of the consortium of the research college EUTIM: Europäische Zeiten/European Times—A Transregional Approach to the Societies of Central and Eastern Europe, and MECAM: Merian Centre for Advanced Studies in the Maghreb, and a founding member of the Academy in Exile.

The Forum is supported institutionally by the Governing Mayor of Berlin—Senate Chancellery for Science and Research. Its programs and initiatives are supported by the German Federal Ministry of Education and Research, the EU, and private foundations.

Democracy Reporting International (DRI) is an independent organisation dedicated to promoting democracy worldwide. We believe that people are active participants in public life, not subjects of their governments. Our work centres on analysis, reporting, and capacity-building. For this, we are guided by the democratic and human rights obligations enshrined in international law. Headquartered in Berlin, DRI has offices in Lebanon, Libya, Myanmar, Pakistan, Sri Lanka, Tunisia and Ukraine.

Stiftung Mercator is a private and independent foundation with extensive scientific expertise and practical project experience. Through its work, it strives for a society characterized by openness to the world, solidarity and equal opportunities. To achieve these objectives, it supports and develops projects that improve participation and cohesion in an increasingly diverse society. Stiftung Mercator wants to strengthen democracy and the rule of law in Europe, address the impact of digitization on democracy and society, and drive forward climate change mitigation. Stiftung Mercator pursues activities in Germany, Europe and worldwide. It has a particular affinity with the Ruhr area, the home of its founding family and of the foundation's headquarters.

Meet the Collegium

A Collegium of experienced scholars and practitioners from various European countries provides guidance and support for the re:constitution programme and network. The Collegium is responsible for the evaluation of Fellowship applications, advises on the topical focus of the re:constitution Seminars and the overall development of the programme.

Matej Avbelj

Matej Avbelj is a Professor of European Law and Rector of the New University, Ljubljana, Slovenia. He graduated from University of

Ljubljana Faculty of Law, obtained an LL.M at NYU School of Law

and defended his PhD at the European University Institute. Dr. Avbelj has been awarded several fellowships and research grants and has acted as a guest lecturer at many

universities in Europe and the

USA. He has written extensively in the fields of EU law, constitutional law and legal theory. He is currently head of two research projects dedicated to the 'Ideology in the Courts' and to the 'Integral Theory of the Future of the European Union', which are both supported by the Slovenian Research Agency.



Christoph Grabenwarter

Christoph Grabenwarter studied Law (1984–1988) and International Business Administration (1984–1989) in Vienna. He

received doctorate degrees in 1991 and 1994 respectively. He was Visiting Professor at the University of Linz from 1997 to 1999, Professor of Public Law at the University of Bonn from



1999 to 2002 and at the University of Graz from 2002 to 2008. Since then he has been Professor of Public Law, Commercial Law, and International Law at Vienna University of Economics and Business. He has been a judge on the Austrian Constitutional Court since June 2005, where he took the position of Vice-President in February 2018 and of President in February 2020. Since 2006, he has been a member of the Venice Commission for Austria of the Council of Europe. His main fields of interest are European constitutional law, human rights, law and religion, and constitutional justice.

Luc Heuschling

Luc Heuschling is currently Professor of Constitutional Law at the University of Luxembourg.

After his law studies at Sorbonne (Paris I), he passed the French national exam Concours d'agrégation and was appointed ordinary professor of public law at the University of Lille II (2002–2011).

He gained international reputation with this PhD "Etat de droit, Rechtsstaat, Rule of Law" (Paris, Dalloz, 2002), for which he was awarded the thesis prizes of the Société de législation comparée and The European



Group of Public Law/Groupe européen de droit public. Since then, he continued to write extensively, from a comparative and historical perspective, on rule of law discourses. His last publication in this field: “‘État de droit’: Why import the German term ‘Rechtsstaat’?”, in Jens Meierhenrich, Martin Loughlin, eds., *The Cambridge Companion to the Rule of Law*, Cambridge, CUP, forthcoming.

Elaine Mak

Elaine Mak is a Professor of Jurisprudence and Vice-Dean for Education at Utrecht University's Faculty of Law, Economics and Governance. She holds law degrees from Rotterdam and Paris and obtained

her PhD degree at the Erasmus

University Rotterdam in 2008. She is Chair of the Netherlands Association for Philosophy of Law.

Elaine Mak's research connects a legal-theoretical perspective with studies in

comparative constitutional law

and empirical analysis (inter alia surveys, interviews). In her research, she focuses on the functioning of the institutions of government (legislature, executive branch, and in particular the judiciary) in Western liberal democracies in an evolving legal and societal context. In connection with this focus, she has a particular interest in the knowledge, skills and professional ethics of 'legal professionals of the future' and the way in which legal educational programmes can prepare students for this role. She currently directs a research project on European judicial cultures.



Xavier Philippe

Xavier Philippe is Professor of Public Law at the Law Faculty of the University Paris 1 Pantheon- Sorbonne (Sorbonne

School of Law) and Extra-

ordinary Professor at the

University of the Western

Cape (Cape Town/South

Africa). He holds a State

Doctorate in Law (1989)

and two Master's degree

(1983/84) in Public Law

and Public Health. He has been

appointed Professor since and was seconded to South Africa during the transition period as legal expert and academic at the University of the Western Cape (Cape Town/South Africa). From 2004 until 2007, he was seconded again to the International Committee of the Red Cross as Regional Legal Advisor for the CIS countries (Moscow delegation). From 2008 to 2018, he went back as Professor at the University of Aix-Marseille (AMU) and headed the Louis Favoreu Institute. He created a new Master Programme on the Law of State Rebuilding in post-conflicts situations. His main fields of expertise are constitutional comparative law (drafting processes), human rights, international humanitarian law, international criminal law and transitional justice. He is also deeply implicated in national dialogue and constitution rebuilding processes in post-conflict or post-crises situations, especially in Tunisia and Myanmar. He is the co-founder and co-chair of the *Francophone Association for Transitional Justice* and heads the 'Sorbonne Constitutions & Liberties' Centre.



Pál Sonnevend

Dr. Pál Sonnevend is Professor and Dean of the Faculty of Law at Eötvös Loránd University Law School. He is an expert of EU law and constitutional law, and he also has remarkable experience in administrative law, energy law and international arbitration. He has been teaching EU law and international law since 1998 at



Eötvös Loránd University Law School. Previously, he was an adviser to two consecutive presidents of Hungary, His Excellency Mr. Ferenc Mádl and His Excellency Mr. László Sólyom, on constitutional matters. In March 2013 he was appointed agent of Hungary before the International Court of Justice in the Gabčíkovo-Nagymaros system of locks case.

numerous evaluations on corruption in the context of visa dialogue or accession negotiations for the European Commission in the Western Balkans, Moldova, Ukraine, Georgia, Albania and Turkey. Between 2005 and 2007 she served as Director at the Romanian Ministry of Justice responsible for anticorruption policy. She drafted and advocated for the adoption of key anticorruption legislation, designed awareness programs and worked on reforming the Public Prosecutors Office. Ms. Ștefan is an Eisenhower fellow and was part of the Women Leadership Program in 2015, as well as of the Personnalités d'avenir program in 2017. In 2015 she was awarded the title Woman of Courage—by the US Embassy in Bucharest. As a Chevening scholar she has completed the LL.M. (Master of Laws) program organized by Cambridge University (UK) in 2003–2004.

Laura Ștefan

Laura Ștefan is the Founder and the Rule of Law and Anticorruption Coordinator for Expert Forum (EFOR) in Bucharest and has over 15 years of professional



experience combining public sector and private sector practice. Ms. Ștefan also served as an international expert in the areas of judicial reform, anticorruption and money laundering for the European Commission,

the World Bank, the UNDP, the OECD and the Council of Europe. In 2011 she was appointed by the European Commission as one of the 17 members of the Expert Group on Corruption. She has conducted

Forum Transregionale Studien



Dorit Modersitzki

Dorit is the re:constitution Programme Coordinator. She oversees all aspects of programme management for the re:constitution Fellowships and Seminars and with the strategic development of

the programme. In her work, she focuses on fostering international collaboration in networks. Before joining re:constitution, Dorit held various project management roles at universities including serving as International Strategy Officer at Humboldt-Universität zu Berlin. She holds a Master's in British Studies from Humboldt-Universität and studied towards a Bachelor's degree in European Studies at the universities of Osnabrück, Germany and East Anglia, UK.



László Detre

László graduated from Eötvös Loránd University, Budapest, Faculty of Law in 2010. Between 2010 and 2020 László worked at the Constitutional Court of Hungary as a legal adviser. In

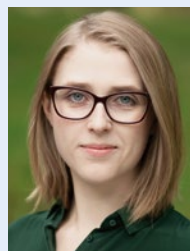
December 2020, he joined the re:constitution team at Forum Transregionale Studien as academic advisor, developing academic priorities for the programme and supporting and advancing programme design. László holds a Masters of Law degree in European Human Rights from Eötvös Loránd University in 2017.



Lisa Möller

Lisa works as programme associate for re:constitution. She is responsible for the communication with fellows and the organisation of Fellows' Meetings and similar

events. Before joining re:constitution in May 2019, Lisa worked in the Europe department of Stiftung Mercator, a German private foundation, where she co-organised a two-day conference on the future of Europe. She holds a binational Master's Degree in European Studies from the European University Viadrina in Frankfurt/Oder and the Institut d'Études Politiques in Strasbourg. Her interests include civil society engagement, the future of town twinnings and intergenerational dialogue.



Lisa Mertin

Lisa works as a Student Assistant for re:constitution since January 2020. She studies European Studies at the European University Viadrina in Frankfurt (Oder) and did her Bachelor Degree in Social and

Cultural Sciences in Frankfurt (Oder) and Buenos Aires. Her focus lies on questions of European and national identity, nationalism and the use of history in today's politics. International exchange, in the academic sphere and beyond, has always been an important matter to her. Before joining the re:constitution team she gained work experience in Brussels and Warsaw and as a student assistant for incoming international students at her university.

Democracy Reporting International



Jakub Jaraczewski

As Legal Officer, Jakub conducts research and analysis on the rule of law and human rights, working with our Europe Team on the re:constitution—Exchange and Analysis on Democracy and the

Rule of Law in Europe programme. Jakub has extensive experience in academia, as a researcher at the Adam Mickiewicz University (Poznań, Poland) and lectured at several other universities. He holds a Master's in Law from Adam Mickiewicz University, where he is currently pursuing a PhD.



Christoph Alexander Reinke

As Programme Officer for Europe, Christoph oversees DRI's projects in Ukraine, in close collaboration with the Kyiv office. He also works on the state of democracy and the

rule of law across the EU as part of the re:constitution programme. His previous experience includes working at the GIZ development agency promoting business integrity, corruption prevention measures and the rule of law. Christoph holds a Master's degree from the Freie Universität Berlin and a Bachelor's in History and Sociology from the University of Leipzig.



Hannah-Jil Prillwitz

As Communications and Research Associate, Jil assists in managing DRI's communications across headquarters and the country offices. She also contributes research on the rule of law in

Europe under the re:constitution programme. Before joining DRI, she interned at the German embassy in

Rome. Jil holds a Master's in European and Comparative Law from Humboldt University in Berlin and a Bachelor's in English and German Law from King's College London.



Hans Felber-Charbonneau

As Communication Coordinator, Hans is responsible for shaping and managing DRI's outreach across headquarters and the seven country

offices, helping make sure that our work reaches the right audiences. Hans has worked in communications and public policy for over a decade, including at the OSCE's Office for Democratic Institutions and Human Rights and the Government of Canada. Hans holds a Master's in European, Russian and Eurasian Studies and a Bachelor's in Political Science from Carleton University in Ottawa.



Paul Zoubkov

As Programmes Manager, Paul leads on DRI's work across Europe and on digital democracy work worldwide. He has over two decades of experience in anti-corruption, good governance and

human rights, and has served as expert advisor to a range of multilateral institutions, development agencies and INGOs. Paul holds Bachelor's and a Master's degrees in Law, and a BA in Politics and Philosophy from the Victoria University, New Zealand.

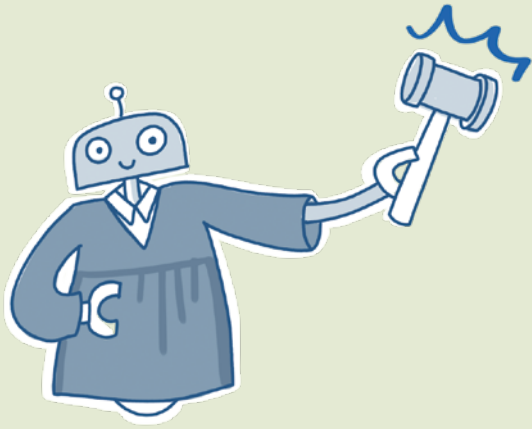
Fellowship

re:constitution Fellowships offer time for independent research and enable the Fellows to access a European network spanning academia and practice. During the academic year, personal mobility periods—the so-called ‘stages’—allow Fellows to travel to host institutions of their own choice across Europe. Personal Fellows’ Exchange Meet-

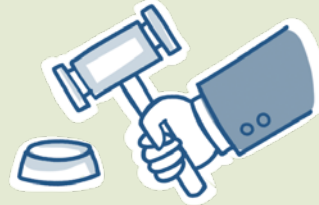
ings complement the programme, offering topical and interactive sessions to delve deeper into debates of common interest. Follow the Fellows’ journey through the academic year:







Debate on the **rule of law in the technological age** with the Bingham Centre



Discussion on **constitutional justice** with Christoph Grabenwarter, President of the Austrian Constitutional Court and Andreas Voßkuhle, Former President of the German Constitutional Court

27-30 October 2020

First Fellows' Exchange Meeting



Exchange on **how to protect democracy in a federation** with Christoph Möllers, Founding Director of re:constitution and Professor of Public Law at Humboldt University Berlin



... and a **virtual pub quiz** where we travelled across Europe!



The new **EU conditionality regulation** discussed by Justyna Łacny and Gábor Halmai



Introduction to the **concept of Good Governance** with Claire Leifert from the German Council on Foreign Relations



Discussion on the **future institutional pathways** for the EU



Exchange on **rule of law case-law** with Dimitry Kochenov and Laurent Pech

10-12 February 2021

Second Fellows' Exchange Meeting



Fellow Sessions with

- Núria González Campaña on "Populism and the Future of Liberal Democracy"
- Cecilia Rizcallah and Robin Gadbled on "When is Respect for the Rule of Law a 'Structural' Issue?"
- Anna Damaskou, Amélie Jaques-Apke and Matteo de Nes on "Checks and Balances of Pandemic Measures"

2-4 June 2021

Third Fellows' Exchange Meeting



Shaping the European memory with Franco-German author Géraldine Schwarz, author of "Those who forget"

Reflections by Jakub Jaraczewski, Democracy Reporting International

The second cycle of re:constitution Fellowships took place entirely at an unprecedentedly challenging time for everyone on the planet. Before I get to reminiscing on how Democracy Reporting International interacted with the Fellows and our friends at Forum Transregionale Studien, I'd like to start by expressing my thanks and gratitude to all Fellows for carrying out their Fellowships at an extraordinary period in history. Faced with these circumstances and despite the dangers posed by the pandemic, re:constitution Fellows strived to maintain their “business as usual” approach to emergency and continue their academic engagements as if the world around them wasn't thrust into chaos. For that, all of them deserve the utmost respect.

For the first Fellows' Exchange Meeting of the second group in October 2020, DRI decided to match the “business as usual” take with hosting a session to discuss the rule of law conditionality in EU budgets. A new tool introduced by the EU to address risks to EU finances caused by deficiencies in the rule of law in Member States, conditionality generated a lot of discussion on the possible ways of using it, adjudicating its implementation, and fitting it into a broader EU rule of law toolbox. Apart from discussing these issues, the meeting provided us with an opportunity to introduce the group to DRI's work and to invite them to participate in our activities. Of particular interest was the session on the rule of law in the technological age, organised jointly with the Bingham Centre for the Rule of Law and the RECONNECT project.

The second Fellows' Exchange Meeting, held in February 2021, came at the height of a particularly vicious wave of the pandemic, dashing hopes of an in-person event and introducing even more “Zoom-fatigue”. Yet once again the Fellows were able to convene and discuss topical issues on democracy and the rule of law in Europe. For this meeting, DRI decided to hold a session on an increasingly important actor—the European Court of Human Rights. Despite being focused primarily on human rights, the Court is increasingly addressing rule of law concerns as well, looking into the legality of the appointment of judges and how the independence of judiciary impacts the right to a fair trial. Thanks to the Fellows we were able to discuss how ECtHR fits into the broader landscape of actors involved with the rule of law in Europe.

The third meeting, organised in June 2021, happened to coincide with a major DRI publication—the report on the impact of Covid-19 emergency laws and measures on the rule of law, prepared jointly with Dr. Joelle Grogan from Middlesex University. Seizing this opportunity and also hoping to take stock on what the group of Fellows thinks of legal responses to the pandemic, our session focused on states of emergency, extraordinary measures, their legality, issues regarding transparency and public consultation, and other challenges found in ensuring proper response to the pandemic that respects the rule of law. With everyone in a session affected by such measures to some degree, the discussion was perhaps the most personal one.

Apart from participating in these meetings, DRI worked closely with Fellows from the second group on numerous occasions. One excellent example of such collaboration is having Alexandra Mercescu help us with covering the parliamentary elections in Romania. With the rule of law being a major topic in Romanian politics, we were overjoyed to have Alexandra lend us a hand in highlighting what exactly is happening in Bucharest and what challenges Romania is facing when it comes to ensuring the independence of the judiciary and proper checks and balances. Such collaboration is something that we're always keen to see.

As the 2020/2021 group draws to the close, we'd like once again to thank all Fellows for their engagement and express our wishes for them to continue interacting with DRI as part of a broader family of re:constitution alumni. The rule of law is increasingly a vital topic in European public debate, and we hope the combined efforts of everyone involved in re:constitution will lead to this debate becoming more vibrant and reaching everywhere from Porto to Białystok.



Reflections by Cristina Blasi Casagran, re:constitution Fellow

The re:constitution Fellowship has been a great experience for me both personally and careerwise. At first I did not know what to expect, especially because I had to swap on-site placements for fully online research visits due to the Covid pandemic. Nevertheless, it worked out perfectly! My first research visit was to the AWO Agency (based in London, Brussels and Paris). AWO welcomed me as if I were one of them from day one. During the first week, they arranged intro Zoom sessions between me and all the other staff members, so that I could learn more about their work and explain my re:constitution project to them. They also invited me to weekly seminars and meetings on topics related to my project and to the Thursday Drinks online event. The highlight of this first visit for me was that, after talking with one of the AWO experts in detail and realising some synergies, we decided to co-author an article that will be published in the next issue of the journal *International Data Privacy Law* (Oxford University Press). The second research visit was to University College London. Since my visit was to the Centre for Digital Anthropology within UCL, it was a great opportunity to meet experts in the fields of anthropology and new technologies. I had seminars and discussions every Monday and Thursday and also presented my research to the other researchers. The bilateral conversations I had with some of the staff helped me prepare two other proposals for future projects on the topic of political microtargeting.

Based on my experience, I have to say that the remote format has been an ideal option for me due to the current mobility constraints. In my case, it did not create any issues and I was able to attend every single seminar and meeting because everyone else was also working 100% remotely. This might have been a challenge in terms of engagement with the activities and events if the majority of staff had been working on site, but that was not the case so I really benefitted from all the meetings and talks online. Surprisingly, an excellent opportunity to meet some of the re:constitution Fellows face-to-face arose in May 2021. I managed to meet Amelie, Núria and Neus, who were also in Barcelona! I met Amélie first and then she organised a group meeting in Barcelona the following week. We met on a sunny day for a picnic in Ciutadella Park in Barcelona and had a really good time. We talked about our respective research projects, our lives in Barcelona and our future plans too. I really enjoyed the picnic and also believe that the meeting was really valuable in strengthening the links with these three Fellows.



Finally, I would like to highlight several virtual meetings I had with Felix van Lier from the re:constitution Fellowship 2019/2020. Felix emailed me at the beginning of my Fellowship and told me he was working on a similar research project, which he started during his Fellowship in 2019/2020. We had a total of four or five video calls, during which we discussed the findings of our projects and came up with the idea of organising a joint re:constitution workshop on the topic of Technology, Democracy and the Rule of Law. We decided to include at least one other Fellow from the current 2021/2022 year and will organise it in 2022. All the chats and conversations with him have been highly stimulating and incredibly valuable for my work.

I am extremely thankful for all the opportunities re:constitution provided me with during the 2020/2021 academic year. Overall, it was a great experience both personally and professionally—creating opportunities and expanding my network—and I would highly recommend it to any academic researcher in the field of democracy.

Angelina Atanasova The Role of the Court of Justice of the European Union in the Context of Democratic Backsliding—a ‘Stranger’ or an Ally to Civil Society in Bulgaria and Hungary

Angelina Atanasova is a PhD candidate at the Public Law Department at KU Leuven, Belgium. Her PhD research focuses on the role of non-state actors in the judicial dialogue between domestic courts and the Court of Justice of the European Union (CJEU) and more specifically in triggering the preliminary ruling procedure in cases related to disability and gender equality. Angelina was a Visiting Doctoral Researcher at iCourts, University of Copenhagen (2019) and at the Department of Political Science, University of Copenhagen (2016). She held a position as a Research Manager focusing on social policy in the private sector. Previously, she served as a Consultant on equality and anti-discrimination issues at the Open Society European Policy Institute. Angelina held a Think



Tank Fund Fellowship as part of the Think Tank Young Professional Development Program to research the link between media, democracy and human rights at the Forum 2000 Foundation. Prior to that, as part of her Master's degree course in Public Policy (Central European University, 2011), she explored the

empowerment of Roma women in Central and Eastern Europe at the Center for Policy Studies. Her current academic interests include empirical legal work and politicisation of judicial processes, the rule of law and democracy.

How would you explain your re:constitution project to a stranger?

In countries such as Hungary and Bulgaria, which are experiencing democracy backsliding, it is common for fundamental rights to suffer due to the political climate. Rights such as equality before the law, non-discrimination and respect for minority groups, but also freedom of assembly and association and even freedom of speech and the media are often under considerable strain. Strategic litigation is a tool often used by civil society activists to tackle fundamental rights violations. However, under conditions where the domestic judiciary is also partially captured by the state, is litigation

even an option? Nevertheless, international and supranational courts and, in this specific case, the European Court of Human Rights (ECtHR) and, more recently, the Court of Justice of the European Union (CJEU) have proven their vital roles in stepping in for fundamental rights. In this regard, this project aims to understand how effective civil society actors deem litigation to be a strategy to defend fundamental rights violations under judiciary state capture, and whether and to what extent the impact of the CJEU judgements are considered to make a difference at domestic level, as well as the estimated cost-benefit analysis for civil society actors

as a result of choosing and implementing litigation as a strategy compared to the expected and achieved results.

How did you come up with your re:constitution project? What inspired you to pursue this question? Having worked on the topic of legal mobilisation and judicial activism for quite some time now, I was struck by the considerable depth of investigation as well as the ‘blind spots’ in the literature. On the one hand, some scholars consider triggering the preliminary ruling procedure (Article 267 in the Treaty on the Functioning of the European Union) at the CJEU to be a function of factors at national and regional level, such as economic conditions, judiciary system hierarchy and ‘infrastructure’ and the education of judges.

On the other hand, scholars of American origin or with strong academic affiliations foresee significant power in the actions of strategic litigants to trigger the procedure in order to initiate changes at domestic level. Nevertheless, neither camp has much understanding of how the potential of the procedure changes once the domestic judiciary is partially or fully captured. Empirical research on the matter is rather scarce. Hence, I considered working on the question and gathering empirical evidence on how legal mobilisation activism in support of fundamental rights changes under democratic backsliding. Furthermore, the findings of such an investigation could provide useful insights not only to academics but also to policy makers and civil society actors.

How does international mobility impact your projects and/or the way you work? International mobility is one of my favourite perks of academic life. Spending time abroad with colleagues at different research institutes is absolutely inspiring. International mobility has always given me a fresh outlook on my research subject and the opportunity to discover links with new topics within the work of colleagues based at the host institution.

The pandemic has changed the way we work, communicate and travel. What would you like to keep in terms of living and working in the ‘new normal’? The ‘new normal’ has been quite challenging for all of us—including fear of the unknown, fear for the well-being of our families and loved ones, social isolation and constantly being in ‘online’ mode, for example. Nevertheless, it has also brought many positive aspects—providing the time and space to reconnect with our nearest and dearest, with nature; and in terms of work, more flexibility and the opportunity to attend events and hear lecturers from the comfort of our living rooms. Hence, even after the pandemic, especially as an expat, I would really appreciate it if we could stick to the flexibility of the work space, giving us the best of both worlds.

What is your next project? On the one hand, my plan is to further build on my findings from my re:constitution project and to extend the research to other EU Member States and a larger group of civil society actors. The country comparison is to be extended to include comparisons of states that enjoy an excellent standard of democracy with those that are suffering democratic backsliding. Such an approach would provide additional understanding of the strategies adopted by civil society actors operating in different contexts. On the other hand, my next career step is to continue in the field of research organisation, focusing predominantly on the social policy domain. Hence, I plan to further deepen my research into the impact of the rule of law crisis on the social policy domain and the social policy rights of EU citizens. This question could be further looked at from the perspective of mutual trust, not only in the judicial realm but also with regard to EU Member States’ budget allocations and spending of EU money at domestic level.

Under conditions where the domestic judiciary is also partially captured by the state, is litigation even an option?

Bojan Baća Between Post-Truth Politics and Epistemocracy: Understanding the Populist and Pseudo-Scientific Contestation of Democracy in the Digital Public Sphere

Bojan Baća is a Marie Skłodowska-Curie Fellow at the Department of Sociology and Work Science, University of Gothenburg. He received his PhD in Sociology from York University in 2018, to which he still remains affiliated as an external research associate at the Global Digital Citizenship Lab. Before becoming a re:constitution Research Fellow at the Max Weber Institute of Sociology, Heidelberg University, he held post-doctoral positions at the Institute of Sociological Studies, Charles University, the Center for Southeast European Studies, University of Graz, the Institute for Advanced Study, New Europe College, and the Center for Advanced Studies, University of Rijeka. His scholarly work on civil society, social movements and contentious politics has been published in academic journals such as *Antipode*, *International Political Sociology*, and *Europe-Asia Studies*,



as well as in the edited volumes *Resistances: Between Theories and the Field*, *Activist Citizenship in Southeast Europe*, *When Students Protest: Universities in the Global North*, *Changing Youth Values in Southeast Europe: Beyond Ethnicity*, and *The Democratic Potential of Emerging Social Movements in Southeastern Europe*. He also writes op-ed pieces and delivers politi-

cal commentary for media in the post-Yugoslav region, as well as providing expertise to local and international non-governmental organisations. In 2020, he received the Danubius Young Scientist Award, which honours young scholars for extraordinary achievements in their scientific activity and output in relation to the Danube Region.

How would you explain your re:constitution project to a stranger?

My project explores the Alternative Right—commonly known as the Alt-Right—as a multi-faceted challenge to democratic values and institutions. By identifying and analysing the Alt-Right’s “regimes of critique” of democratic values and “regimes of justification” of alternatives it offers to these principles, the project pays special attention to the content of populist rhetoric, pseudoscientific ideas and conspiracy theories in Alt-Right online discourse, the cultural practices through which these narratives are disseminated to the general

public, and their socio-political consequences. As such, my project fills the gap in scholarly literature on our understanding of how everyday civic/political engagement on social media platforms—especially during an unprecedented pandemic such as Covid-19—is promoting, legitimising and mainstreaming populist, pseudoscientific and conspiracist ideas that, in aggregate, create “epistemic cultures” that contest, criticise and delegitimise democracy, civic values, scientific knowledge, expertise and the rule of law. In other words, my project is based on the premise that the case of the Alt-Right provides a unique

opportunity to explore how the technologically-driven intersection of the political, the everyday, and the digital is rendering post-truth politics the dominant condition in the online space, in the process reshaping data quality, misinformation/disinformation and factual verification surrounding key socio-political problems.

How did you come up with your re:constitution project? What inspired you to pursue this question?

For a decade now, I have been studying the progressive left-wing movements in Eastern Europe. My findings led me to conclude that the right-wing movements in the postsocialist region, often comprised of the so-called “losers of transition”, were understudied and undertheorised. As the right-wing groups began proliferating in the digital public sphere during the Covid-19 pandemic—and, as such, often being disproportionately drawn from the so-called “losers of globalisation”—I became interested in addressing the regressive right-wing movements in Northern America and Western Europe, in particular those operating at the intersection of populism, pseudoscience and conspiracism. In order to understand why and how these groups contest democratic values and scientific knowledge, I wanted to approach them in a less normative and functionalist, more analytical and critical fashion, which in turn offered me a closer insight into the meaningful lifeworlds of these social actors.

How does international mobility impact your projects and/or the way you work? Having done my MA and PhD studies abroad and been constantly mobile during my post-doctoral positions, I find international mobility of fundamental importance to my scientific work and personal development. The opportunity to conduct research in several countries on two continents and to interact with scholars from different academic traditions has been instrumental in adopting a truly international perspective in my work, as well as making new connections and drawing inspiration from new colleagues. Within the framework of the re:constitution project, I had the opportunity to meet and collaborate with some amazing scholars from the Max Weber Institute of Sociology at Heidelberg University, although the Covid-19 pandemic partly hindered the intended mobility. Nevertheless, I was also given a great opportunity to design

and teach a course based on my research topic, entitled: Populism, Pseudoscience, and Conspiracism in the Age of Social Media.

In what way has the pandemic changed your outlook on your research topics/questions? The Covid-19 pandemic was pivotal in shaping my re:constitution research topic in two ways: first, it demonstrated the importance of studying populism in conjunction with pseudoscience and conspiracism; and second, it shifted my empirical focus onto the digital public sphere, as social interactions and political engagement almost completely moved there.

What is your next project? My next project is an endeavour in political and historical sociology within the MSCA-IF framework. Namely, I will analyse the Anti-Bureaucratic Revolution in Montenegro (1988–1990), as it provides unique empirical material to understand how and why an inclusive and tolerant society can be rapidly

transformed into one based on a more exclusive and intolerant ethnic identity. The project’s objective is, thus, to understand the conditions under which civil society turns “uncivil”. It proposes to do so by taking an interdisciplinary approach to investigating two interrelated processes: popular revolt and elite transformation. More specifically, my new project aims first, to improve understandings of elite transformation through a critical interpretation of elite public discourses, with a particular focus on how they articulated, framed and legitimised themselves and “the people” to bring about what they saw as “necessary changes to the system”; second, to identify, map and analyse repertoires of contention and tactics of resistance used by protesting citizens in advancing or resisting right-wing populism, with a particular focus on key grievances, frames and justifications used to reconstitute themselves from a socialist demos into a nationalist ethnos or to oppose this process; and third, to contribute to theory development by investigating the relationship between grassroots and elite expressions of right-wing populism as a two-way process of elite-mass interaction during turbulent times. To achieve these objectives, I will use a mixed-method research framework that combines two methods of textual analysis: the qualitative approach of Critical Discourse Analysis and the quantitative approach of Protest Event Analysis.

The Covid-19 pandemic was pivotal in shaping my re:constitution research topic.

Cristina Blasi Casagran The Role of Technology in Enriching Participatory Democracy in the EU

Cristina Blasi Casagran is Assistant Professor in EU Law at the Autonomous University of Barcelona (UAB) and holds a PhD in law from the European University Institute (Florence, 2015), in which she specialised on EU privacy and data protection law. She is currently coordinating the H2020 project “IT tools and methods to manage migration flows” (ITFLOWS) and the Erasmus+ Jean Monnet Module EUCONAS.



How would you explain your re:constitution project to a stranger? I would explain that the aim of my project is to bring together academics from around Europe researching matters related to democracy, rule of law and electoral processes. It is an excellent opportunity to meet other scholars with similar research interests and to be involved in stimulating debate in the area of rule of law.

How did you come up with your re:constitution project? What inspired you to pursue this question?

A colleague at my university forwarded an email to me with the call three days before the deadline. I had never heard of the re:constitution project before, so I did a bit of research on their website and found the initiative really interesting. I spent all day thinking of potential topics that would connect data protection with the area of rule of law. On the same day, I also watched the Netflix documentary *The Great Hack*, which inspired me regarding possible research questions for my project. After three intense days of drafting the proposal, I managed to submit everything on time.

What fascinates you the most about your work?

All of my work as a researcher and lecturer at the

Autonomous University of Barcelona is fascinating. It allows me to continuously learn and share knowledge on topics that are highly relevant and interesting in fields that I am passionate about. I love the fact that I can participate in projects that seek to improve the current situation in areas such as security, migration, individual rights, etc. The combination of conducting research and giving lectures for undergraduate and graduate students is perfect for me, and therefore I could not imagine better work in my life.

What keeps you inspired? Most of my inspiration comes from casual conversations with colleagues, family or friends. A simple comment or statement could trigger new ideas for projects or research. Sometimes I also get inspiration from watching films or documentaries. The reality is that I

always need to be in contact with new perspectives and ideas to get inspired.

What is your next project? During the re:constitution Fellowship, I had the chance to study several issues of concern related to the concept of political micro-targeting (PMT) in the EU. After the fellowship, I will con-

I love the fact that I can participate in projects that seek to improve the current situation in areas such as security, migration, individual rights, etc.

tinue to study this topic by publishing a scientific article and preparing two proposals for future research projects. The scientific article is entitled “Reflections on the murky legal practices of political micro-targeting from a GDPR perspective”, and seeks to explore whether the practice

of PMT is compliant with the EU’s General Data Protection Regulation (GDPR). The research projects I am preparing aim to examine the material scope of PMT in the EU and to investigate and quantify the impact of PMT in specific electoral campaigns within Europe.

Pola Cebulak The Role of Regional Courts in Protecting the Rule of Law

Pola is a tenured Assistant Professor in European Law at the European Studies Department of the University of Amsterdam. Before joining the University of Amsterdam, she worked and studied at top academic institutions in seven different countries. She has worked as a Lecturer and Postdoctoral Researcher in Denmark (iCourts—the Centre of Excellence for International Courts at the Faculty of Law, University of Copenhagen) and Switzerland (Global Studies Institute at the University of Geneva and Chair of Public International and European Law at the University of Fribourg). During her PhD, she was enrolled in a double-degree Erasmus Mundus program in Belgium (Université libre de Bruxelles) and Switzerland (University of Geneva)



with a European Commission fellowship. As a Visiting Scholar, she attended classes in the United States (Boston University and Harvard Law School). Pola has studied in Germany (Humboldt University in Berlin) and the United Kingdom (King’s College London). She com-

pleted the German “Staatsexamen” with honours. She has also worked as a trainee in Luxembourg (Court of Justice of the EU) and Germany (Polish Embassy in Berlin and Clifford Chance LLP in Frankfurt). Pola speaks fluent Polish, English, German and French.

How would you explain your re:constitution project to a stranger? My re:constitution project focused on analysing the role of the Court of Justice of the European Union in addressing the democratic backsliding in Hungary and Poland. It was aimed at providing a critical reflection on what the Court in Luxembourg does as a legal and political actor. Because the question of whether a country is moving backwards in its democratic standards overall is never a straightforward legal question, but rather a highly

salient political one. The Court is sensitive to the political climate at the national and European levels. It has incrementally built up a jurisprudence on judicial independence as a crucial element of the rule of law. This traditional incremental approach of the Court has been effective in preserving its authority and avoiding backlash. It is, however, unsuited for a politically salient and exponentially deteriorating situation, such as the illiberal government of a Member State pushing through its reforms.

How important will international mobility be for your future professional development? International mobility is central to my identity as an academic researcher and teacher. I left my home country, Poland, at the age of 19. Since then, I have lived, studied and worked in ten European cities (Berlin, London, Frankfurt, Luxembourg, Brussels, Geneva, The Hague, Fribourg, Copenhagen and Amsterdam). I have no doubt that international mobility will continue to broaden my horizons through academic visits to Berlin and New York. International experience makes us painfully aware of the fact that these horizons will always remain limited somehow. There is always another perspective, another relevant example, another theoretical approach that we do not know yet and have not included. International exposure makes us humble and curious.

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards? I believe that the European Union (EU) is at a critical juncture when it comes to defining itself as a regional organisation committed to democracy and rule of law. Even though the current political climate provides little ground for optimism on that front, I also believe that it is still possible to move forward. In September 2021 and April 2022, two major EU Member States will hold national elections, which could contribute to a necessary change of political climate to define the EU more clearly as a regional organisation committed to promoting and upholding democratic values internally and externally. As scholars and intellectuals, we can contribute to continuously putting these issues on the agenda of public debates.

International exposure makes us humble and curious.

In your view, how can re:constitution make a difference? Re:constitution is a program that is creating a transnational network of experts on democracy and rule of law in Europe by providing them with opportunities for research stays abroad and platforms for discussions and publications. It aims at creating lasting intellectual bonds between like-minded people by enriching their international experience. These networks increase the capacity of those individuals to contribute to public debate and propose new policy solutions or intellectual frames for discussing democracy in Europe. It can amplify the voices of young professionals who do not have the support of top institutions.

What is your next project? My research plans for the next year are linked to an interdisciplinary research project that we have set up with several colleagues at the University of Amsterdam. It is called "Free, Fair & Green? Governing Europe's Trade Relations in a Changing Global Economic Order". We want to investigate what kind of global trade actor the European Union (EU) can be in a changing global economic order. I will team up with a colleague from international relations to study how the EU has been trying to promote social and environmental sustainability in its recent trade negotiations with other regional organisations. The premises of this project resonate with the premise of my re:constitution project, namely challenging the Eurocentric ways in which we, as scholars, study global affairs involving the European Union as an actor. Whether it is about enforcing rule of law standards or promoting sustainability norms, we should not judge the EU's success only by its own ambitions. We should compare it with other regional organisations and contextualise the EU's actions in the regions where they are actually unfolding.

Anna Damaskou The COVID-19 Pandemic and the Rule of Law: Turning the Crisis into Opportunity

Dr Anna Damaskou holds Bachelor (Democritus University of Thrace) and Master (London School of Economics and Political Science)

degrees in law, as well as a PhD in European Economic Criminal Law (Queen Mary University of London). She is currently the Chair of Trans-

parency International Greece (pro bono) and has also served as its researcher in the past. She has 17 years of work experience in the areas

of banking regulatory compliance and regulation/supervision of the banking and financial sectors. She teaches and has published extensively on issues of good governance, anti-corruption and regulation/supervision of the banking and financial sectors. She is a member of the Athens Bar Association. She is a Certified Fraud Examiner (CFE), Anti-Money Laundering Specialist (CAMS) and Data Protection Officer (CIPP/E, CIPM). She speaks English, French, German and Serbian.



How would you explain your re:constitution project to a stranger?

Since 2020, the EU Commission has published the annual EU Rule of Law Report, aiming to assess the state of the rule of law in each EU Member State and at pan-European level, in order to serve as a basis for discussions in the EU and to prevent problems emerging or deepening further. In the context of drafting said report, the EU Commission engages in extensive consultation and interviews with relevant actors from each EU Member State, including governmental and non-governmental representatives. However, as per the approved methodology for drafting the report, each EU Member State has a strong saying in the final content of the report relating to it. My research, inspired by the shadow reports produced by NGOs in relation to reports produced by (inter-)governmental organisations, aims to provide an independent assessment of the objectivity of the annual EU Rule of Law Report and the status of the rule of law in the EU.

Which stages of your professional career have had the biggest impact on your work or your personal development so far?

Having had a tendency to respect the principles of justice, non-discrimination and meritocracy from an early age, my involvement in the global non-governmental movement of Transparency International was rather inevitable. Over the past 15 years, I have had the privilege and honour of serving the

movement in different capacities: initially as an active member of and researcher for Transparency International Greece and eventually, for the past four years, as Chair of the Board. In the context of the above capacities, I have fought numerous battles to eliminate corruption in all its forms. Some battles were won, others were apparently lost. The lesson learnt, though, is that no lost battle remains lost for ever—lost battles become the fertile soil in which future victories grow.

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards?

Assessing in retrospect the causes of the rule of law being eroded in Europe, one can say that it would be rather surprising not to experience a crisis in our fundamental values in the aftermath of a global financial crisis and a global health crisis that tested the very foundations of our societies in multiple ways. However, no loss goes without a gain: the EU as a whole has become more alert and conscious with regard to safeguarding its fundamental values across its territory and beyond. Its recently established rule of law mechanism, including the related periodic assessment of the situation in its Member States, constitutes an invaluable, though not yet flawless tool in restoring its foundation and rebuilding cohesion and trust among its citizens.

The re:constitution programme essentially produces “ambassadors” qualified to proclaim the ideals of the rule of law across all of Europe and beyond.

In your view, how can re:constitution make a difference? re:constitution is a profoundly designed research programme that attracts high-level professionals with a variety of backgrounds from across the whole of Europe. During their term with the re:constitution programme, these professionals produce niche research outputs on themes relating to the rule of law in Europe, while at the same time often engaging in related advocacy and public-awareness activities in the context of their secondary roles. Thus, the re:constitution programme essentially produces “ambassadors” qualified to proclaim the ideals of the rule of law across all of Europe and beyond. The challenge is to keep those “ambassadors” engaged in this purpose for the longest possible time. This shall be more effectively achieved if the programme keeps its alumni network active over the years

through reunions and alumni events, so as to continue to inspire them and also to enable inter-personal relations among the alumni to be maintained and further strengthened.

What is your next project? My participation in the re:constitution programme has contributed significantly to further developing my profile as an academic; thus, as of the coming academic year, I shall be teaching at a university institution of international ambit, which is a much-wanted professional development for me. In this context, I intend to further work on my PhD thesis concluded in 2016 in light of the new developments in the EU with regard to safeguarding the EU budget, inter alia, against risks emanating from the erosion of the rule of law principle across the EU.

Matteo de Nes Pandemic Measures in Europe: Legitimacy and Proportionality under the Lens of Transparency

Dr Matteo De Nes is a member of the Italian judiciary and is currently serving at the Tribunal of Trieste. He was a Post-doc Fellow at the University of Padua (Italy) and holds a PhD in Constitutional Law and Comparative Public Law awarded by the University of Venice in 2017. His doctoral research investigated the impact of austerity measures on the protection of social rights in the Eurozone. He was a Visiting Scholar at the Max Planck Institute for Social Law and Social Policy (Munich) in 2015. His research area of interest includes the principles of proportionality and transparency, as well as scrutiny techniques used



by courts. He has published several articles in the field of Constitutional and Comparative Public Law, and has spoken at many international

conferences. He was admitted to the Italian Bar Association and holds a degree in law awarded by the University of Padua in 2012.

How would you explain your re:constitution project to a stranger?

The Covid-19 pandemic is the first case of strong, widespread limitation of constitutional rights and freedoms in Europe since the end of the Second World War. In particular, freedom of movement and economic rights have been significantly restricted in order to protect public health. Therefore, reasonableness, proportionality and transparency should guide governments and lawmaking bodies more than in ordinary times. In many European countries, pandemic legal measures have been adopted on the basis of scientific evidence, technical assessments and statistical data. Nonetheless, this information has been either partially disclosed or not disclosed at all to the public. Many legal provisions have been approved after numerous consultations with scientists, but without comprehensive, publicly transparent communication of datasets, criteria, potential errors, etc. This lack of transparency could undermine the legitimacy of the measures adopted and prevent a complete proportionality assessment in the case of judicial disputes. The project analysed:

(i) whether scientific data have been officially disclosed to the public by governments of selected European countries; (ii) whether and how such data have been used by courts; (iii)

whether a higher degree of transparency in decision-making processes is constitutionally warranted in the context of this massive limitation of rights and freedoms.

How did you come up with your re:constitution project? What inspired you to pursue this question?

I decided to investigate the question of the legitimacy and proportionality of pandemic measures during the first lockdown in March 2020. I was seriously worried about the pandemic but, at the same time, was also sceptical about massive limitations of fundamental rights; limitations I had never experienced before (like many other young Europeans). I realised that the principle of transparency, related to the disclosure of

scientific and statistical pandemic data, could be set in a pivotal position within the balancing process between public health and individual rights. So I started to study the interplay between the principle of transparency and the principles of reasonableness and proportionality as applied to the limitation of fundamental rights.

In your view, how can re:constitution make a difference?

re:constitution is a fantastic opportunity for European scholars and can really make a difference. The public debate on the rule of law needs scholars who study all the different aspects of this crucial topic in depth. In turn, these scholars need places to share and enrich their thoughts and ideas. The re:constitution programme is an excellent tool for making this essential exchange possible.

Which stages of your professional career have had the biggest impact on your work or your personal development so far?

I recently became a member of the Italian judiciary and, after a period as a trainee, will serve as a judge or public prosecutor in my country. This professional change is having a tremendous impact on my personal development. Every day, I try to find the best way to

resolve the cases on my desk fairly and am realising just how crucial the independence of the judiciary is in order to safeguard the rule of law and protect fundamental rights. All of my academic work on constitutional law up until now (especially the dialogues with many European scholars) has been an enriching experience, addressing the most controversial cases by taking a high-level scientific and human approach.

What is your next project?

My next research activities will focus mostly on developments in rule of law-related issues and judicial systems in contemporary societies, specifically analysing the constitutional principle of the independence of the judiciary in Europe.

Robin Gadbled Inducing Compliance: the Constitutional Implications of ‘Pressure’ in the European Union Legal Order

Alongside his re:constitution Post-doctoral Fellowship, Robin Gadbled is the Coordinator of Research Activities at the Institute for European Law at KU Leuven and has also been appointed by Oxford University to join the Europeum Scholars Programme as a Teaching Fellow. He has previously worked as a Lecturer in Comparative Constitutional Law at Sciences Po (Reims campus, France). Robin holds a PhD in law from the European University Institute in Florence, a Master’s degree in Political Theory from Sciences Po Paris, a Master’s degree in Pluridisciplinary European Studies from the IEE-ULB in Brussels (magna cum laude), and an LL.M. in Comparative, European



and International Law from the EUI. His research interests include constitutional theory, EU constitutional law, EU fundamental rights law, Euro crisis law and responses to the Covid-19 crisis, as well as

methodologies of legal and pluridisciplinary research. His current work focuses on the tools available to EU institutions to induce Member States to comply with different sets of requirements.

How would you explain your re:constitution project to a stranger?

Pressure is quite common in constitutional systems: parliaments can (usually) put pressure on governments to behave in a certain way by threatening a vote of no-confidence; executives can use their prerogatives in the disbursement of funds to put pressure on beneficiaries to adopt certain conduct. My re:constitution project is about looking for the legal rules that apply to the use of pressure in the EU legal order in different contexts. There are rules that protect against pressure by guaranteeing the independence of judges or central bankers, for example. There are formal procedures that have to be respected when imposing pressure via conditions attached to benefiting from EU funds. But there are also instances in

It has become easy to gather great speakers at very little cost on any given topic; this greatly facilitates exchange—between academics and practitioners too.

which the use of pressure is less formalised but no less potent (as was demonstrated by the pressure exercised by EU institutions on certain indebted Member States during the sovereign debt crisis). I look into different parameters to build a theoretical framework that allows

the uses of pressure in such different legal situations to be analysed.

How did your ‘stage’ at the European Parliament contribute to your research?

I was very lucky to have been able to complete a visiting

stay at the European Parliament Legal Service at a time when both the new Multiannual Financial Framework and the Budget Conditionality Regulation (previously known as the “Rule of Law Conditionality Regulation”) were entering into an acute negotiating phase. This gave me first-hand

insights into some of the legal implications of different instances of pressure, be it between political negotiators, in the design of the Budget Conditionality Regulation or in other features of the legal framework concerning the use of EU funds. I am particularly grateful to Richard Crowe, the Head of Unit for Institutional and Budgetary Law, and his team for the time they devoted to me during this stay.

The pandemic has changed the way we work, communicate and travel. What would you like to keep in terms of living and working in the ‘new normal’? Definitely Zoom meet-ups and events. It has become easy to gather great speakers at very little cost on any given topic; this greatly facilitates exchange—between academics and practitioners too.

What has been your best re:constitution moment so far? Working with the re:constitution team and

other Fellows has generally been a joy and the Fellow Talks and Fellow Exchange Meetings have led to interesting discussions around presentations by excellent speakers. I would nevertheless single out the workshop led by Claire Luzia Leifert on good governance, based on an interactive ‘Design Thinking’ setting, as particularly memorable.

What is your next project? The idea for my next research project actually came about at one of the Fellow Exchange Meetings. I plan to work with other academics with complementary expertise to propose an analysis of what “systemic breach” means in different contexts. There is a growing use of this kind of “systemic” concept at EU level, e.g. when the breach concerns some of the principles of the rule of law. The aim will be to look more closely at how that concept is used and what it entails in practice.

Aravind Ganesh Commodification, Climate Change, and Sovereignty

Aravind Ganesh is a researcher at the Faculty of Law, Maastricht University. His research interests span across EU law, public international law, private law theory and the legal and political philosophy of Immanuel Kant. He obtained a PhD (cum laude) from the Faculty of Law, VU Amsterdam in June 2019, and also possesses degrees from King’s College London (LL.B.), Columbia Law School (JD) and Oxford (BCL). Before joining Maastricht University, Aravind served variously as the Vice-Chancellor’s Research Fellow in Law at Oxford Brookes University, and as a Research Fellow at the Max Planck Institute Luxembourg for Procedural Law. His work experience also includes working for the



UN Special Rapporteur on the Right to Food, practising as a corporate lawyer in New York, as well as volunteering with a major civil rights organisation in South Africa.

Aravind has held visiting fellowships at Université Catholique de Louvain (2009–2010) and Tel Aviv University (2014–2015), and his work has been published in journals such as Legal

Theory and the Michigan Journal of International Law. In March 2021, he published a book entitled 'Right-

ful Relations with Distant Strangers: Kant, the EU, and the Wider World' with Hart/Bloomsbury. Aravind's

book is based on his PhD thesis, which was awarded the René Cassin Thesis Prize in 2020.

How would you explain your re:constitution project to a stranger?

My project seeks to explore the roles played by the concepts of 'property' and 'body' in environmental law and politics. I am particularly interested in how this distinction might explain certain contradictions in international environmental law and in how they are (mis)used by variants of right-wing climate sceptic populism and far-right environmentalism.

How did you come up with your re:constitution project? What inspired you to pursue this question?

During my doctoral studies, I noticed problems with central doctrines of international environmental law that rendered them inapposite for dealing with the most pressing environmental crisis of our time—climate change. Very simply, environmental lawyers generally conceive pollution as 'bad' because it causes 'damage', and believe that the solution is to find the persons who caused it and make them 'compensate'. While this may have worked in the past, it obviously no longer does so, because, evidently, by the time the climate is 'damaged', it will be too late to make polluters compensate. Of course, environmental lawyers have attempted to find various solutions for this conceptual problem, but these all seem unsatisfactory. Instead, I observed that, in the Roman private law traditions from which our current concepts of 'damage' and 'compensation' emerged, they were identified as the violation and remedy respectively solely for rights in property. In contrast, there is a way in which someone could wrong you, for which damage and causation are irrelevant, and for which the remedy is restitution, understood as the surrender of wrongful 'gains'. These alternative concepts of 'injury' and 'restitution' pertained to personality rights in body, reputation and status. Along these lines, I argued that, instead of thinking of environmental regulation as consisting of managing the damage claims of large numbers of people, we should conceptualise of pollution as injury to the body of the political community understood as a single person—

What are the juridical underpinnings of far-right environmentalism? To what extent are they present in contemporary environmental law and politics?

the 'State'. I still believe this conceptual shift might both resolve important contradictions in international environmental law and transform its emphasis from technocratic governance imposed from above to democratic government, thereby pulling the rug from under right-wing climate sceptic populist movements across the world.

Shortly after submitting my PhD thesis, a self-described 'ethnonationalist ecofascist' shooter in Christchurch, New Zealand massacred 51 Muslims. Soon after, another shooter in El Paso, Texas professing similar environmental claims murdered several Hispanics. While I had assumed that mounting climate disasters would ultimately convince even the most hardened climate sceptics of the need for global cooperation, it became obvious that another outcome was possible: fortunate

people in the developed world less affected by climate change might simply repel climate refugees from their borders with ferocity.

What are the juridical underpinnings of far-right environmentalism? To what extent are they present in contemporary environmental law and politics?

What made you apply to the programme? What did you get out of it?

The immediate catalyst was a viral tweet in the early days of the pandemic claiming that humans were the real virus and that the Earth was 'healing' due to reduced human activity. Alarmed by the popularity of overpopulation discourse, I sought answers to this in the re:constitution programme, which greatly illuminated and sharpened my ideas by affording me the opportunity to interact with so many learned and thoughtful individuals.

What is your favourite place in Europe (off the beaten track)?

Naples. An ancient city some two millennia older than Rome, Naples initially seems quite noisy and messy. But it grows on you the more time you spend there: the Vesuvius-framed sunsets, ancient colosseums converted into back alleys, the excellent

pizza and the warmth of the people. By day three, you are hooked.

What is your next project? Although the most spectacular atrocities of far-right environmentalism have so far been committed in New World settler colonies, Europe is by far the most fertile ground for

it, given not only the seemingly endless refugee crisis but also the existence of rich ‘ecofascist’ traditions in several European states. My next project builds upon my re:constitution research by thinking about how international and European environmental lawyers may respond.

Francesco Luigi Gatta Migration and Rule of (Human Rights) Law in the EU: a European “Constitutional” Crisis?

Francesco Luigi Gatta is a Research Fellow at the Université Catholique de Louvain (Belgium) and a member of EDEM (Equipe Droits Européens et Migrations). He teaches EU Law at Tuscia University (Italy) and EU Law and EU Constitutional Law at the Riga Graduate School of Law (Latvia). He holds a double PhD in EU Law from the University of Padua (Italy) and Leopold-Franzens-Universität Innsbruck (Austria). He was a Visiting Research Fellow at the European University Institute (Italy) and at the Université de Strasbourg (France). He was a Trainee at the European Parliament (Legal Service) and at the Council of Europe (Legal Affairs and Human Rights Commit-



tee of the Parliamentary Assembly). His main research interests are in International and European Union Law, with a particular focus on the areas of human rights, migration,

asylum and border controls. He is the author of various articles and publications on international and EU law issues.

How would you explain your re:constitution project to a stranger? My project is titled “Migration and Rule of (Human Rights) Law in the EU: a European ‘Constitutional’ crisis?” It aims to research and study the possible relationships and interactions between two “crises” the EU has faced recently: the “refugee crisis” and the crisis of the principle of the rule of law. The research question

lies in the point of convergence between the two crises, to be investigated and possibly found in the responses put in place by the EU and some of its Member States in reaction to migratory pressure. Indeed, legal and policy measures have been adopted in the name of the emergency in a manner that appears to be in violation of some of the very founding principles of the European integra-

tion experience, both substantially and procedurally, such as the rule of law, the protection of fundamental rights and human dignity, mutual trust and cooperation between Member States, the guarantees of transparency and democratic control. This is why, ultimately, the project intends to raise the question as to whether and how the migration crisis, coupled and interconnected with the phenomenon of rule of law backsliding, has actually led to a serious threat to European constitutional order.

Which stages of your professional career have had the biggest impact on your work or your personal development so far? I have had the chance to experi-

ence the life and work of institutions of the Council of Europe and the European Union.

Getting a taste of their work and how they function was a crucial experience for me. I have always been fascinated by international organisations and their work.

Whether studying them at university, writing about them or explaining them to students, I had the desire to feel them, to actually touch them in Brussels and Strasbourg. Switching from books to the reality of those institutional bodies was decisive for my academic and professional growth. I was also very lucky to have the chance of experiencing both “Europes” in terms of organisations and institutional-legal frameworks: the Council in Europe in Strasbourg, on the one hand, and the European Union in Brussels on the other.

Switching from books to the reality of those institutional bodies was decisive for my academic and professional growth.

How did your ‘stage’ at the European Court of Human Rights contribute to your research?

My stage at the European Court of Human Rights was an extremely fruitful experience, both personally and professionally. Working closely with a Judge of the Court on a daily basis hugely increased my experience, my expertise and my knowledge of the work of the Court. I had the chance to attend hearings, meet judges, lawyers and experts, exchange views and debate with other colleagues and young trainees. It gave me so much inspiration for my research in terms of ideas and enthusiasm for writing, researching and teaching.

What is your favourite place in Europe (off the beaten track)?

Strasbourg and Brussels are where the magic happens! By which I mean European integration.

What is your next project?

My next project will be translating the knowledge I have gathered into more “tangible” results, including publishing and teaching. On the one hand, I intend to work on developing my notes into academic articles for domestic and international journals. On the other hand, I will give students a specific focus on rule of law issues in Europe. I have really learned so much about rule of law and the way Europe is struggling to try to protect it.

Núria González Campaña Rule of Law and Populism in Europe

Núria González Campaña is an Assistant Professor in Constitutional Law at the University of Barcelona. In 2019, she obtained her DPhil in Law at the University of Oxford (Rafael del Pino Foundation and British Spanish Society scholarships) under the

supervision of Prof. Paul Craig. Her thesis focused on the relationship between EU Law and the secession of sub-national entities within Member States. She is also an Associate Post-doc Researcher at the Jean Monnet Chair in European Policies at the Autonomous

University of Barcelona. Previously, she worked as an Associate Lawyer at the Public Law Department of Garrigues, Barcelona for more than three years. Before that, she had completed internships at different international organisations such as the Council of the EU (Brussels),

the Japanese International Cooperation Agency (Tokyo) and Defensoria del Pueblo (Lima). She also holds an MA in Law and Diplomacy from The Fletcher School, Tufts University (“la Caixa” scholarship), including an exchange semester at the Kennedy School of Government, Harvard University. She also obtained an LL.B. in Law (first class honours) from the University of Barcelona, including an Erasmus exchange at Heidelberg University.



How would you explain your re:constitution project to a stranger?

In this project, I am trying to explore the shallow conception of democracy that is spreading in some EU countries; a conception whereby democracy simply becomes a majoritarian principle that prevails over any other consideration. This provokes what has been called “constitutional erosion”. The constitutional elements of our democracies (i.e. rule of law, independence of the judiciary, checks and balances) are under attack. It is my intention to find constitutional tools to make sure that constitutional elements like pluralism and limited government prevail in our political systems.

It is my intention to find constitutional tools to make sure that constitutional elements like pluralism and limited government prevail in our political systems.

How important will international mobility be for your future professional development?

Since one of my areas of expertise is comparative constitutional law, international mobility is key for me, not only because of the empirical research, but also because of local networking.

Which stages of your professional career have had the biggest impact on your work or your personal development so far?

Needless to say, all stages and the associated decisions (e.g., degrees, internships, volunteering) have an impact in our development, but if I had to single out just one, I would probably say that my experience as a lawyer at a large law firm had a profound impact in my life. Before then, I was not sure what I wanted to do or who I wanted to be (professionally speaking). There, for

the first time, I realised what I did not want to do. I understood that if I had to invest so much time and effort in a job, I should (at least) try to find something I was passionate about. Clearly, being a corporate lawyer was not my

passion and it forced me to look deep inside myself and find out what I really wanted to do. It was then that I decided to quit and start an academic career by studying for a PhD.

What fascinates you the most about your work?

I am an Assistant Professor in Constitutional Law at the University of Barcelona. What fascinates me most about my job is my relationship with students. I am of the impression that my generation is very much concerned with research, publishing and journal impact factors. Although this is of course essential to the job of a university professor, we cannot neglect the importance of teaching and the responsibility it implies. Universities are not Royal Academies, as John H. Newman reminds us in *The idea of a University*, where only science matters, but rather places to interact and teach the younger generations, who will become the next lawyers, judges, prosecutors... the backbone of rule of law in our democracies.

What is your next project? Drawing on the theoretical foundations of constitutional erosion, I would like to study the constitutional deficiencies and democratic backlashes taking place in Spain and the tools that the EU has used so far (as well as ones it could use in the future) if Spain does not correctly address these challenges.

Daniel Hegedüs Exploring the Potential and Feasibility of ‘Biting Intergovernmentalism’ in the EU

Daniel Hegedüs is a Fellow for Central Europe at the German Marshall Fund of the United States. His areas of research include populism, democratic and rule of law backsliding, and European and foreign affairs of the Visegrad countries. He has studied political science, history and European law at the Eötvös Loránd University Budapest and Humboldt-Universität zu Berlin. In the past, he has worked in different research, lecturing and project management positions at Freedom House, the German Council on Foreign Relations (DGAP) and the German Institute for International and Security Affairs (SWP)



and has taught at the Institute for East European Studies at the Free University Berlin, the Humboldt-

Universität zu Berlin and the Eötvös Loránd University Budapest.

How would you explain your re:constitution project to a stranger?

My project represents an intersection between EU legal studies and political science. It tries to answer the question of what

variables influence whether EU Member States are actively engaged in the protection of rule of law and EU values or refrain from taking on such a role. I am most interested in the puzzle concerning the circumstances under which Member States

are prepared to take legal action against their autocratising peers, for example by joining Commission-initiated infringement proceedings before the CJEU or by directly suing their fellow Member States by triggering Article 259 TFEU themselves.

The summer of 2021 was an especially hot season when it came to the struggle regarding compliance with rule of law and democratic standards in EU Member States.

monstrated inability to counter the demise of rule of law and democracy in these two Central and Eastern European countries. Against that backdrop, I saw the further

politicisation of the question — both at EU and Member State level — as an essential prerequisite to break the vicious circle of non-enforcement of EU values. The demonstrated commitment of the Dutch government in particular to protecting the rule of law within the EU convinced me

that the so-called “Friends of the Rule of Law Countries” could be the sources of this new, badly needed political impetus in the EU, and I wanted to take an analytical look at the politics in these countries in order to assess what Europe can really expect from them.

How did you come up with your re:constitution project? What inspired you to pursue this question?

As a close observer of Hungary’s and Poland’s authoritarian developments within the EU, I have become deeply frustrated with the European Commission’s de-

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards?

The summer of 2021 was an especially hot season when it came to the struggle regarding compliance with rule of law and

democratic standards in EU Member States. There is an unquestionable general decline in the field, but also some positive development that may raise some hope for the future. The joint condemnation of the Hungarian Anti-LGBTQ law by 17 Member States in the June European Council, the suspension of the Hungarian and Polish batches of the Recovery Fund, the implementation of the rule of law conditionality regulation from autumn 2021 and the Commission's threat to impose daily penalties on Poland if Warsaw does not comply with CJEU rulings are definitely positive signs. But they can only act together as game changers if the question of rule of law and the demise of democracy remains high on the political agenda of the Member States.

Were there any (political) events in the last year that changed your view of your research topic? When I started my project in June 2020, "biting intergovernmentalism" was a purely theoretical issue that only attracted a couple of scholars' attention. However, at the end of 2020 the Dutch Parliament adopted a motion and asked the Dutch government to

trigger Article 259 TFEU against Poland due to the lack of judicial independence in the country. A motion in a similar vein was adopted by the Danish Parliament in March 2021 against Poland due to the harassment of the LGBTQ community. From one day to the next, this seemingly theoretical topic gained high political importance. The politicisation of the issue impacted my project in two ways. Interviews became far more informative but also far more sensitive, making it difficult to get access to key stakeholders in the national administrations. Nevertheless, it was a unique and rewarding experience to see one's own research project emerge from obscurity to become timely and politically relevant.

What is your next project? I have a couple of new projects and ideas in the pipeline, which mostly relate to the GMF's renewed activity in the Central and Eastern European region. But first and foremost, I would like to embark on a deep dive into the policy learning aspects of the European rule of law crisis. There are still plenty of unexplored dimensions of the EU's historic failure to face the authoritarian challenge in a timely manner.

Felipe Hernández Populism, Pluralism and Marginality. Latin America and Southeastern Europe in Comparative Perspective

Felipe Hernández is a PhD in History and Civilizations and Political Science. His thesis entitled "Élites, intellectuels et démantèlement de la Yougoslavie. Archives du Quai d'Orsay et témoignages d'un processus de longue durée (1945-1991)", (Elites, Intellectuals and the Dismantling of Yugoslavia. Quai d'Orsay Archives and Testimonies of a long-term Process) was published by L'Harmattan in 2019. He has worked as a Research and Teaching Officer at the Institute for



European Studies (IEE), University Paris 8 and as a temporary lecturer at the University Paris-Saclay. He is member of C  Sor (EHESS—

Paris) and the French Institute of Geopolitics (IFG), University Paris 8. His research interests include populism, civil society, ethnic

conflicts, minorities, comparative area studies, Latin America and Southeastern Europe.

How would you explain your re:constitution project to a stranger?

Since the 1990s, civil society has been at the forefront of the EU's political promotion of democracy. Civil society has been seen not only as a bulwark for successful democratisation processes in states emerging from armed conflict or authoritarian rule, but also as the international community's best ally. However, the path of many transition countries has shown that civil society does not always play a democratic role. This has been seen in the re-emergence and revitalization of populist-sovereigntist parties that find followers in certain sectors of civil society to pursue their political agendas. This shows that civil society does not always translate the expectations of the international engineers in charge of exporting democracy. My re:constitution project explores how civil society transforms itself and responds to the challenges facing today's democracies, especially the challenges presented by populist movements.

What fascinates you the most about your work?

Listening, researching and creating are three fundamental elements that have always fascinated me in my work as a researcher and university professor. I believe that my work can facilitate the conditions necessary to collectively produce an intention to create a transformative political project and its success. My work is that of facilitating processes that enable individuals and collectives to transform themselves and resist the challenges of our times. As I acquire more experience in my area of work, I become even more convinced of the importance of research and a critical and pluralistic education to understand our present and prepare us with the necessary tools to face the challenges of the future.

As I acquire more experience in my area of work, I become even more convinced of the importance of research and a critical and pluralistic education.

The pandemic has changed the way we work, communicate and travel. What would you like to keep in terms of living and working in the 'new normal'? It is clear that the effects of the pandemic

as we know it today have brought structural changes in the way we conduct everyday life. Contact with others is one of those experiences that the health crisis has called into question. Direct contact with others has become synonymous with danger. I think that in the 'new normal' we must think about this human experience and do everything possible to save it. Many other human factors depend on contact with others, for example empathy, support and understanding, among others.

In your view, how can re:constitution make a difference?

The re:constitution programme is a great opportunity to carry out a personal research project within an ideal scientific framework. I think that its originality lies on the fact that it allows permanent and fluid exchange with all the members participating in the programme and with external guests, who undoubtedly nourish the topics dealt with in the programme. In the same way, the re:constitution programme provides the conditions for the fellows' research to be carried out at other institutions (stage), which in turn makes it possible to develop an international network that benefits the quality of the research and its dissemination.

What is your next project?

I would like to continue working on how countries in transition respond to the promotion of liberal

democracy by major international powers; how citizens legitimise, negotiate and even reject the expectations of the international community, which often seeks to implement stabilisation and pacification processes under a very precise set of rules. I believe that the promotion of democracy is one of the key issues in current global politics, as its analysis helps us to understand that, for certain states, the construction of democracy is not something that is built on the basis of a method or a specific recipe book, but is, on the contrary, a complex and sometimes subversive experience.

Amélie Jaques-Apke The Covid-19 Crisis as an Ideological Armoury for the Populist Right in Spain and Italy

Currently director-general and founder of the EuropaNova think and do tank in Germany, Amélie is a political analyst, political advisor, strategy consultant and researcher with many years of international and European experience in the public sector (Franco-German Office for Youth, French Parliament, Ministry of Interior, Delegation of the EU in Washington D.C.). Her expertise is in radical right populism, the rule of law, EU Foreign & Security policy, European political innovation, transatlantic relations and Latin America. Amélie taught international affairs, security and diplomacy at SciencesPo Paris and also studied at King's College London. She has extensive overseas working experience with travel



experience in North and South America, Africa & MENA. She is a native speaker of French and German, speaks professional and academic level English and Spanish, has good skills in Italian and some

in Arabic. She has good communication skills and proven cultural sensitivity with a background in leading multicultural and inter-generational groups in high-level and international settings.

How would you explain your re:constitution project to a stranger?

My re:constitution project analyses the effects of the pandemic on the political communication, strategy and ideology of the radical right-wing parties Vox and the League in Spain and Italy. During my fellowship, I had the opportunity to work with scholars and to interview thinkers and political actors. I plan to eventually write an important book on my research with a colleague.

Which events or publications inspired you recently?

I think that the book *Democracy in times of pandemic—different futures imagined* (ed. Miguel Maduro and Paul Kahn) inspired me the most. It outlines different angles of research and facets of the pandemic in a very coherent, truly critical and multidisciplinary way.

It appears to me that politics is increasingly shaping everyday life in unprecedented ways.

What fascinates you the most about your work?

We have been living in incredibly crazy times since the fall of the Berlin Wall. I find it fascinating to contribute not only to political developments and their analysis, but also to influence political events.

It appears to me that politics is increasingly shaping everyday life in unprecedented ways. My current professional activities enable me

to stay in a politically neutral and free environment, a choice that makes my professional endeavours even more fascinating—as I can meet many political stakeholders and actors in any possible context. Moreover, studying the political effects of the pandemic is the most fascinating topic I can imagine, especially considering the long-lasting effects it will have.

What has been your best re:constitution moment so far?

My best re:constitution moment was the feeling of cherishing real field research and experiencing freedom again. Research and travel were very dramatic issues this year, as every movement came with its own dramas, not just because of my research topics but especially because of the general and individual mood and challenges society is experiencing and going through. My best moments were definitely interviewing scholars and stakeholders in Spain and Italy during the pandemic.

What is your next project?

My next project is to continue deepening my research with the university of Salzburg and organising an international conference on the pandemic and populism in Europe with a fellow colleague from the re:constitution programme. My research will also focus on my next publication next year, the outcome of three years of research on the political virus the pandemic is currently producing. At the same time, I will be developing the EuropaNova think and do tank in Germany. So, many new projects!

Monika Kareniauskaitė Control, Privacy, Crime and the Rule of Law in Eastern Europe: Historical Legacies and Current Challenges

Monika Kareniauskaitė is a Lithuanian legal historian specialising in Soviet and post-Soviet studies. She is currently a Research Fellow working at the Lithuanian Institute of History and the Law Institute of the Lithuanian Centre for Social Sciences. She was a Postdoctoral Associate at Yale University (academic year 2018-2019), a visiting scholar at the Research Centre for East European Studies at the University of Bremen under the re:constitution programme (2021) and has worked as a research fellow at Vilnius University, the University of St. Gallen (Switzerland) and the Berlin-Hohenschönhausen Memorial (Germany). Her research focuses on crime, criminal law, criminal justice and the concepts of the rule of law and privacy in Lithuania and the Soviet Union. She also conducts research on gender-based violence in twentieth-century Lithuania,



anti-Soviet resistance, Soviet political trials and deportations, the dissident movement, historical memory and the culture of remembrance in the former the Eastern Bloc and the USSR. She is co-author and co-editor of *Anti-Communist Opposition in Poland and Lithuania: a Similar, Common, or Parallel Phenomenon?* (Vilnius, 2015). Some of her work appeared in the article 'Gulag Prisoners, Deportees and Their Family

Members in the Lithuanian SSR Under and After Stalinism: Legal, Ideological and Social Definitions', in *Histories (Un)Spoken: Strategies of Survival and Social-Professional Integration in Political Prisoners' Families in Communist Central and Eastern Europe in the '50s and '60s* (Münster: LIT Verlag, 2018).

How would you explain your re:constitution project to a stranger?

My project focuses on understanding the concept of privacy in societies with long experiences of dictatorship and mass state surveillance. Scholars claim that, in XX century Eastern Europe, communist and state-socialist countries, the traditional Western dichotomy between “public” and “private” was transformed, as the private sphere was absorbed by the state. In countries such as the Soviet Union and East Germany, state agents were able to collect huge amounts of personal data, seeking to control not only the public but also the private lives of their citizens. At the same time, the “public” sphere was erased, as the states fully controlled political and public discourses. My project seeks to examine how these experiences influence the current limits between the “private” and the “public” in the legal systems and legal discourses of countries with experience of state socialism: first of all, Lithuania, but with a short comparison with Germany and Russia. I ask: are the rights, defined by the 7th and 8th Articles of the Charter of the Fundamental Rights of the European Union (respect for private and family life and protection of personal data) really ensured in the legal systems and societies mentioned? What new challenges are presented by the development of technology?

What is your favourite place in Europe (off the beaten track)?

If talking about a physical place, it is definitely Berlin. To me it is a symbol of the most tragic European past that violated not only law and human rights, but also human dignity itself in ways never imagined before (by which I mean, first and foremost, the Holocaust, but also other totalitarian repressions). It is also the symbol of the Cold War, a physical and symbolic border between Western Europe (attempting to recover from the traumas of war, deal with the legal responsibility of perpetrators, honour and bring justice to the victims and rebuild the rule of law and democracy) and Eastern Europe (further violating human rights, the rule of law and human dignity). But it is also a symbol of hope—the fall of the Berlin Wall, German reunification and the rebuilding of democracy symbolise the unification of the whole of Europe. Berlin’s respect for diversity is also a model for the rest of Europe. It is proof that it is possible to respect each other

and care for our common home, Europe, together—no matter how different we are. Berlin is also a warning: the fact that even such a diverse and inclusive city is facing many problems, such as growing political extremism, that people are easily attracted by conspiracy theories and populism, is a call for every European citizen not to take democracy and the rule of law for granted, but rather to work hard in order to nurture and cherish these values in our everyday practices and choices.

In your view, how can re:constitution make a difference?

Good, democratic societies can exist because of good, democracy loving citizens. re:constitution is expanding the network of such idealistic, democracy loving and very professionally gifted and educated European citizens, who fully dedicate their lives and careers to the task of democracy building. But it is not an elitist community: we spent many hours during the re:constitution programme discussing how we could make European values and the values of the rule of law and democracy more understandable for European citizens who are far from the professional academic and legal debates, lack legal education and are therefore very vulnerable to populism, fake news and other threats to democracy.

The re:constitution fellows are not only theoreticians and academics, seeing the experiences of the Other only through their sophisticated academic lens. We seek to understand what Europeans really need in order to be attracted by the ideals of

democracy. We would like to help all European citizens to internalise these ideals, to turn external theoretical “democracy building” and “rule of law protecting” agendas into their own internal sets of personal values and social practices.

We were forced to develop new digital approaches to virtual exchange and mobility. What were your key learnings?

I was fascinated by the success of weekly fellow meetings and talks: how, being far away physically, we managed to successfully work virtually and even got to know each other without meeting in a physical space. But I also discovered the extreme vulnerabilities of technology in terms of data and personal information protection, and how important investment in personal and organisational cyber security is.

That people are easily attracted by conspiracy theories and populism, is a call for every European citizen not to take democracy and the rule of law for granted.

What is your next project? I have taken on several projects recently, both administrative/managerial tasks and academic research. Of the administrative ones, I would like to mention Vilnius University's ambitious idea to establish a German and Germany study centre that would also operate as a think tank, promoting German knowledge and best practices in such fields as sustainable economic growth, democracy education and, of course, awareness of the importance of the rule of law ideal. The think tank would also help to fight Euroscepticism, populism and political extremist in the Baltic region. From the academic standpoint, I am

continuing my work on law history: next academic year I will be a visiting scholar at the Davis Center for Russian and Eurasian Studies, Harvard University, and hold a Fulbright scholarship. I will focus on legal developments in post-Soviet Lithuania: how legal concepts evolved as the society was attempting to deal with its authoritarian past and pursue the legal ideals and standards of democracy. Today, my country is facing new challenges relating to the rule of law and human rights, such as the migrant crisis from authoritarian Belarus. Therefore, even more legal awareness is needed.

Alexandra Mercescu Penal Populism in Romania, Paradoxically: Consolidating or Undermining the Rule of Law?

Alexandra Mercescu is a Lecturer at the Faculty of Law of the West University of Timisoara (Romania) where she teaches comparative public law, legal philosophy and academic writing. She is also an Affiliated Researcher at the Centre for Legal Education and Social Theory of the University of Wrocław (Poland) and a board member of the Central and Eastern European Forum of Young Legal, Political and Social Theorists. She holds a Master's degree and a PhD from the Sorbonne University (obtained in 2016). Her thesis—'Pour une comparaison des droits indisciplinée'—was awarded the first prize of the Centre français de droit comparé (an award granted annually in France since 1957). Her academic career has benefited from research stays or exchanges at the Swiss Institute of Comparative Law



(as a Van Calker Scholar), the Max Planck Institute for European Legal History and the Oñati International Institute for the Sociology of Law. Alexandra publishes in English, French and Romanian. Her doctoral work appeared with the leading Swiss publisher Helbing Lichtenhahn in the *Grundlegendes Recht*

collection. She edited *Constitutional Identities in Central and Eastern Europe* (Peter Lang, 2020), and is currently working on a forthcoming book—*Rethinking Comparative Law*—co-authored with Edward Elgar.

How would you explain your re:constitution project to a stranger? Law is always in some way the expression of culture, of a certain mentality whether the respective legal community is aware of it or not. An unexpected and highly exceptional event, like the pandemic crisis, has the potential to expose such deep-rooted social attitudes, which translate into law. This is, I think, what happened in my home country, Romania: when the health crisis hit, the authorities reacted with the usual set of measures, such as social distancing and stay-at-home orders as implemented elsewhere, but also decided that it was necessary to accompany these with criminal law rhetoric. This came, at least to a certain extent, in response to public demand. I wondered whether such an attitude could be described as penal populist and what its effect would be on the rule of law. Moreover, I tried to identify a possible explanation for why both the public and the authorities felt the need to deploy a criminal law arsenal in order to fight what was in essence a public health situation. This led me to establish a link between this sort of penal populism and the successful fight against corruption Romania has been conducting for years. Paradoxically, I argue, the success achieved in the field of anti-corruption, which definitively strengthened the rule of law, also imbued the population with a penalising ethos that might prove dangerous and actually threaten the rule of law in other contexts like Covid-19.

Which stages of your professional career have had the biggest impact on your work or your personal development so far? That's definitively my doctoral work under the supervision of comparatist Pierre Legrand. Thanks to him, I learnt to look at law *other/wise*. I have acquired a critical outlook that will stay with me forever and allows me to approach law and its many ramifications beyond law in a much more enthusiastic manner than before. I also owe a lot to my participation in a summer school at the Max Planck Institute for European Legal History in Frankfurt, which allowed me to see the importance of the historicity of law. Law is

not an ahistorical product but rather is always inscribed in a specific historical trajectory that has immense consequences for our thinking on all legal institutions, including the rule of law.

In what way has the pandemic changed your outlook on your research topics/questions? The pandemic made me do some rethinking regarding a couple of dichotomies that are important for law, such as politics/policy, universal/local. It also challenged some assumptions I had made about how knowledge in general is constructed and, specifically, the role of law in channelling scientific ideas.

In your view, how can re:constitution make a difference? The re:constitution fellowship can certainly make a difference through its well-designed programme. It provides fellows with sufficient individual space to work on their projects at their own pace while encouraging constant interaction between scholars with various cultural, disciplinary and professional backgrounds. Thanks to this back-and-forth between individual and collective reflection, fellows are given the chance to take home important messages that are likely to refine their work. Personally, after re:constitution, I better understood how complex an issue like the rule of law is and feel I am now much more attuned to its many facets such as were exposed by my colleagues.

Also, re:constitution favours the establishment of solid bonds and thus contributes to the creation of a strong network of scholars who continue to collaborate on the rule of law long after completing the fellowship.

What is your next project? In the long run, I will be working on a book in Romanian on comparative public law. Apart from this, I plan to continue to engage with the topic of populism. In the near future, for the purpose of a book chapter, I will also take up the question of the legal form in comparative perspective and how ideology relates to law's formalisation in both the common law and civil law worlds.

Manuel Müller The Cosmopolitan-Democratic Narrative of European Integration

Manuel Müller is a Senior Researcher at the Institut für Europäische Politik (IEP) in Berlin. He grew up in Bamberg, Helsinki and Valencia and studied History and Spanish Philology in Bamberg, Granada and Berlin. He was a fellow of the postgraduate research group “Multilevel Constitutionalism: European Experiences and Global Perspectives” (Grakov) at the Law Faculty of Humboldt-Universität zu Berlin and one of the coordinators of the Franco-German research network “Saisir l’Europe—Europa als Herausforderung”. His doctoral thesis in Contemporary History, published in early 2021, analyses the European public sphere in the debate on the Maastricht Treaty.



His research interests also include the political system and institutional reform of the EU, European Parliament elections and European political parties. Since 2011, Manuel

has been running the blog “Der (europäische) Föderalist”, which deals with constitutional politics at the European and global level with a focus on supranational democracy.

How would you explain your re:constitution project to a stranger?

The starting point of my project is the question: why is European integration a good thing at all? There are several typical lines of reasoning (or “narratives”) to justify EU integration, such as the peace narrative, according to which the EU serves to avoid war among its Member States, the prosperity narrative, which focuses on the economic benefits of the EU, and the self-assertion narrative, according to which EU Member States need to integrate in order to better defend their interests on the world stage. All of these narratives have some merits, but also significant flaws. Instead, a fourth argument—which I call the cosmopolitan-democratic narrative—seems to be more convincing: that the *raison d’être* of the EU is to facilitate civil liberties and democratic self-government at a supranational level. In my project, I analyse the four narratives and argue why I think that the cosmopolitan-democratic narrative should guide future integration steps.

How did you come up with your project? What inspired you to pursue this question?

European integration narratives have been accompanying me for quite some time now. I always felt frustrated when I heard pro-European politicians defending the EU with sloppy or purely ritualistic arguments. Ten years ago, this was one of my reasons for starting the blog “Der (europäische) Föderalist”: rather than apologetically defending the EU, I wanted to develop coherent supranational-democratic perspectives on current political issues. The aim of my re:constitution project was to deal with these narratives in a more systematic way, looking into both their historical evolution and their internal logic.

Have there been any (political) events in the last year that have changed your view of your research topic?

The way that EU integration is justified in public has changed—not quite in the last year, but rather over the last decade. Since the euro crisis, the prosperity narrative has lost a lot of steam and the peace narrative has turned into a purely status quo-oriented defence against

the fear of disintegration. Instead, the self-assertion narrative has now become the main go-to argument for most politicians arguing for more European integration. In my eyes, this is a potentially dangerous development, as the self-assertion narrative is essentially based on the distinction between “us” (Europeans) and “them” (the rest of the world). There is a risk of creating an exclusive European identity that reproduces the worst of 19th century nationalism at the EU level.

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards? The issue of democracy and the rule of law is, of course, a very complex one. Leaving aside the rule of law crisis in the Member States and focusing only on supranational democracy, I think we are still moving forward, but at a much slower pace than in the past. The years from 1985 to 2005 were not only a heyday of cosmopolitan-democratic visionaries (remember Jürgen Habermas’ “post-national constellation” or the EU “finality debate”); they also brought about several treaty reforms—which were mostly step-by-step improve-

ments rather than great coups, but they still made the EU substantively more democratic. Since the Lisbon Treaty, the EU debate has become much less visionary and the step-by-step approach has often been treated like a goal in itself. As a consequence, democratic reform has almost come to a halt—with only some exceptions, like the lead-candidates procedure and the renewed debate about transnational lists for European Parliament elections. However, there has also been positive developments. For example, the EU polycrisis has contributed to creating a European public sphere and many young people today see the EU as something “normal”, just one more level of our polity.

What is your next project? European integration narratives and cosmopolitan democracy will continue to accompany me for a while, not least because there are still some texts I want to write based on the research I did during the re:constitution fellowship. At the same time, I will also be focusing on current issues such as the reforms of the European electoral act and of the European political parties statute.

Rather than apologetically defending the EU, I wanted to develop coherent supranational-democratic perspectives on current political issues.

Lea Raible The ECHR’s Democratic Society: Human Rights and Secessionist Movements

Lea Raible is a Lecturer in Public Law at the University of Glasgow. Previously, she held academic positions at Maastricht University, the University of Edinburgh and University College London. Her research interests are in the areas of international and constitutional law and their relationship with political philosophy. She has written on a range of topics, including the extraterritorial application of human rights, human rights adjudication and participatory democracy and the theory and practice of referendums. She is the author of



Human Rights Unbound: A Theory of Extraterritoriality (OUP 2020).

How would you describe your project to a stranger?

I am looking into secessionist movements in Europe—for example in Scotland and Catalonia—and how they are protected as political actors. These movements sit uneasily with existing definitions in international law and the protection it offers to indigenous peoples and national minorities. At the same time, Catalonia and Scotland find their attempts to secede thwarted by anti-secessionist policies. The project investigates whether there is nevertheless some protection for these movements and what the European Convention on Human Rights (ECHR) could contribute to limiting responses to secessionist movements. The ECHR includes a strong commitment to democracy, mentioning the value of a democratic society at various points. This makes it a promising candidate in this regard. The project considers the potential of ECHR cases on minority protection and case law related to the banning of political parties that advocate constitutional change. It further asks whether the ECHR's contributions to shaping secessionist processes are a) desirable and b) (if so) sufficient.

Being confronted with differing assumptions made me cautious: if there is a dominant narrative, my intuition would be to pause and check it.

How did you come up with your re:constitution project?

I live in Scotland where the problems and prospects of independence are very much a fixture of political life and debate. The discussions are mostly limited to the merits of secession or its justification. But there is—probably understandably—not much focus on process or how to make consequential political choices legitimate or not. I wanted to contribute nuance to the latter of the questions. My background is not only in constitutional law but also in international law and human rights. This meant that a look at the potential of interna-

tional institutions was a natural starting point. The idea to consider the ECHR was born out of work for a book project I am currently editing with Sarah McGibbon and Jure Vidmar. I think the gestation of my project shows that important questions are often stumbled upon and that we as scholars should be open to serendipity.

How does international mobility impact your projects and the way you work?

International mobility has been very important to my work for two reasons. First, being affiliated with different institutions in different countries means that we meet many different people and are also faced with differing institutional and cultural assumptions. Meeting and discussing ideas with as many different people as possible tends to reveal and create new angles and questions and makes our work richer. Being confronted with differing assumptions made me cautious:

if there is a dominant narrative, my intuition would be to pause and check it. Second, I have lived and either studied or worked in Switzerland, Italy, Germany, Hong Kong, the US, the Netherlands and the United Kingdom. Every local culture—academic or otherwise—has shaped the questions I ask, or the angles and texture I notice. This is a privilege and I hope it has made me a better scholar than I would otherwise have been.

What is your favourite place in Europe (off the beaten track)? I enjoy wild swimming and my favourite place to do it is Quinten on Lake Walen.

What is your next project? My stages as part of the re:constitution Fellowship are still ahead of me, so my next project is still my re:constitution research.

Cecilia Rizcallah The Right to Judicial Independence in the European Union. An Inquiry about the European Court of Justice and the European Court of Human Rights' Actual and Potential Contributions

Cecilia Rizcallah is a Guest Professor at the Université libre de Bruxelles and the Université Saint-Louis—Bruxelles and a post-doctoral researcher at the Belgian National Fund for Scientific Research. She holds a PhD in EU Law both from the Université libre de Bruxelles and the Université Saint-Louis Bruxelles, an LL.M. in European Law from the College of Europe (Very Good, Baillet-Latour Scholar), and a Master of Law degree from the Université libre de Bruxelles (Major de promotion, Ganshof Van Der Meersch Prize). She was awarded a PhD on the principle of mutual trust in European law, which is now published as a monograph (*Le principe de confiance mutuelle en droit de l'Union européenne. Un principe essentiel*



à l'épreuve d'une crise des valeurs, Bruxelles, Larcier, 2020). During her thesis, Cecilia completed two research stays at the European University Institute in Florence and at Queen Mary University in London. More generally speaking,

her research interests include EU law, the national and European (EU and ECHR) protection of Human Rights and Belgian Constitutional Law. Cecilia regularly publishes in these fields.

How would you explain your re:constitution project to a stranger?

The EU is currently facing a major and unprecedented crisis due to the disintegration of its founding values in some Member States, most notably that of the rule of law. This crisis is reflected, in particular, by the steady erosion of the independence of several national judicial systems. My research aims at analysing how EU courts, and in particular the European Court of Justice and the European Court of Human Rights, may contribute to the protection of national judicial systems. Their role is crucial in particular when political actors refrain from intervening, which is unfortunately often the case with regard to rule of law issues.

International mobility is a real opportunity to improve the quality of our research.

Which stages of your professional career have had the biggest impact on your work or your personal development so far?

My doctoral thesis, which I completed between the Université Saint-Louis—Brussels and the Université libre de Bruxelles was dedicated to the principle of mutual trust in European Union law. This experience was a real revelation of my passion for research on the protection of fundamental rights in Europe. I was lucky enough to do this research in a very caring environment, surrounded by supervisors who supported me throughout the writing of my thesis. This allowed me to learn a lot and to grow in my research career before starting post-doctoral positions.

How did you come up with your re:constitution project? What inspired you to pursue this question? While working on the principle of mutual trust in EU law, I realised how important the protection of the independence of the judiciary at national level was for the construction of Europe as a whole. This is why I wanted to analyse the tools available to the European Union to come to the rescue of national judges whose independence is threatened, as well as its legitimacy to intervene. It seems to me that it is crucial to find solutions to the rule of law crisis facing the European Union.

In what ways does international mobility impact your projects and/or the way you work? For me, international mobility is a real opportunity to improve the quality of our research. Indeed, it allows you to learn

from different legal cultures and perspectives, which can substantially add value to your work. This added value is all the more necessary when working on European and international research topics; it seems to me that it is essential to take into account the way things are perceived by the different legal cultures in order to fully understand our research topic.

What is your next project? In September, I will be starting a three-year post-doctoral fellowship at KU Leuven on the protection of fundamental rights in Europe. This post-doctoral fellowship is part of the ERC RESHUFFLE, led by Prof. Elise Muir. I will conduct my research from a legal theory perspective and analyse how the different layers of protection of fundamental rights interact within the European Area.

Stefan Szwed Choice Illusions: Through 'Rule by Law' to 'Electoral Capture' in Hungary, Poland and beyond

Stefan Szwed is Research Associate at the Centre for International Studies (CIS) at the Department of Politics and International Relations (DPIR), University of Oxford. His research interests include European foreign policies, conceptions of power in international institutions, and democratic transitions. He has over twenty years of experience in election observation (and some in assistance), predominantly as Political Analyst and Deputy Head of Mission on OSCE/ODIHR election observation missions across the Balkans, Eastern Europe and Eurasia, and has also worked with the UN, EU and several international NGOs in the Middle East, South Asia and Africa. His most recent publication is the



monograph *Asymmetry Matters: Poland, Germany and state power in a new Europe* (Palgrave-Macmillan 2019). He was Mairie de Paris Visiting Fellow at the Centre de recherches internationales at Sciences Po, Paris. Stefan has a

Doctorate (DPhil) in International Relations and a Master's (MPhil) in European Politics and Society, both from the University of Oxford, and a Bachelor's Degree from the School of Foreign Service at Georgetown University in Washington, DC.

How would you explain your re:constitution project to a stranger?

We often treat populist leaders like Hungary's Victor Orbán or Poland's Jarosław Kaczyński as challengers to liberalism or liberal democracy. We don't always recognise the threat they pose to democracy proper. They champion themselves as true representatives of the people—unlike the 'wretched liberal elites bent on maintaining minority grip on power'. But from the minute they take office, they tinker with democratic institutions to reduce the risk of losing another election. I set out to examine the ways in which EU 'strongmen' compromise 'free and fair' elections.

How did you come up with your re:constitution project? What inspired you to pursue this question?

In the past, I pursued a dual-track career whereby I researched topics that had little to do with my practitioner engagements. The re:constitution Fellowship was a unique opportunity to academically delve into electoral integrity, an area I worked in for twenty years. I worried that it was not only the EU that was slow to recognise backsliding among its members, but that other institutions struggled to call out countries such as Poland and Hungary as they transgressed. Those who focus on 'illiberalism' alone miss the point; they are not backsliding to become mere 'electoral democracies' but are weakening safeguards and institutions that support free choice.

What is your favourite place in Europe (off the beaten track)?

My favourite 'place' in Europe is the nexus of its diversity and commonalities that hold us together; the clichés that underpin our emotional attachments to it. It is Portugal and Finland, two Member States at the EU's outer edges that nevertheless both remind me of home: Catholicism, a belated 'return to Europe' and uncannily Slavic-like speech intonations in the former, or that sense of north-eastern peripherality, deep forests and an ambiguous relationship with alcohol in the latter. Or the two Brests (no pun) that share more than a name despite the 2,000 kilometres between them: one, Europe's far-west eye on the Atlantic with its unlikely remnants of substate nationalism in a hyper-centralised country, a city scarred by war; the other across Poland's eastern border, a site of unfathomable terrors during the

twentieth century, a monument to the region's multicultural past, non-EU Europe's eye onto us.

The pandemic has changed the way we work, communicate and travel. What would you like to keep in terms of living and working in the 'new normal'?

We discovered that we can work remotely and engage with others over distance—I attend more Oxford lectures than ever thanks to Zoom. I hope that in the future I can continue participating in the university's intellectual life regardless of where I am. Ecology apart, I also liked travelling on half empty planes and trains, which made for more pleasant journeys, masks and transmission anxieties notwithstanding. But I recognise how different our pandemic realities are. Irrespective of national experiences, which are both diverse and uneven over time, personal circumstances matter. We should be humble in our claims.

What made you apply to the programme? What did you get out of it?

As a political scientist, I have a chip on my shoulder when addressing rule of law issues. Legal scholars have an edge. I was thrilled to participate in a programme in which law was the Leitmotif, but which included colleagues from across disciplines and where the demi-focus on practice gave everyone a common grounding. We all walked away enriched by the experience.

What is your next project?

Next summer I will start a multiyear Marie Curie (Global) Fellowship at UC Berkeley and Ca' Foscari University of Venice. I will examine whether international election observation is still fit for purpose. Many believe that the practice is broken; too many elections rigged by friendly regimes get a pass, while others accuse observers of double standards that measure some offenders more harshly than others. This backlash comes as democracy faces multiple challenges, including rapid technological change, increasingly sophisticated forms of 'fake' (norm) compliance and the rise of populism, polarisation and partisanship, which are turning elections into tools to advance 'illiberal' democracy. I want to show how we can salvage and improve election observation in the face of these adversities.

The re:constitution Fellowship was a unique opportunity to academically delve into electoral integrity, an area I worked in for twenty years.

Zuzana Vikarská National and Constitutional Identities in the European Union

Zuzana Vikarská is an Assistant Professor of Constitutional Law and Human Rights at the Masaryk University in Brno, Faculty of Law, and also serves as a law clerk at the Czech Constitutional Court in the chambers of Judge Kateřina Šimáčková. Zuzana holds a PhD in law and jurisprudence from Charles University in Prague (2018) and previously studied at the University of Oxford (2014–17) and KU Leuven (2011–14). As for practical experience related to the topic of her research, Zuzana worked as a legal adviser at the Slovak Ministry of Foreign Affairs during the first Slovak presidency in the Council of the European Union



in 2016. Her academic interest lies primarily in topics where EU law meets constitutional law and as a re:constitution Fellow she deals with

issues pertaining to the national and constitutional identities of EU Member States.

How would you explain your re:constitution project to a stranger? When a state joins the European Union, there is an exchange of vows: the state subscribes to a set of values such as freedom, equality and respect for human rights and, in exchange, the EU pledges to respect that state's national identity. The obvious question is: what exactly is a state's national identity? The less obvious, yet equally difficult question would be: what does it mean to "respect" someone's identity? If I am your employer and you ask me to "respect" your family life, how would we resolve conflicts between your working duties and your family life? In past years, we have seen cases where the EU was willing to respect that a certain country defined marriage as the union of a man and a woman, even as a matter of national identity; yet, that country was still asked to recognise same-sex unions, at least to a certain extent. While examining the topic of respect for national identities, I discovered that the definition of "identity" is difficult, but the definition of "respect" can be even trickier.

I discovered that the definition of "identity" is difficult, but the definition of "respect" can be even trickier.

What was your best re:constitution moment?

I truly enjoyed our weekly Wednesday meetings—it became a precious ritual for me, worthwhile time spent with bright and inspiring colleagues who gradually became my friends, despite the fact that we never met in person. I realised this when I met one of my co-fellows, Pola Cebulak, at a court hearing in Luxembourg. When we saw each other across the courtroom, we waved and smiled and were genuinely happy to see each other. During the break, we met, hugged, and agreed that it felt like a friendly reunion, even though it was the first time we had actually met in person. I really hope to meet all the other fellows in the near future as well—I am sure it will feel like meeting good old friends!

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards? Looking at Europe in the summer of 2021, I am genuinely worried about the future. The combination of rising populism, ongoing

rule of law crises in various Central and Eastern European countries and the very strong impact of fake news on a large part of the population all make me uncomfortable. It is our job to discuss these topics and identify solutions—but this remains a very difficult task. If the people(s) themselves do not want to tackle these issues, it is quite logical for international and supranational actors to step in. Yet, they struggle in two ways: legitimacy and efficiency. I am personally very grateful to both the European Union and the Council of Europe for their work in the field of safeguarding the rule of law but I do not think they can “save the day” unless the Member States want to take European values seriously.

What is your favourite place in Europe (off the beaten track)? Definitely the south of Martinique, more specifically the amazing Diamond Beach! I man-

aged to visit Martinique shortly before the Covid-19 outbreak and truly hope to explore that part of the world again. I know it is not really ‘Europe’ but I like to say that it is my absolutely favourite part of the European Union. Jokes aside, I love Europe as a whole, most of all its diversity. The motto of the EU says it all: we are “united in diversity”—united in our core values, but still diverse in our national and cultural differences. It’s not a weakness, it’s Europe’s greatest strength.

What is your next project? As of October 2021, I will join an ERC project on European Constitutional Imaginaries at the University of Copenhagen. As a post-doc, I will continue exploring the issue of national identities, this time with a focus on the constitutional identity of the Czech Republic. I am very much looking forward to this.

Looking ahead

The re:constitution network is growing and will continue to do so in the 2021/2022 academic year when we will welcome the third generation of re:constitution Fellows.

While personal exchange and debate within our network has taken place almost completely online and while online formats certainly have benefits, we have also seen that a sustainable network relies on personal encounters and cannot be fully replaced by virtual meetings.

In the upcoming academic year, we will see how the pandemic and the accompanying rise in remote exchange opportunities have altered international cooperation in the academic field. As remote participation in conferences taking place all over the world is now a given, the re:constitution programme will remain open to these virtual formats, but will aim for a combination of in-person and virtual exchange. While we hope to carry out our Fellows' Exchange Meetings and seminars in person or in hybrid formats, we will continue our online colloquium, the Fellow Talks, in which the Fellows present and discuss their research projects and can keep in contact throughout their Fellowship, even while visiting host institutions all over Europe in the context of their 'stages'.

The three generations of re:constitution Fellows will get the chance to finally meet at a network event in the autumn of 2022. Coming together again will give us the chance to continue the dialogue with Fellows and alumni, friends and partners of the programme about ways to strengthen the rule of law in order to guarantee fundamental rights and values. Lessons learned from the programme's activities and achievements can then feed into new topical and strategic debate to shape future engagement for democracy and the rule of law in Europe. Fellows will also be invited to attend the re:constitution Seminars, which will be designed as a forum to facilitate content-driven, in-person discussions on core constitutional issues in collaboration with members of the re:constitution Collegium. Current topical debates in the seminars will focus on liberalism, law and democracy in the European Legal Space, perspectives on academic freedom, democracy and constitutional pluralism and legal methodology of the rule of law.

We are looking forward to the 2021/2022 academic year, when we will hopefully be able to meet not only our new Fellows but also all the re:constitution alumni in person.

re:constitution—Exchange and Analysis on Democracy and the Rule of Law in Europe
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