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in re:trospect

re:constitution

Fellowships 2019/2020

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Preface

The best part about undertaking a project like this is the moment, when the people who have been selected through extensive consultations and whose funding has been planned—together with the project itself—for a long time, walk through the door. This is the moment, when the idea, which has been a concept on paper for such a long time, becomes alive. Real people have come together, some from far away, to work on the project! But it is also a moment of uncertainty: how will the impression left by the applications be reflected in the reality of a personal encounter? And is such a personal impression even representative of the work on and in the project?



Anyone who engages in a project such as re:constitution embarks to some degree on uncharted terrain. It is an experiment and whether it succeeds will be perceived very differently from different perspectives. However, for the first edition of re:constitution, we are in any event so confident to have contributed to a truly successful outcome that we have documented the people behind it, the Fellows and their work in this publication as proof of this success and make it available to the public. The modest contribution to the crisis of democracy and the rule of law that we want to make with this project is conveyed by the people we are presenting in this brochure. We believe that this crisis cannot be resolved quickly and not from above by proper insights preached to all, but only by the individual and reflected experience of people moving in Europe, both expanding and passing on their knowledge of the many forms in which democratic rule of law can function and fail. How this venture succeeds, each of the Fellows has to define for themselves to a certain extent. The following pages show how our re:constitution Fellows of the first year addressed this challenge.

Prof. Dr. Christoph Möllers

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, we are currently experiencing a backsliding of democracy and more frequent attacks on the rule of law, which seem to question the legitimacy of the Union as a whole. 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. What we can offer these early-career professionals is time and independence, mobility and exchange:

- **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 vary, ranging from academic articles, essays, policy papers, book contribu-

tions, reports, podcasts, feature stories to pieces of analysis etc., thereby enriching academic and public discourses.

Personal exchange is also at the heart of the re:constitution **Seminars**, the second element of the re:constitution programme. 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 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 democracy and the rule of law, 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 institution that promotes the internationalization of research in the humanities and social sciences. It provides scope for exchange, debate and communication across national, regional or cultural borderlines. In cooperation with universities and research institutions in and outside Berlin, the Forum appoints fellows from all over the world, develops formats of transregional communication, and engages in research programs and initiatives that examine contemporary questions in a comparative and inclusive manner. 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 **MECAM: Merian Centre for Advanced Studies in the Maghreb**, and a founding member of the **Academy in Exile**.

The Forum is funded by the Land Berlin, 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 a non-partisan, independent, not-for-profit organization registered in Berlin, Germany. DRI supports and engages people who are working to build, preserve and defend democratic and accountable institutions. DRI believes that institutions play a critical role. People make change, but institutions preserve it. In a polarised world, DRI helps local actors to protect and expand the democratic space that we all share, independent of political opinions, religious beliefs or personal preferences. DRI's Berlin team works with country offices to implement projects in different countries (Tunisia, Lebanon, Libya, Pakistan, Myanmar, Sri Lanka, Ukraine) and undertake policy-oriented research. Global projects and smaller country projects are also implemented directly from headquarters. Furthermore, DRI works thematically on democratic discourse, including social media & democracy, as well as rule of law in Europe.

Stiftung Mercator is a private, independent foundation with extensive academic expertise and practical project experience. With its work, it strives for a society characterised by openness to the world, solidarity and equal opportunities. To achieve these goals, it promotes and develops projects that strengthen democracy and the rule of law in Europe, foster integration and increase the educational success of disadvantaged children and young people, address the impact of digitalisation on democracy and society, and advance climate protection. Stiftung Mercator is active in Germany, Europe and worldwide. It feels particularly close to the Ruhr region, the home of the founding family and location of its headquarter.

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 Professor of European Law at 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 Univer-



sity 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 interna-

tional 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.

Jeff King

Jeff King is a Professor of Law at University College London. He is currently a Legal Adviser to the House of Lords Select Committee on the Constitution, and a Visiting Professor at the Faculty of Law, University of Oxford. He sits on the Editorial Committee of Public Law, the General Council of the International Society of Public Law (ICON Society), and is a member of the Study of Parliament Group. He was the Co-Editor of *Current Legal Problems* and the Co-Editor of the *UK Constitutional Law Blog*. Prior to coming to UCL, he was a Fellow and Tutor in law at Balliol College, and CUF Lecturer for the Faculty of Law, University of Oxford (2008-2011), a Research Fellow and Tutor law at Keble College, Oxford (2007-08), and an attorney at Sullivan & Cromwell LLP in New York City (2003-04). In addition to Oxford, he has held visiting posts at the University of Toronto (2013, 2020), Renmin University (Beijing), the University of New South Wales, and in 2014-15 was an Alexander von Humboldt Foundation visiting fellow at the Humboldt University of Berlin. His book *Judging Social Rights* (Cambridge University Press, 2012) won the Society of Legal Scholars 2014 Peter Birks Prize for Outstanding Legal Scholarship, and in 2017 he was awarded a Philip Leverhulme Prize in Law.



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 Extraordinary 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 Excel-

lency Mr. László Sólyom, on constitutional matters. In March 2013 he was appointed agent of Hungary before the International Court of Justice in the Gabcikovo-Nagymaros system of locks case.



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 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.

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.

Lisa Möller



Lisa works as Programme Assistant for re:constitution. She is responsible for the communication with fellows and the organisation of Fellow Meetings and similar events. Before joining re:constitution in May 2019, Lisa worked in the Europe department of Stiftung Mercator, a Ger-

man 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.

Fellowship

Mobility and debate are at the heart of the re:constitution Fellowships. The Fellows are travelling to two host institutions across Europe to work on their projects and engage in various activities of their respective hosts in academia and practice. Personal Fellow Exchange Meetings complement the programme, offering topical

and interactive sessions to delve deeper into debates of common interest. Follow the Fellows' journey through the academic year:





In personal meetings, the Fellows get the chance to discuss, update and learn from each other. Over the course of several days, the sessions focus on current political and institutional developments regarding democracy and the rule of law in Europe. As one of the objectives of the re:constitution programme is to foster collaborative Fellow projects, the meetings offer space to explore joint projects by personal interaction and exchange. We have adapted the mode of the meetings from personal to online for now, but in avoidance of screen fatigue, we are focusing on collaborative formats now more than ever.

So, what has the first cohort of re:constitution Fellows been up to?

First Fellow Exchange Meeting

The journey of the first re:constitution Fellows began in Berlin in late October 2019 with the very first Fellow Exchange Meeting. From 10 European countries our Fellows came to the Forum Transregionale Studien to engage in a lively exchange with each other. They also had the chance to meet Christoph Möllers and the representatives of the Collegium, Matej Avbelj and Christoph Grabenwarter. Dieter Grimm, former judge at the German Federal Constitutional Court, gave the Fellows a personal insight into his experiences and in particular into his reflections on the foundations of the current relationship between democracy and the rule of law in Europe.

The Fellows also discussed other current issues in the context of the rule of law like democratic decision-making in the digital age, constitutional identities and the interaction of academia, politics, policy-making

and public perception in various interactive formats. Apart from topical exchange, the Fellows got to know each other in interactive settings and visited the *Stasimuseum*, located on the former grounds of the headquarter of the GDR Ministry for State Security. Overall, the meeting in Berlin was a promising kick-off for the exciting year ahead.

The Fellow Meeting was organised by the re:constitution coordination team at Forum Transregionale Studien in cooperation with Democracy Reporting International.





Launch Event

To mark the official launch of re:constitution, Forum Transregionale Studien and Democracy Reporting International invited the public to a panel discussion on 23 October 2019 about the topics and questions that lie at the heart of the programme. The event took place in the context of the first Fellow Exchange Meeting in Berlin.

The panel looked at reasons why, in recent years, the European Union and its member states have been occupied with a fundamental political debate on the future of democracy and the rule of law. A number of democratically elected EU governments argue that there are differing interpretations of the rule of law owing to national legal or political traditions, using this argument to dismantle democratic institutions.

At Stiftung Mercator's ProjektZentrum in Berlin we had a lively discussion with the audience and three distinguished experts:

Karolina Wigura, Head of the Political Section of the Polish political and cultural weekly *Kultura Liberalna* and Assistant Professor, Institute of Sociology, University of Warsaw, and Fellow of the Wissenschaftskolleg zu Berlin;

Christoph Möllers, Professor of Public Law and Legal Philosophy at Humboldt-Universität zu Berlin, and Permanent Fellow of the Wissenschaftskolleg zu Berlin;

Michael Meyer-Resende, Executive Director of Democracy Reporting International.

The debate was moderated by Michaela Küfner, chief political editor at Deutsche Welle and board member of Democracy Reporting International.





Second Fellow Exchange Meeting

The Fellows and the re:constitution coordination team travelled to Romania for the second Fellow Exchange Meeting. In addition to exploring Bucharest and its fascinating mix of architecture, which bears witness to the country's eventful past and the different political regimes which have shaped the country's history, the Fellows exchanged views on the development of their projects and had the opportunity to plan joint initiatives.

An informative lecture about the state of the rule of law in Romania by Prof. Bogdan Iancu completed the programme. Many Fellows took the opportunity to participate in the first re:constitution Seminar, which coincided with the Fellow meeting. During the Seminar, European experts focused on institutions of judicial independence. The participants gave an insight into the situation in their home countries and discussed common and different approaches to the design of these institutions—and ways to defend them.

The second Fellow Exchange Meeting was organised in cooperation with the New Europe College in Bucharest.



Third Fellow Exchange Meeting

As re:constitution is a programme dedicated to promote academic mobility and exchange across different countries, the travel restrictions that were in force almost everywhere in Europe in spring and early summer 2020, compelled us to rethink our approaches to facilitating academic exchange in the event of a global pandemic. That's why the third and final Fellow Exchange Meeting of the first cohort took place online. The Fellows joined us for different sessions from their locations all over Europe. Since the emergency measures in many European countries were closely tied up with restrictions of fundamental rights and freedoms, the pandemic has not only changed the external circumstances of the meeting, but also had a huge impact on the agenda. In different sessions, the Fellows discussed the responses to the crisis and their implications for the rule of law in Europe.

During a public online seminar organised by the Connecting Europe project, the Fellows also had the opportunity to discuss the decision of the German Federal Constitutional Court on the European Central Bank's bond purchasing and its impact on the EU's rule of law agenda. During a background talk with Judith Sargentini, the former Member of the European Parliament gave insights into the investigations for the report she was responsible for as Rapporteur concerning the Article 7 procedure against Hungary.



The third Fellow Exchange Meeting was held in cooperation with Connecting Europe, a joint initiative by the Brussels-based European Policy Centre and Stiftung Mercator.

This meeting marked the last time the first cohort got together as re:constitution Fellows, so we were all the more disappointed to only meet virtually. Although online meetings have their benefits, it was a challenge to facilitate exchange on a personal level, so there was no real opportunity for the Fellows—among whom strong personal bonds and various joint initiatives have developed in the meantime—to say goodbye to each other and to the programme. That is why we are extremely pleased to support a number of collaborative projects within re:constitution, which the Fellows intend to work on in the future. This way we would like to create opportunities for the Fellows to remain connected to re:constitution as active alumni. We are looking forward to welcoming them in person again in future re:constitution network events.

Reflections by Democracy Reporting International

What a year it has been! The re:constitution programme took off in spring 2019 and one of the first activities I was personally involved in was the recruitment and selection of the first cohort of Fellows. For an academic at heart, this was a most exciting exercise, from reading the proposals to looking at prior work of the prospective candidates. Flash forward to a few months later and we had the thrilling opportunity to meet the Fellows in person during the first exchange meeting.

From the very beginning, Democracy Reporting International had a clear idea of how our interaction with the Fellows would look like. We wanted to offer a platform for analysis and outreach going beyond the traditional academic channels. While the individual projects and stages at host institutions would give the Fellows the chance to develop traditional scholarly content, DRI set out to identify synergies and provide opportunities for cooperation.

These opportunities have coalesced swiftly. During the very first Fellows' Exchange Meeting in Berlin, we were able to introduce DRI to the Fellows, listen to them describe their plans and hold a 'DRI day', where we tried to stir up the intellectual pot with some challenging questions on how the academia could engage on the rule of law towards a broader audience. The Fellows had their first opportunity to learn about the approach DRI takes towards influencing the public debate and to consider the possible ways of cooperating with us.

From the manifold individual engagements we had with the Fellows, I would like to highlight two standout stories. One is of our work with Nyasha Weinberg, whose interest in measuring the rule of law aligned perfectly with our plan to produce a map of the state of the judiciary as part of DRI's involvement in re:constitution. Nyasha provided us with some invaluable insight



and helped us develop the map concept further. She was also an excellent reality check for us, helping calibrate our expectations and establish what is achievable and what lies beyond the scope of a relatively short programme.

Another excellent opportunity for collaboration arose when the increasingly complicated situation in Poland, including the controversial “postponed” presidential election, called for a closer look at the rule of law situation in the country. In order to address this, we enlisted one of the Polish Fellows, Aleksandra Kustra-Rogatka, to prepare a short backgrounder and a comprehensive report on the rule of law in Poland. Thanks to Aleksandra’s timely analysis, we were able to provide comprehensive coverage of the situation in the country, engage with journalists and help inform the public debate.

The second Fellows’ Exchange Meeting in Bucharest was also an excellent occasion for deepening our engagement and learning about the progress of the Fellows’ projects. Of particular note during this event was the rule of law map workshop, organised with help from Nyasha. Thanks to the input from the Fellows, we were able to advance our work on the map, but even the best minds present in Bucharest could not have foreseen what dramatic changes to the world around us would come just a few weeks later.

This cohort of Fellows has carried out their involvement in the programme under the most unexpected circumstances. The Covid-19 pandemic erupted in the middle of the Fellows’ stages, resulting in altered plans, cancelled trips and, in some cases, in Fellows stuck in countries and regions undergoing lockdowns. With closed borders and air traffic all but halted across Europe, this was an extraordinary situation. From our perspective, despite these unusual hardships, the Fellows have endured the outbreak with outstanding resilience.

The third Fellows’ Exchange Meeting was organised during these challenging circumstances, necessitating a fully online event. Organising webinars or online conferences is one thing, but holding an engaging remote meeting which would go beyond the traditional “talking heads” format is another. Thanks to the tools provided by Forum Transregionale Studien, we were able to explore a more interactive format, providing the Fellows with some brain-flexing activities. At the same time, we tried to stimulate the discussion on the timely topic of states of emergency and extraordinary legal measures introduced to prevent the spread of Covid-19.

The first cohort’s Fellowship is coming to a close, and we will soon welcome the second group of re:constitution Fellows. On behalf of DRI, I would like to take this opportunity to thank you all, dear 2019/2020 Fellows, for your engagement, dedication, talent and extraordinary resilience. It was no ordinary Fellowship and despite all the challenges, you all were an inspirational presence and invaluable contribution to the programme. Our hope is that re:constitution will build a lasting network of Fellowship alumni, who will keep in touch with each other and the programme partners long after re:constitution is over. We certainly hope that our paths will cross again!

Jakub Jaraczewski



Aylin Aydin-Cakir Explaining the Decline of Judicial Independence across Europe

Aylin Aydin-Cakir works as an Assistant Professor at the Political Science and International Relations Program at Yeditepe University, Turkey. She is also a Research Fellow at the “Research Lab: Constitutional Politics in Turkey” project that is coordinated by Humboldt University of Berlin. Aydin-Cakir holds a PhD degree in Political Science from Sabanci University, Turkey. Between 2010 and 2011 she has been at Emory University as a Visiting Research Fellow. Her research interests focus on judicial politics, comparative constitutional law, constitution-making processes, comparative political institutions and quantitative research methods. Her publications have appeared in various



academic journals such as International Journal of Constitutional Law (ICON), Law & Society Review, Political Research Quarterly, International Political Science Review, Democratization, and Turkish

Studies. Based on her studies in the field of political science, in the year 2017 she has been awarded with the Young Scientist Award (BAGEP) by the Science Academy.

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

By differentiating between de facto and de jure court-packing strategies, in my re:constitution project, I aim to determine whether there is a difference in their impacts on judicial independence. Using the synthetic control method (SCM), I have compared the effect of the court-packing strategies used in Hungary and Poland. The empirical results show that de facto court-packing strategies generate a much higher negative impact on judicial independence than de jure court-packing strategies.

Using the synthetic control method (SCM), I have compared the effect of the court-packing strategies used in Hungary and Poland.

Which events or publications inspired you recently?

Among the recent publications, the one that has much inspired me is Abadie, A., Diamond, W., and Hainmueller, J., 2015. Comparative Politics and the Synthetic Control Method. American Journal of Political

Science, 59(2):495-510. This paper introduces a new analytical method through which it is possible to study causal relations by comparing countries and avoiding selection bias. It was quite inspirational because it gives you a tool to answer many questions that were impossible to answer before.

Which stages of your professional career had the most significant impact on your work or personal development?

During my PhD research, I have been at Emory University in the United States for one year. There I met many scholars who work on judicial politics from different perspectives. Moreover, Jeffery K. Staton was my supervisor, and I learned a lot from him. I consider that period in my career to have the most significant impact on my personal development and my works in the fields of judicial politics.

**What are the questions on your mind right now?
How and where will you be looking for answers?**

In the past decade, we have witnessed the rise of populist regimes across Europe. One of these regimes' common characteristics is attacking the institutions that have the power to control and constrain the power holders. In this regard, we have witnessed the frequent use of court-curbing strategies of the populist governments. Many studies have shown that these strategies curtail the power and independence of the judiciary. Yet, I wonder how they affect public confidence in the judiciary and the legal systems in general. To find an answer to this question, I plan

to study the public attitudes towards the legal system through surveys.

What is your next project? In my next project, I plan to focus on public trust in the judicial systems across Europe. My objective is to explain whether and if so, under which conditions and how the government's attacks on the judiciary affect public confidence in the judiciary. In this regard, I plan to conduct both cross-country analyses and within-country survey experimental research.

Stefanie Beermann Legal Issues in Conjunction with the Implementation of the European Public Prosecutor's Office in particular with Regard to the Principle of Mutual Trust

Stefanie considers herself a passionate European and world citizen. She spent an exchange year in the United States, an eight-month voluntary service in South Africa and currently appreciates the vibrant atmosphere of Berlin. In Berlin and Lyon she studied law with a focus on Europeanization and Internationalization of Civil and Economic Law. Her final paper was titled "Relationship between word reporting and photojournalism within the framework of the general right of personality". After passing her first state examination in 2016, she moved to Cologne for her legal clerkship with stations at the German Permanent Mission at the United Nations in Vienna and at the Directorate-General for Justice and Consumers of the European Commission in Brussels. Throughout her academic



career, the public sector has always been a point of attraction for her. She worked at the Institute of Energy and Competition Law in Communal Management (EweRK e.V.), for the federal broadcasting network ARD in communications and for the European Department of the Admin-

istration of the German Bundestag. After having worked as a lawyer, she has been a re:constitution Fellow for the academic year 2019/2020 and is a laureat of the Federal Ministry of Economic Affairs and Energy in preparation for the German EU Council Presidency in 2020.

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

In a relationship between at least two people, trust always plays a pivotal role—especially in times of uncertainty. I was always drawn to the principle of mutual trust, which is a deeply anchored principle of European constitutional law, because it impressively shaped the judicial system in the European Union. You need vertical trust between the EU and its citizens to keep the European idea alive, but horizontal trust between the different EU institutions is just as important to ensure smooth legal procedures between Member States and European stakeholders. I am interested in how the principle of mutual trust is defined by European actors in the legislative, executive as well as judicial sector. In this regard, the newly established European Public Prosecutor's Office (EPPO) seemed to me as a good starting point to develop a set of features, since it heavily relies on cooperation and thus trust between the Member States and the EPPO authorities. I conducted semi-structured expert interviews with legal scholars and practitioners working for the Commission, the Council and the CJEU. Besides, I was interested in the psychological aspect of mutual trust and worked together with Zentrum für Vertrauensforschung (ZfV). I believe that mutual trust at European level between the institutions, Member States, but especially between the EU and its citizens, has received a new impetus particularly in the last months of pandemic-related uncertainty. This is why it remains even more pressing to tackle the foundation of this European legal structure and finally establish conceptual criteria.

In a relationship between at least two people, trust always plays a pivotal role—especially in times of uncertainty.

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

I think that Covid-19 could be a gamechanger in terms of European democracy and the rule of law, but only if the European leaders and the institutions realize the huge potential that these current times of crisis could entail. In the last years we have been witnessing alarming cases of democratic and constitutional backsliding in several European Member States. As daunting as this might have been, it certainly contributed to the fact that we had to pause and ask ourselves what ideals and values we associate with the European Union and whether we still want to move in

a common direction. Democracy remains an ongoing process and crises sometimes offer chances to reshape and further strengthen common democratic and constitutional values. In the previous months of the pandemic we could witness the intertwined processes of European institutions and lawmaking, but with a strong and unanimous result—the European Recovery Package. I hope that this capacity for unanimous European action will be transferred from the economic sphere to the rule of law and democracy, and that European leaders will succeed in restoring a robust trust of citizens in the European Union.

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

The triggering point for my project was the establishment of the European Public Prosecutor's Office (EPPO) after years of legal and political debates on EU level. The EPPO is aimed at criminal offences against the European budget and thus contributes to less corruption and misappropriation of European public funds in the Member States. Since I always liked the principle of mutual trust on European level—especially with regard to its subjective dimension—I immediately saw the link between the EPPO and mutual trust. I was thrilled to explore if the establishment of the EPPO could be seen

as a further decline of mutual trust in the EU, or rather as a means of reinstating (citizen) trust in European institutions. Still I believe that these issues are highly relevant for the European integration and acceptance

process—and could even be the decisive factors for the overall success of the European idea.

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

I always felt like I grew the most professionally and personally when I was working in an international environment. I gained valuable insight into the administrative and political structure of a European institution when I was working in DG Justice of the European Commission. In this multifaceted setting I had the privilege to participate in the Interinstitutional Trilogue and work on legal assessments from the Commission's perspective. What I came to appreciate most was the opportunity to interact with tremendously versatile and diverse legal scholars and practitioners who each held

their own perception of the application and implementation of European law. Similarly, I could broaden my legal perspective when I had numerous legal discussions while working for the German Permanent Representation to the Office of the United Nations in Vienna. These encounters always reminded me of how difficult and sometimes uncomfortable it could sometimes be to reevaluate my own legal standpoint. In the end, however, I realized that being receptive to other legal views always benefited me and contributed to advancing my legal development.

What is your next project? While exploring the depths of mutual trust research, I came across some interesting psychological studies that I would like to link to some European and international policy issues.

My focus gradually shifted from the theoretical field of mutual trust to more practice-oriented applications. I found a very interesting study about the "female leadership trust advantage in times of crises" and I am eager to translate the findings of this study to international foreign policy, since we have been witnessing some cases of validation in several countries throughout the last couple of months. I do believe that trust in general remains of paramount importance in both international politics and the European judicial and institutional system. Perhaps it will even be the decisive factor for the well-being of the European Union as a whole. I look forward to exploring further the broad issue of mutual trust, hopefully providing interesting thought-provoking impulses for the European legal and policy system.

Matteo Bozzon Political Representation. A Conceptual Exploration of the European Union as Federative Political Community beyond the Federal State

Matteo Bozzon earned his PhD in Philosophy and Law from both the University of Padua and the Humboldt University of Berlin (2018—co-tutelage). Aim of the dissertation was to analyze and problematize the juridical and philosophical categories that have been proposed in attempting to conceive the 'constitution' of the European Union beyond the democratic (Nation) State. He was Fellow at the DFG-Research Training Group "Multilevel Constitutionalism: European Experiences and Global Perspectives" (Grakov) from October 2012 until September 2015. He has worked together with the team of the Center for Research on Political and Juridical Lexicon. His research interests



include the philosophy of politics and law—with a special focus on the political-philosophical foundations of European Union law—and conceptual history. During his time as a re:constitution Fellow, he was

working on a project about the meaning and the structural transformations of the political representation inside a non-state political entity like the European Union.

How would you describe your re:constitution project to a stranger? My re:constitution project intends to examine the possibility of conceiving the principle of representation in the European Union, considered as federal community. Some scholars have seen precisely in the use of the term “representation” in EU treaties another proof of the incapacity of conceptualizing the EU without recurring to concepts of general theory of the state, pointing at the “absence of coherence” in positive law and the dissonances among the interpreters. Starting point of my investigation is the modern connotation of representation as “presentification of the absent” and its pivotal role for the modern (democratic) legitimization of power within the nation states.

This form of representation seems to undergo a crisis when observed from the point of view of the reconfiguration of the representation principle in the EU treaties and of democratic theories dealing with the so-called democratic or legitimization deficit of the EU. The precise meaning and function of representation within the European institutional framework remain open and unexplored, as well as its possible implications. By investigating the role of representation, the research contributes to critically approach the functioning of European institutions as well as both its crisis of legitimization and its justice deficit.

In what ways does international mobility impact your projects and/or the way you work? After graduating from high school, international mobility has played a major role in my scientific education and personal development. Germany has been a fundamental destination. Moreover, for various reasons, I had the opportunity to make quite long stays in the UK and US. The attempt to establish a fruitful dialogue with colleagues abroad and to start joint collaborations on research lines I worked on has been an important goal of my research activity. A huge question we must certainly face now is whether Covid-19 could represent the end of international mobility as we have known it and in what ways it will be transformed.

How did you come up with your re:constitution project? What inspired you to pursue this question? My re:constitution project was built on my doctoral

dissertation titled “Which political and legal concepts need to be re-thought to give Europe a ‘constitution?’”. The aim of that work was to analyze and problematize the juridical and philosophical categories that have been proposed in attempting to conceive the ‘constitution’ of the European Union as a non-state form of political and juridical unity. An important issue remained unsolved in that work was about the transformation of the meaning and function of political representation within the EU. That shortcoming induced me to tackle the topic, proposing it for a re:constitution Fellowship, and to articulate a project that could serve to better understand the European institutions and contribute to the debate

about democracy in Europe in a broad sense.

What fascinates you the most about your work?

The most fascinating part about what I do and the kind of research

I am pursuing is that it requires me to critically interact with a variety of disciplines, such as jurisprudence, political sciences, sociology etc. This means to always look further into new sets of topics and to develop an open (I would say “trans-disciplinary”) attitude toward problems of our “togetherness”, which takes a lot of effort, but is also source of great satisfactions.

What is your next project? My next project is to research the nature of the so-called finality of Europe. In light of its historical development, the EU is regarded as an unprecedented political and legal entity: incommensurable to classical international organizations, but also not a state, not even a federal one. Terms like “supranational union”, “federation”, “multilevel constitutionalism”, “network”, etc. express scholars’ struggle for a political and juridical conceptual re-engineering capable of comprehending what this Union is or ought to be. In this context, it is typical to have recourse to the semantics of “federalism”—not as a rigid theoretical model, but as a different way of approaching constitutional transformations in connection with the European integration process. This new project aims to “map” this semantic and, in particular, to determine the meaning of a federal conceptuality once it is emancipated from the state-form.

László Detre The Rule of Law Checklist— A Starting Point to Interpret Article 2 of the TEU?

László Detre graduated from Eötvös Loránd University, Budapest, Faculty of Law in 2010. Right after he started his career at the Constitutional Court of Hungary and ever since he has been working there as a legal adviser. László's duties range from drafting decisions of the court to providing cooperative legal studies. He was appointed as the liaison officer to the European Commission for Democracy through Law ('Venice Commission') in 2017. The very position requires László to maintain professional relationships with the Venice Commission and other constitutional courts. In this regard, László represented the Constitutional Court of Hungary at international conferences in Yerevan, Karlsruhe, Lausanne and in Rome. It shall also be highlighted that



László spent a three-month traineeship at the Secretariat of the Venice Commission in 2018 and in 2019, he participated in the International Visitor Leadership Program 'Rule of Law and the U.S. Judicial System', organized by the State Department of the United States. Besides his

professional career, László got a Masters of Law degree in 2017 at the Eötvös Loránd University from European Human Rights. László's academic interests focus on various constitutional and European law issues with special attention to the challenges of the rule of law.

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

The idea that lies behind re:constitution bears a great significance in two respects. On the one hand it brings together researchers from various fields but with common goals and values. On the other hand, it enriches the European legal thinking with special attention to democracy, rule of law and to the protection of fundamental rights. European public law is changing and by doing so it touches upon national constitutional law. Thus, exchanging thoughts and experiences prevent us from being divided and help to develop the European Legal Space based on our shared values.

Exchanging thoughts and experiences prevent us from being divided and help to develop the European Legal Space based on our shared values.

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

From the beginning of my professional activities I have been interested in the various theoretical and practical questions concerning the rule of law. Article 2 TEU indicates that there is a common acknowledgement and respect of the principle. However, the last years showed that the real question on the European level is about its interpretation. The inspiration was to emphasize that there are some common traits or standards whilst constitutional pluralism is respected.

How did your stage at Max Planck Institute for Comparative Public Law and International Law contribute to your research? My six-month academic stay in Heidelberg helped me to narrow the focus

of my professional research. I also gained a great deal of knowledge not just substantially but also regarding methodology. I shall express my appreciation and thanks for the welcoming and helpful atmosphere of the Institute and especially to Professor Armin von Bogdandy.

What questions are on your mind right now?

How and where will you be looking for answers?

Besides my general interests in the ongoing debate about the rule of law in the European Legal Space, I am

looking forward to investigate the impacts of the Covid crisis on the development of the European public law.

What is your next project?

re:constitution provided me with the opportunity to conduct my research at the Max Planck Institute for Comparative Public Law and International Law, in Heidelberg. The time I spent there convinced me to continue my academic career and not before long, as my next project, I would like to finish my PhD dissertation.

Bogdan Dima How Constitutional Loyalty affects the Separation of Powers. An Essay on Romanian Constitutional Court's Jurisprudence and Institutional Practice

Since 2007, Bogdan Dima has been teaching Administrative Law at the Faculty of Law, University of Bucharest. Starting with 2020, he also teaches Political Institutions at the same Faculty. His professional background is highly diversified and focuses on constitutional and legislative affairs, political and electoral strategies, legislative analysis and institutional building processes. He worked closely with several political parties, NGOs and different companies over the years. From April 2015 until July 2018, he worked for the Presidential Administration in Romania as Counsellor at the Department of Institutional and Constitutional Reform. Together with Prof. Simina Tănăsescu he coordinated a research project aim-



ing at analysing the constitutional reform in Romania, and published a report called "Reviewing the Constitution: Analysis and Perspectives" (2012). He is author of "The Conflict between the Palaces. Power relations between the Parliament,

Government and President in Post-Communist Romania" (2014), as well as "Choosing the Systems of Government in Democracies from Central and South-Eastern Europe" (2015).

How would you describe your re:constitution project to a stranger? The re:constitution project is a crossroad for effective networking and plain friendship. It is a place where professionals do not only meet to exchange ideas; they get the chance to develop and follow through their ideas in a natural undisturbed working environment. The true professional networks are those where participants have a very clear idea about how and why they entered, but they have no expectations about how far their peers will take them. This is why the re:constitution project is one of the best programs of its kind in Europe: it offers the most unexpected best outcome for your professional project.

How did you come up with your re:constitution project? What inspired you to pursue this question? The excessive activism of the Romanian Constitutional Court determined a specific and flamboyant interpretation of the principle of loyal cooperation which originally was used quite loosely by the Venice Commission in an Opinion drafted in 2012. Because I have studied in detail the original meaning of the separation of powers in the Romanian post-communist Constitution, I am now convinced that the content of the principle of loyal cooperation, as it was developed by the Constitutional Court in the last 10 years, created a lot of institutional unwanted and dangerous distortions within the Romanian system of government. Thus, my project is about better understanding the concept of loyal cooperation with regard to the classical principle of the separation of powers not only in the particular case of Romania, but also with a comparative twist, meaning the way in which the principle of loyal cooperation is reflected in the opinions of the Venice Commission, as well as in the case-law of the German and Polish Constitutional Tribunals.

How important will international mobility be for your future professional development? The fundamental aim of the re:constitution programme is to act as an efficient booster for international mobility within the framework of European democratic space. In fact, the whole programme is engineered to enhance international mobility by promoting 'stages' for Fellows in different universities as well as in different national and European institutions. In a European and trans-atlantic

world where the understanding on the constitutional dimensions of the rule of law is facing divergent developments under the impact of populist and autocratic political forces, international mobility is more necessary than ever before. There is an authentic need to spread and promote a stable and tempered democratic understanding of the rule of law. As a young constitutionalist, I truly believe that I have not only an academic need, but a duty to use international mobility to learn, promote and develop the fundamental core of any constitutional democracy: guaranteeing the rights and liberties of the individual and limiting the political power through law.

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards? Democracy is always a working project. I never liked those authors who were thrilled about the end of history. I think democracy is on a loose nowadays. Among other causes, it escaped also the confinement of stable reasonable understanding of the relation between law and politics. On the one hand, the rule of law became more and more a political issue and/or plain rigid technical indicator for assessing countries, institutions and individuals. In fact, it is a general principle promoting the values of limiting power through law within a stable constitutional framework of cooperation by necessity between separated branches of government. On the other hand, the political power became too legalistic, thus changing its fundamental core from reaching decisions through negotiations between competing groups of interests into reaching decisions through courts of law and constitutional tribunals. Therefore, democracy is in danger nowadays because at some point in the recent past the just balance between law and politics was broken. Too much law in politics is not necessary conducive to more democratic politics.

What is your next project? I would like to identify the different types of institutional profiles for magistrates (judges and prosecutors) in six EU member states: three established consolidated Western democracies (Germany, Italy, Spain), and three newly developed post-communist democracies in Central and Eastern Europe (Hungary, Poland and Romania). This institutional profiling is built upon specific data regarding the

institutional infrastructure and conditions for entering the profession of magistrate, and, afterwards, for career development. How contenders are selected to become magistrates, which legal and ethical conditions they should fulfil before being selected, what kind of exams they have to pass in order to enter the profession, are the selection processes prone to promote diversity among magistrates, how much time should one train for the profession of magistrate before executing it, what are the appointment procedures for leadership positions within the judiciary, how are magistrates evaluated, by

whom, when and how do magistrates advance in their careers, and many other questions would be answered in detail in a comparative study. It is my conviction that such rather technical and detailed issues are not sufficiently known, analyzed and promoted neither in academia, nor in the representative European bodies of the magistrates; however, these institutional profiles for magistrates have a strong impact on the way in which the human capital guaranteeing the independence of the justice and the rule of law is selected and promoted.

Tarik Gherbaoui Citizens of Nowhere?

The Revocation of Citizenship of Foreign Fighters and its Impact on Democracy and the Rule of Law

Tarik Gherbaoui is a researcher at the Law Department of the European University Institute in Florence. His doctoral research investigates the European criminal justice response to foreign fighters. His research interests include the interplay between counter-terrorism and human rights, the functioning of the UN Security Council, and freedom of expression. He holds a Master of Laws degree from the European University Institute, a Master of Laws degree from Sidney Sussex College, University of Cambridge, and a Bachelor of Laws degree from the University of Amsterdam. In the context of his doctoral research, he was a visiting doctoral researcher at the London School of Economics and



Political Sciences in 2017. He is also a senior editor of the European Journal of Legal Studies. Previously, he acquired professional experience in the field of diplomacy at the European External Action Service

and the Ministry of Foreign Affairs of the Netherlands, as well as in law practice at the International Criminal Tribunal for the Former Yugoslavia and international commercial law firms.

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

European governments have recently adopted laws that allow them to deprive suspected terrorists of their citizenship. Lawyers and legal scholars generally oppose this development because they consider depriving suspected terrorists of their citizenship as ineffective or even counterproductive, in addition to potentially leading to violations of international human rights law. My project investigates and compares the law and practice of citizenship deprivation in the Netherlands and the United Kingdom. Its aim is to assess whether such practice is in accordance with the rule of law and international human rights law. In particular, my project explores the tension that exists between deprivation decisions made by democratically elected governments, decisions which appear to be approved by a non-negligible segment of the public, and the limitations imposed by the rule of law.

How important will international mobility be for your future professional development? Through the re:constitution Fellowship's activities and perhaps even more through the exchange of thoughts and ideas with other Fellows, I learned a lot about pertinent legal issues in countries such as Poland, Hungary and Romania that are on the same continent as my country but I was hitherto not very familiar with. I firmly believe that a culturally and linguistically diverse continent such as Europe could benefit from a high degree of cross-cultural understanding which can only be fostered through international mobility that goes beyond holidaying in each other's cities. On a more personal level, the opportunity to conduct research in fabulous places such as London and Vienna and to interact with lawyers from different legal traditions has been instrumental to adopt a truly international perspective in my work.

I am afraid Covid-19 and the governmental response to it will keep international legal scholars busy for the foreseeable future.

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

Just after I completed my undergraduate degree, I worked on a defence case at the International Criminal Tribunal for the Former Yugoslavia in The Hague for several months. While the work was tough and non-remunerated, it was a deep dive into the world of international law which proved extremely valuable to my career and personal development. I also realised that practicing law at the international level requires a rather different set of skills than the academic study of law. The opportunity to work alongside some outstanding international lawyers from many different countries shaped my ambition to work on cross-border legal issues ranging from trade agreements to counter-terrorism laws.

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

Sarajevo fascinates me enormously. It may sound slightly cliché, but the Bosnian capital is the actual crossroads between east and west, even more so than Istanbul. On the very same street, one can see Austro-Hungarian as well as Ottoman architecture, interspersed with dilapidated Communist-era buildings. Previously an extraordinarily cosmopolitan place, Sarajevo is full of mosques, Orthodox churches, Catholic churches, and synagogues. The views from the surrounding hills and the proximity of the largely untouched countryside of Bosnia and Herzegovina make it an outstanding yet underrated destination in Europe.

What is your next project?

I am afraid Covid-19 and the governmental response to it will keep international legal scholars busy for the foreseeable future. I would like to contribute to the debate by further exploring the vast rule of law implications of this extraordinary situation, for example by analysing the use of security legislation in the legal response to Covid-19.

Csaba Győry Judicial Reforms and the Rule of Law in Central and Eastern Europe

Csaba Győry is an Assistant Professor of Law at the Centre for Law and Society at ELTE University, Faculty of Law, Budapest, and a Researcher at the Institute for Legal Studies, Centre for Social Sciences, Hungarian Academy of Sciences. Previously, he worked for the Max Planck Institute for Foreign and International Criminal Law in Freiburg, Germany. He has also been Visiting Lecturer at Manchester University School of Law. He studied law and philosophy at ELTE University in Budapest, Hungary and Humboldt University of Berlin, holds a JD from ELTE University Faculty of Law, and defended his PhD in law at the Albert Ludwig University of Freiburg, Germany. Csaba also serves on the Executive Board of the European Society of Criminology. He has two main research



interests: corporate crime, especially criminality on the financial markets; as well as sentencing and criminal justice. In his dissertation, which combined comparative legal analysis with the ethnographic study of everyday practices at regulatory agencies, he looked at the regulation and enforcement

of securities fraud in the United States and Germany. Recently, his interest increasingly turned towards the operation of criminal justice in Central and Eastern Europe, especially to the challenges caused by penal populism and politicization of the judicial process.

How would you describe your re:constitution project to a stranger? I am looking at how attacks on the judiciary and the erosion of judicial independence plays out within judicial organizations in Poland and Hungary. My main interest is not the constitutional and legal frame (though these are obviously important, and I do analyse them), but the everyday practices within the judicial system. The main idea here is that for reasons ranging from EU membership and in the shadow of larger legal changes brought about by large-scale judicial reforms, there are more subtle shifts in organizational practices that are equally important contributing factors in the erosion of the rule of law and judicial independence.

I am a qualitative empirical researcher through and through, with a particular fondness for ethnography. I really like being in the field.

How did you come up with your re:constitution project? What inspired you to pursue this question? The project was triggered by two things. The first was my increasing alarm at the transformation

I was witnessing as an empirical researcher but also as a citizen in the Hungarian judicial system. The second was my dissatisfaction with the mainstream debate on the erosion of the rule of law in Eastern Europe. I found the binary view that

a legal system is either based on the rule of law or not too crude: my experience told me that rule of law, rule by law, and informal exercise of political power over judicial decisions can stably coexist in a judicial system. I also felt that the mainstream discourse failed to sufficiently

theorize the context and oversaw subtle “street-level” changes in organization practices within the judicial system, which were just as important as larger judicial reforms. I thought that the sort of qualitative empirical, ethnographic research I had experience with can shed light on these and contribute to our understanding to the erosion of the rule of law.

What fascinates you the most about your work?

I am a qualitative empirical researcher through and through, with a particular fondness for ethnography. I really like being in the field, talking to people, noticing things. The moment when after a long and frustrating period of shifting views and endless reflection things start to clear up and a structure starts to emerge especially fascinates me.

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

I am rather pessimistic, at least short and medium term, for two reasons. First, although I think the regimes established in some Eastern European countries such as Hungary are much more fragile than they appear, I fear that these regimes created an institutional environment in which power can only be exercised only the way it is now. Whoever comes next, will govern the same way. Second, I fear that the

window to institutionalize rule of law conditionality has been closed. The deal, or rather fudge achieved at the EU Council Meeting in July 2020 in this respect might turn out to be akin to the compromise that ended the reconstruction era in the United States: for the purported sake of the unity or existence of the Union, states were allowed to deviate from the fundamental values of the Union. I hope though, that the Commission will end up developing more powerful tools, which, even if they remain on paper due to short-term political considerations, can be used in the future, just like the reconstruction era constitutional amendments.

What is your next project? I would like to extend the current project with further comparisons. Among others, I am thinking about Germany, where judicial independence exists with comparably few institutional guarantees, and the US federal system, where the judiciary is very politicized (I have experience in conducting qualitative empirical research on the judicial system in both countries). I think that—for example—the understanding how and why judicial independence can exist in a system where the selection of judges is very politicized, and can be threatened in another one where the selection is ostensibly neutral can greatly contribute to our understanding of the challenges for the rule of law in Europe and beyond.

Martin Joormann The Protection of Asylum-Seeking Families: National Migration Policies, Common European Asylum System and International Refugee Law

Martin Joormann earned a PhD in Sociology of Law. His thesis, entitled “Legitimized Refugees” (supervisor Reza Banakar, defended 3 May 2019), has been published by Lund University. To summarize it very briefly, the thesis investigates the question of how the Swedish migration bureaucracy’s highest

legal instance, the Migration Court of Appeal, legitimizes decisions that affect the lives of asylum seekers. Based on critical discourse analysis of precedents and informed by semi-structured interviews with judges, it illustrates the textual construction of last-instance decisions that concern families with children; class, ethnic-

ity, religion, gender and sexuality; and the policy of ‘regulated immigration’. During his employment (2014-2019) as Doctoral Candidate at Lund—of which he spent six months on a scholarship as Visiting PhD Candidate at the Centre for Socio-Legal Studies, University of Oxford—Martin has been working

in both research and teaching at Lund's Department of Sociology of Law. Moreover, since 2018, he has been co-editing (together with Dalia Abdelhady and Nina Gren) a book, preliminary title "Northern Encounters: Refugees and the Violence of European Welfare States", for Lund's Center for Middle Eastern Studies. This edited volume is scheduled to be published with Manchester University Press in 2020.



How would you describe your re:constitution

project to a stranger? My project investigates the role that 'rule of law' should play when asylum-seeking families apply for refugee protection in Sweden within Europe. I have critically examined this in two of the empirical chapters of my PhD thesis (published as a monograph by Lund University in 2019). For my re:constitution Fellowship, I developed this analysis in the form of two journal articles, which take this examination one step further. One article is already written and I plan to submit it to an international scientific journal by September 2020. Currently, I am working on the second article.

We must all seek to contribute to a world where the destructive political actors (...) are becoming less powerful.

In what ways does international mobility impact your projects and/or the way you work?

International mobility is extremely important for my work as a university researcher and teacher in higher education. Both my re:constitution Fellowship (2019/2020) and my upcoming research for the VR International Postdoc (2020-23) are dependent on the possibility to be mobile across national borders. I just hope that the Corona-pandemic will end soon.

What is your favourite place in Europe (off the beaten track)? My favourite place in Europe is Turkey. I know that it can be discussed where 'Europe' starts and ends, but a part of Turkey is definitely European (and not only geographically). Therefore, I also think that the EU is

missing out on a lot of potential by not offering a realistic perspective to the Turkish population that their country can become part of the Union.

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

The current situation regarding 'rule of law' and democracy in Europe is serious. Right-wing, anti-immigration, racist, nationalist and even some outright fascist actors are gaining strength in many European countries. The only response to this threat that I can see is political mobilisation. We must all seek to contribute to a world where the destructive political actors listed above are becoming less powerful. In short, we, as the population, must convince ourselves that these actors do not have the right answers.

What is your next project? Also thanks to my re:constitution project, I have been granted a VR International Postdoc (3-year full-time research funding from the Swedish Research Council). For my postdoc project, I will map (and also compare) the possibilities that asylum seekers have when they want to access the appeal instances of the migration bureaucracies in Germany, Denmark and Sweden. This research will, among other empirical aspects, include the collection of semi-structured interviews with German, Danish and Swedish judges.

Władysław Józwicki Rule of Law in the EU: Between Scylla and Charybdis of Constitutional Identity and Common Constitutional Traditions

Władysław Józwicki is Assistant Professor at the Constitutional Law Chair of Adam Mickiewicz University in Poznań, where he teaches mainly Constitutional Law and Human Rights Law. During his re:constitution Fellowship in 2019/2020 he was Visiting Fellow at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. In 2018/2019 he was Visiting Fellow at iCourts (The Danish National Research Foundation's Centre of Excellence for International Courts). Władysław received his PhD in Law from Adam Mickiewicz University in Poznań (2018, with distinction). He holds an MA in Law degree (2011, first class) therein, an MA in Political Sciences from University of Warsaw (2009, summa cum laude) and a BA in Political and International Studies with a Joint Degree from Middlesex University in London (2006, First Class Honours). He is a Graduate from



EIUC Venice Academy of Human Rights (2016 and 2017) as well as from the EUI Summer Academy in EU law (2013) and in Human rights law (2013) as well as from the Law and Logic Summer School (2019). He acquired experience as a Researcher as Member of the European Commission funded (FP-7) large scale research project coordinated by Leuven Centre for Global Governance Studies

on "Human rights in EU external relations and internal policies" and as Member of the Polish National Centre for Science research project on Commentary to the ICESCR. In 2015, Władysław served as a Constitutional Law Expert at the Chancellery of the President of the Republic of Poland for nine months. He is Member of the Polish Association of Constitutional Law.

How would you explain your re:constitution project to a stranger? My project was aimed at finding out whether the rule of law principle and its discontents constitute a common legal heritage of the EU Member States of a uniform character (at least when it comes to a catalogue of common goals to be achieved—like those listed by the Venice Commission in the "Rule of Law Checklist") or whether the divergences in the approach to the principle and its elements arise to a scale, which makes it necessary to tolerate some of them by the community under Article 4(2) TEU. My objective was also to

find out, if the latter would turn out to be true, how to make such 'tolerance' operational and not counterproductive from the EU perspective, if that is at all possible.

In what ways does international mobility impact your projects and/or the way you work? In my opinion, international mobility is one of the most inspiring opportunities in academic life. Mobility between the best academic centres in certain fields allows to confront one's ideas with the brightest minds, of people working on similar issues, who may have different perspectives,

different backgrounds and may look at things from different angles. That gives a unique chance to make your own ideas clearer, more convincing and responding to, or maybe even solving, much more complex challenges. The MPIL in Heidelberg, which I had a chance to visit during my re:constitution Fellowship is definitely one of such places.

How important will international mobility be for your future professional development? I hope that after the Covid pandemic I will be able to go back to fully benefiting from the academic mobility, get to know new scholars, new places and new ideas. I would also be very happy to be able to return to some of the best places like the MPIL or iCourts in Copenhagen. Most importantly, I hope I will be able to receive valuable feedback and constructive criticism on my work regarding the debated issues in the more and more turbulent field of European constitutionalism.

What questions are on your mind right now? How and where will you be looking for answers? As I mentioned, the current times and the pandemic raise many questions. In the field of law, from my perspec-

I hope that after the Covid pandemic I will be able to go back to fully benefiting from the academic mobility.

tive, one the most interesting seems to be the question concerning legal frames for effective but still respecting democracy, fundamental rights and the rule of law responses to the crisis. I hope for a valuable thought exchange on the issue in the academic literature but also on conferences as well as possibly among the re:constitution Fellows.

What is your next project? I haven't decided yet. I have two different ideas in mind. One concerns the most timely issue, which has so heavily affected all of us in 2020, which of course is the Covid pandemic. I was thinking, actually with some colleagues from the re:constitution cohort, about analysing it from the perspective of the rule of law principles and the emergency doctrines at the global, regional and domestic levels. Do the current understanding of the rule of law criteria and the emergency doctrines provide us with sufficient tools to effectively deal with such kind of crises? The other idea concerns the perhaps a little less timely but still current issue of particular strategies by domestic and international courts of a dialogue through conflict, which in my opinion are unfortunately becoming more and more popular, especially in the EU.

Aleksandra Kustra-Rogatka European Constitutional Pluralism in Face of Democratic Backsliding. Towards Pluralistic Legitimization of External Review of Constitutional Amendments in EU Member States

Aleksandra Kustra-Rogatka is Associate Professor at Nicolaus Copernicus University in Toruń. Previously she worked as a Legal Clerk at the Constitutional Court of Poland (2008-2017). She

was Visiting Researcher at Georg-August-Universität Göttingen (2006), Freie Universität Berlin (2010) and Libera Università Internazionale degli Studi Sociali Guido Carli in Rome (2020). Her research

interests cover comparative constitutional law, European constitutionalism and legal philosophy. She has published on topics such as the impact of the European integration on constitutional law of the EU

Member States, judicial review in Poland, transitional justice and the rule of law in Europe. She is a Member of the International Association for Philosophy of Law and Social Philosophy (IVR) and the International Society of Public Law (Central and Eastern European Chapter).



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

My project for re:constitution focused on correlations between constitutional pluralism and democratic backsliding in Member States leading to abusive constitutionalism. Constitutional pluralism is definitely one of the theoretical concepts that form the foundations of European Constitutionalism. Despite its success, the theory has often been criticized for its lack of normative prescriptions and legal certainty in resolving the question of the final arbiter in the EU, and more recently for having destructive consequences in times of illiberal democracy, new populism and abusive constitutionalism. Nevertheless, the project is based on the antithetical hypothesis that constitutional pluralism remains the best basis for the theory of European constitutionalism. It concentrates on perspectives for using normative arguments from both the European Union law and the constitutional law of other Member States to supranationally and transnationally anchor the concept of restrained constitutive power. Particular emphasis has been put on the phenomenon of abusive constitutionalism defined by D. Landau as using the tools of constitutional amendment and replacement by would-be autocrats to undermine democracy with relative ease. The research offers thus an alternative look at European constitutionalism based on constitutional pluralism and claims that it can constitute a form of self-imposed external constitutional discipline on national democracies.

Contemporary constitutionalists have to think out of the box in order to understand and describe contemporary public law.

What questions are on your mind right now? How and where will you be looking for answers?

The current world situation raises a number of questions. Some of them are related to the projects I am working on now: How does the Covid-19 pandemic affect liberal democracy? Does environmental constitutionalism fit into the modern paradigm of constitutionalism understood as self-limitation? If not, does it require the transformation of the existing paradigms or a formulation of a new one? What is the relation between environmental constitutionalism and democratic theory? What are the key elements of contemporary theories regarding judicial review legitimization? While looking for answers, I am trying to go beyond research methods typical for legal science and use research tools characteristic for other social sciences.

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

The current situation of democracy and the rule of law in Europe is very dynamic. Democratic backsliding, growing public support for populist movements and the rule of law crisis observed in several European countries make us reflect on causes of these phenomena. The ongoing Covid-19 pandemic also affects the political situation in Europe, both on national and supranational level. The last few years do not give me cause for optimism—Europe is moving backwards. Nevertheless, we should not forget

that every crisis is an opportunity for development. Perhaps, the one that we are currently observing in Europe (but which undoubtedly has a global dimension) will ultimately contribute to strengthening civil society and realizing that the ideas of democracy and constitutionalism should be understood as complementary and not conflicting categories.

What fascinates you the most about your work?

I am a constitutionalist and what fascinates me the most in my work are the current changes in public law. They often require a reinterpretation or even a redefinition of the existing basic concepts, such as constitutionalism or democracy. These changes take place on many levels and have a social, political, economic and cultural background. This means that contemporary constitutionalists have to think out of the box in order to understand and describe contemporary public law. Creative thinking about contemporary constitutional law is on the one

hand a challenge, but on the other hand one of the most interesting elements of my work.

What is your next project? Currently I am working on several new projects. The first one is about the newest theories regarding one of the most popular topics of legal and political philosophy which is the legitimization of judicial review. I focus on the argument of fundamental rights protection in this regard. The second project aims for investigating theoretical and socio-legal dimensions of environmental constitutionalism. While on the comparative and international level environmental constitutionalism has gained a lot of academia's attention within the last decades, on the theoretical level of constitutional theory and legal philosophy as well as on a socio-legal level it is still at the stage of forming a research agenda. This research project aims for filling this gap. I am also involved in an international research grant regarding the future of liberal democracy after Covid-19.

Noémi Lévy-Aksu Defining and Challenging Emerging Powers in post-2001 Europe: the Role of Parliamentary Oversight and Litigation in France and the United Kingdom

Noémi Lévy-Aksu received her PhD in History from the École des hautes études en sciences sociales (EHESS) in Paris in 2010. She worked as an Assistant Professor in History at Boğaziçi University (Istanbul) until 2017. She was a British Academy Newton International Fellow at Birkbeck College, School of Law in 2016-2018 and a Teaching Fellow at the London School of Economics in 2018-19. Her past research and publications focused on late Ottoman and Turkish social and legal



history and she is now completing a book manuscript on regimes of exception in the Ottoman Empire and Modern Turkey. She received a Graduate Diploma in Law in 2018

and has been involved in human rights advocacy and legal work since then, with a special focus on Turkey, international public law and torture. She is a Trustee of the

Centre for Democracy and Peace research and has worked as a pro bono Lawyer with the Redress Trust since February 2019.

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

My project aims to discuss the contemporary use of emergency powers in European states, with a special focus on the different mechanisms available to monitor and challenge emergency measures in the post-2001 era. It offers a comparative insight into the impact of emergency powers and security policies on the rule of law and balance of powers in France and the UK, two countries characterised by very different constitutional and legal traditions. Besides analysing the challenges to fundamental rights represented by the recent uses of state of emergency and counter-terrorism provisions in these two countries, my research attempts to assess to what extent legislative bodies and the judiciary have managed to control emergency measures that would threaten constitutional balances and citizens' rights. It also highlights the critical role of civil society, including academics and non-governmental organisations, to document, analyse and publicise the consequences of the widespread use of emergency powers.

My project (...) offers a comparative insight into the impact of emergency powers and security policies on the rule of law and balance of powers.

In what ways does international mobility impact your projects and/or the way you work?

So far, international mobility has played a huge role in shaping my project and career. I moved from France to Turkey before starting my PhD in history, and I remained in Istanbul until 2016, first as a PhD student and then as an associate professor. My work focussed on policing and the state of emergency in the late Ottoman Empire and modern Turkey, topics which were partly inspired by my experience in Turkey. Moving to London in 2016 was another turning point, as I started to study law and gain work experience in non-governmental organisations, with a special focus on human rights. In the framework of the re:constitution project, I had the opportunity to meet with academics working on the state of emergency

at Nanterre University, although the Covid-19 pandemic partly hindered the intended mobility. Back in Turkey, I will focus on human rights issues in this country.

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

I don't plan any international mobility in the short term. While believing in the importance of international mobility for personal and professional development, as a single mother I have found it increasingly difficult to articulate mobility with family responsibilities. In addition, continuity and rooting my work in a specific context are more important for me at this stage. On the other hand, while the current pandemic and increasing use of online communication are resulting in alternative ways to participate in international networks, I still believe that face-to-face meetings do make a difference and I hope to be able to take part in international meetings and panels when the pandemic is over.

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

Working with two London based NGOs in 2018-2019 had the biggest impact on my trajectory. This was my first experience of legal work in the human rights area, as well as my first non-academic work experience. I enjoyed working in teams, assuming new responsibilities and familiarising myself with different methods and goals. This experience strengthened my motivation to leave academia to focus on more practice-oriented work.

What is your next project?

I have started to work at the Hafıza Merkezi (Memory, Truth and Justice Center) in Istanbul. My work will focus on human rights violations, collective memory and justice in Turkey.

Taygeti Michalakea Democracy and Rule of Law in Europe: Revisiting the Role of Corporate Actors

Taygeti Michalakea received her PhD in International Law from Sant' Anna School of Advanced Studies in Pisa, Italy. She has specialised on business and human rights, as well as the role of corporate accountability in transitional justice settings. During her PhD, she collaborated with Javeriana University in Bogota, Colombia and the Human Rights Centre of the University of Essex. She holds a BA in Law from Athens Law School and an LL.M. from Utrecht University. Previously, she worked as a Legal Officer for the United Nations Interim Administration Mission in Kosovo and as a Lawyer in Greece.



She also has experience in working with various NGOs in Greece and the Balkans, the International

Criminal Tribunal for the former Yugoslavia and the Greek Ombudsman.

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

My re:constitution project gave me the opportunity to develop my research on the implications of private entities' activities on rule of law and corruption. I analysed the reasons and modalities of a potential expansion of the concepts of rule of law and corruption to cover private entities, as well as the possibility to develop respective indicators.

During the Fellowship, I conducted a visiting research period at the European University Institute and I travelled to Berlin, Luxemburg and Bucharest to participate in seminars and conferences organised by re:constitution regarding democracy and rule of law. Most importantly, I met scholars with similar academic interests, with whom I am in constant communication in order to organize future collaborations.

Which events or publications inspired you recently?

As most people, lately, I have been pondering a lot over Covid-19. I am wondering how this new

situation will affect our future and more specifically how it will change social relations and how it will alter our professional life in general, and academic professional life in particular. I am also curious to see how digital technologies that dominated due to Covid, will expand to more aspects of our life. Lastly, I am contemplating how Covid has changed the substantial predicament of my research; whether the focus has shifted to slightly different research and methodological questions.

In what ways does international mobility impact your projects and/or the way you work?

International mobility is a fundamental aspect of my work, since I conduct the biggest part of my research focusing on conflict zones. For this type of research, it is always beneficial to carry out field research, on top of traditional desk research. Beyond that, international mobility through conferences, seminars and 'stages', enables the exchange of ideas and the birth of new projects. It provides a

I met scholars with similar academic interests, with whom I am in constant communication in order to organize future collaborations.

structure that is less formal in comparison to journal fora, and for this reason facilitates dialogue and genuine interaction. For those reasons, mobility suits perfectly the way I work and greatly assists the development of my ideas.

How did your 'stage' at the European University Institute contribute to your research?

It contributed greatly to my research, as I was able to collaborate with senior academics in fields relevant to my interests. Furthermore, I was able to attend various seminars, workshops and conferences on multiple topics, which enriched my knowledge and triggered new ideas for my research.

What is your next project? During my next project, I will be based in Athens, at the University of Political and Social Sciences, as a Post-doctoral Researcher. I will conduct research under three different thematic headlines. Firstly, I will build on the research carried out during my re:constitution Fellowship and engage more in depth with the intersection of rule of law with the private sector. Furthermore, I will continue to carry out research on conflict, transitional justice and corporate accountability, a topic that has been the core of my interest since my PhD. Lastly, I will collaborate with other researchers, on developing the concept of environmental security and environmental rule of law, with a focus on fragile and conflict states.

Hoai-Thu Nguyen Our Mind, Our Business? — Protecting Democratic Will-Formation in the EU in the Digital Age

Thu Nguyen is Policy Fellow for EU Institutions and Democracy at the Jacques Delors Centre at the Hertie School of Governance in Berlin. Previously she worked as an Assistant Professor in European and comparative constitutional law at Maastricht University. She received her PhD from Maastricht University in 2018 with a dissertation entitled “An Uneven Balance? A Legal Analysis of Power Asymmetries between National Parliaments in the EU”. She holds law degrees from Maastricht University and the College of Europe (Bruges) and is a fellow of the Montesquieu Institute



Maastricht. Her main research focus lies on representative democracy and the role of parliaments in the EU and its Member States.

How would you explain your re:constitution project to a stranger? My re:constitution project focused on democratic will-formation processes in times of social media. Elections in the 21st century are increasingly

affected by the rise of technology and social media. Democratic systems in the European Union rest on the idea of direct, free, equal, and secret elections, combined with an unrestricted free market of ideas and free flow of informa-

tion. Facilitated access to information through technological developments and social media can promote citizens' (equal) participation in democratic processes. At the same time, voters can, through the manipulation and individual targeting of information and in the absence of proper campaign regulations in the online sphere, be influenced in a much more unregulated, and possibly illegitimate, manner than was possible before, in particular where their free will-formation process is concerned. In my project I investigated how political will-formation in the EU can be protected against technological impediments without at the same time impinging on democratic values such as the right to free speech.

What questions are on your mind right now? How and where will you be looking for answers? I am currently concerned with the question of how to best design accountability mechanisms in differentiated integration within the framework of the Horizon2020 project EU IDEA—Integration and Differentiation for Effectiveness and Accountability. Differentiation has become an integral part of European integration in the past decades, both inside and outside the EU legal framework, with the Eurozone and the Schengen area being good examples thereof. At the same time, differentiation poses particular questions on how to organize accountability in an EU in which different groups of Member States participate in very different forms of integration. In my part of the project, I look to explore different mechanisms for democratic scrutiny and participation in differentiated integration by analyzing models of accountability that exist under supranational, intergovernmental, and regulatory arrangements of differentiated governance, and to develop a comprehensive accountability framework for differentiated integration in the EU.

I think at the end of the day, the most basic question is always: who has the competence and power to do what and who decides on this.

Which stages of your professional career had the biggest impact on your work or your personal development so far? My PhD had the biggest impact on both my work and my personal development. It was a very challenging period but at the same time, I had the opportunity to learn incredibly much from my supervisors, my wonderful colleagues at the Faculty of Law at Maastricht University, and of course all the students I had the pleasure to teach over the years. I also met great friends along the way, and the topic of my PhD—which was about national parliaments in the EU—had a decisive impact on the career path I took after the PhD.

What fascinates you most about your work? My work focuses on democracy in the European Union, both online and offline, and both from an academic and a policy-oriented perspective. What fascinates me the most is the interaction between the European and the national level of democracy and how both levels are inextricably intertwined in the EU. I think at the end of the day, the most basic question is always: who has the competence and power to do what and who decides on this? This is not only a very fascinating question but also one that never gets old.

What is your next project? Since the start of the re:constitution Fellowship, I left my position as Assistant Professor at Maastricht University and joined the Jacques Delors Centre at the Hertie School of Governance in Berlin as a Policy Fellow. My work now focusses on policy analyses in the field of EU institutions and democracy. This includes a variety of issues such as the EU recovery fund, rule of law conditionality, the German Council presidency, or accountability in differentiated integration.

Stoyan Panov “Two is not enough, three is too many?”: An Analysis of EU’s Multi-layered Response to the Backsliding of Democracy and the Rule of Law in Central and Eastern Europe

Dr. Stoyan Panov is a Lecturer in International Law and Jurisprudence at University College Freiburg, Albert-Ludwigs-Universität Freiburg. He received his PhD (Law) at University of Birmingham (UK), his LL.M. in Leiden University. Stoyan also studied at Georgetown University and DePauw University. His PhD dissertation was on the topic of the principle ‘extradite-or-prosecute’ for international crimes in international law. His research interests cover the areas of EU law, human rights law, international criminal law, international law, the rule of law, anti-corruption mechanisms, and international security. He has



published on topics such as liability for international crimes, applicability of the European Arrest Warrant and the establishment of the European Public Prosecutor’s

Office, populism and the rule of law, human rights protections in preventive seizure and confiscation of assets and property, among other topics.

How would you explain your re:constitution project to a stranger? The EU has been experiencing threats to the democratic structures, fundamental values and the rule of law in some EU member states. There is an observable backsliding as regards the rule of law standards, often influenced by super-majoritarian, populist-influenced governance in some Member States. In that sense, it is important to understand what the EU can do to respond to such challenges, especially as the discussion is instrumental for the next EU budget framework period and how pandemic measures are applied and enforced by the government. I explore the existing and proposed EU mechanisms in terms of their purpose, function and effectiveness.

I also want to explore whether the EU would become the norm and practice standard setter on international level when it comes down to the rule of law.

How important will international mobility be for your future professional development? My project requires comparative analysis from different jurisdiction (domestic and supranational) and international mobility is important for my work.

What questions are on your mind right now? How and where will you be looking for answers? As a result of the re:constitution Fellowship and the respective research performed over the course of the last year, I have realized the multifaceted nature of my project. I have been trying to examine my topic from a broader perspective and to see what role the EU would play in how the rule of law norms and standards develop on international level (not

only limited to the constitutional perception of the rule of law but also in fields such as emergency powers and the rule of law, and even climate change and the rule of law). Expanding the horizons!

What fascinates you the most about your

work? It's evolving and changing, never a dull moment... One needs to keep looking for practices and examples, and the analysis needs to be up-to-date.

What is your next project? As the topic of the role of the EU with respect to the rule of law and protection of the financial interest of the EU has remained high on the agenda in the EU (for example, in light of the recent EU budget and Recovery package decisions), I intend to pursue and develop further my research on the topic. Additionally, I also want to explore whether the EU would become the norm and practice standard setter on international level when it comes down to the rule of law.

Neliana Rodean Defending Constitutional Democracy in Romania: Towards a Judicial Approach

Neliana Rodean is Adjunct Professor of Constitutional Law at University of Verona, Department of Law, Italy, receiving her PhD from the same university in 2014. She served as a Visiting Researcher at Columbia Law School, University Carlos III de Madrid, Max Planck Institute (Munich and Heidelberg) and was CooperInt Fellow at Miami School of Law. She lectured at Sciences Po—Institut d'études politiques de Paris, and was Erasmus Professor at LMU Munich, Universidade Católica Portuguesa do Porto, Universidad Las Palmas de Gran Canaria, University Babeş-Bolyai Cluj. Her research interests include constitutional law, comparative constitutional law, European Union Law, focusing on direct democracy, federalism and regionalism. She is the author of the



monograph “Popular Initiative into European Labyrinth” (2014) and many research papers in national and international reviews. She is a member of the International Association of Constitutional law (IACL), the International Public Law Association (ICON-S), Younger Comparativists Committee (YCC) of

American Society of Comparative Law (ASCL), Devolution Club, the Réseau académique sur la Charte sociale européenne (RACSE)—Section italienne. She is also honorary member from abroad at the Romanian Association for Law & European Affairs (RALEA).

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

In recent years, the idea of rule of law challenges in states jeopardizing democratic

values and principles involved me more and more. I was looking for an opportunity to study and develop an analysis especially with regards to Romania. My

project sustained that the political method is not sufficient to ban reforms against European values (i.e. as in Hungary), and the closure of constitutional democracy would facilitate populist forces even more than the populism trend deriving from EU's interferences. Firstly, I investigate whether populism is a phenomenon that simply concerns policies or has a significant impact on constitutional democracy itself; second, I describe the pros and cons of both mechanisms

used to safeguard constitutional democracy, and demonstrate that a judicial approach facing infringement of the rule of law would prevent democratic backsliding there.

As an Adjunct Professor it fascinates me to be close to my students and transmit them my knowledge and my experience abroad.

In what ways does international mobility impact your projects and/or the way you work? I was in contact with scholars and experts which help me to better understand the concepts and the practice in some Central and Eastern European Member States. In particular in Romania, where there is not a big literature on this topic, the internship and contacts with officers and a judge at

the Constitutional Court were very helpful to draft a paper on the rule of law in that country.

How important will international mobility be for your future professional development? It was important because I create my network of contacts and persons interested in the same topics and we organize a workshop and seminars for the students at Universitatea Babeş-Bolyai in Romania.

What fascinates you the most about your work? First of all, as an Adjunct Professor it fascinates me to be close to my students and transmit them my knowledge and my

experience abroad. But also, I like to be involved on the international level in all my research projects.

What is your next project? I would like to apply for a Marie Curie Fellowship continuing the project on the necessity of EU Treaty revision in order to safeguard constitutional democracy of the Member States.

Felix-Anselm van Lier Digital Participation in Constitutional Reform—Prospects and Challenges

Felix-Anselm van Lier is a public law scholar focusing on constitution-making processes. He currently works as a Research Fellow at the Max Planck Institute for Social Anthropology, where he researches the role of technology in constitution-making. He holds degrees in law and anthropology from the universities of Bremen, Turin and the London School of Economics and Political Science. He completed his doctorate at the University of Oxford in 2018. Amongst others, he has worked as a Consultant for the Bingham Centre for the Rule of Law, Democracy



Reporting International, the Berg-hof Foundation, and Lawyers

for Justice in Libya.

How would you explain your re:constitution project to a stranger? My project deals with the question of how digital tools can be harnessed to improve public participation in constitution making.

How did your 'stage' at Alan Turing contribute to your research? The 'stage' at the Alan Turing Institute was instrumental for my work on digital tools for constitution making. It has given me the opportunity to collaborate with some of the leading data scientists in the field, which provided me with a deeper comprehension of the technological underpinnings of my work; allowed me to identify the problems and opportunities of the use of technology in democratic constitution making; sharpened my understanding of broader issues relating to technology and society. The 'stage' also led to the establishment of a long-term collaborative project with researchers from the Institute.

What is your favourite place in Europe (off the beaten track)? Osea Island, a small tidal Island about 80 km east of London, which harbours music studios in a picturesque ensemble of island cottages.

The stage at the Alan Turing Institute was instrumental for my work on digital tools for constitution making.

What fascinates you the most about your work?

The digital era has transformed the relationship between the state and its citizens. This poses complex challenges for law. In many ways, technology poses a threat to democracy and legislators have to find new ways of regulating technology and its potentially damaging effects on society; at the same time technology harbours huge potential to make traditional law making processes more democratic. Learning about the inner workings of technology, thinking about its multifaceted effects on society, and how it can be harnessed for public good is very rewarding.

What is your next project? My next project will translate the insights that I've been able to garner during my time at the Alan Turing Institute to the use of technology in national law making processes. I will be looking at how digital citizen participation tools can be integrated into ordinary law- and policy-making procedures, and explore both opportunities and the legal, political, ethical, and technical challenges that the use of digital participation tools may present.

Neus Vidal Martí Transparency Laws in Europe: A Comparative Study Using the Right to Request Public Information

Neus Vidal Martí is a political scientist and journalist. She is currently a Lecturer at the Open University of Catalonia, where she teaches digital media ethics and data reporting. She holds a double degree in Journalism and Political Science (Pompeu Fabra University Barcelona), a MA in Investigative Journalism (City, University of London) and she is currently pursuing a PhD in politics at Birkbeck, University of London. She has worked in the United Kingdom and in Spain



and has published in several international media outlets. She usually covers politics and related areas and has worked as a freelance political

correspondent for the Spanish newspaper El País. Her fields of expertise are access to information laws and press freedom. She works

with transparency legislation for research purposes and has also set up projects to help citizens request public information.

How would you explain your re:constitution project to a stranger? Most European countries have passed Access to Information Laws but there is still no common transparency legislation which is binding on all European Union states. That means that not all European citizens have access to the same information held by public authorities. My project tests different laws by sending similar requests to several governments to understand why certain information is considered to be in the public interest in some countries but denied when requested in others.

What questions are on your mind right now? How and where will you be looking for answers? We are currently living an extremely challenging time due to the Covid-19 pandemic. Living a pandemic and its consequences has made me wonder many things. When and how will it be over? How will we, as individuals and as a society, emerge from this and heal from such an impactful event? It is hard to predict what the consequences of restricting basic freedoms will be for democracies. I am particularly worried about the effects this pandemic will have on press freedom and access to information. Will it have a negative impact? I will be looking at that with interest when working on my future projects.

How would you describe the current situation of democracy and the rule of law in Europe? Are we moving forward or backwards? Overall, Europe ranks high in most democracy and rule of law rankings.

A few years ago, progress seemed to be the only way forward, but we are seeing some worrying developments, which I predict will intensify during the Covid-19 pandemic and afterwards. I am worried about certain authoritarian trends that seem to be on the rise in some countries such as disregard for the separation of powers by some governments, restrictions on media freedom, and politics that are based on power rather than agreement to implement good policies. Fighting concentration of power will be, in my view, the main challenge for European democracies in the coming years.

What fascinates you the most about your work?

I have always liked to do multiple things at the same time, which could be the reason why I try to combine journalism and academic research. In a way, both fields try to answer the same question: what happened and why? In order to reach a conclusion, it is necessary to talk to a lot of people and read contributions from many authors, which I find extremely fascinating. There is no better feeling than knowing that through your research something that was still unexplained has been told to a wider audience so they can think about it too.

What is your next project? I will keep working on the topic of access to information for my PhD thesis, which deals with different conceptions of public interest and Freedom of Information Acts in Europe. As a journalist, I am also planning to work on cross-border projects with international colleagues.

Fighting concentration of power will be, in my view, the main challenge for European democracies in the coming years.

Benedict Vischer Pluralism as a Key to the Interplay of Democracy and the Rule of Law: Theoretical and Comparative Perspectives in View of Current Rule of Law Crises

Benedict Vischer received an MA in Philosophy and Theology from the University of Basel, an MLaw from the University of St. Gallen and an LL.M. from Yale Law School. His doctoral dissertation in legal philosophy was completed at Humboldt University Berlin. For many years, he worked as a Research Fellow at the Max Planck Institute for Comparative Public Law and International Law (Heidelberg). He also worked at the Centre Marc Bloch (Berlin), the University of St. Gallen and the University of Basel. He was a member of the Cluster of Excellence Normative Orders (Frankfurt) and an Affiliated Researcher at the Law & Society Institute Berlin. Visiting research and teaching appointments brought him to the Pontifical Catholic Uni-



versity and the Fundação Getulio Vargas in Rio de Janeiro and to Yale Law School. As a re:constitution Fellow, he stayed at the Hungarian Academy of Sciences (Budapest), the Federal Supreme Court of Switzerland and the University of

Lausanne. In the coming academic year, he will be an Associated Researcher at the Institute for European Global Studies in Basel and the Centre Marc Bloch in Berlin.

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

re:constitution seeks to cultivate an exchange across borders about the development of the rule of law and democracy in Europe among scholars and practitioners in law-related fields. In the light of recent challenges to these basic, but often too vague European values, it aims to help filling them with shared substance in order to strengthen our abilities of a common defence.

Conversations with actors of different backgrounds who are directly involved in this situation open up a much deeper and more vivid view.

was Jonathan Franzen's much debated piece „What if we stopped pretending?“ in the New Yorker. The article

reflects on our approach to climate change. One important warning of this rich text is that a certain sense of overwhelming urgency might suppress our care for other goods. Among these threatened goods are democracy and the rule of law:

When our sheer existence is at stake, these values may seem dispensable. Yet, abandoning these goods would actually strip us from a crucial basis to address the epochal challenges facing us and likely prove to be part of the catastrophe we fear. The piece forcefully reminded

Which events or publications inspired you recently?

One impressive reading in the last year

me how deeply the efforts to defend and further develop the rule of law and democracy are bound up with other challenges of our generation and how precarious the democratic rule of law is.

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

I grew up in Switzerland with a mother from Hungary. The ties to these two countries shaped my understanding of Europe in its increasing unity and continuing diversity. It seemed evident that comparative research on these two states which are both important points of reference in the European debates on democracy and the rule of law could provide a very fruitful contribution to the re:constitution program. The virtue of pluralism seemed to provide a key to understand how differently claims for democratic self-determination affect the rule of law in the two countries. At the same time, elaborating on the concept of pluralism promised relevant insights for the European project beyond these two states.

How did your 'stage' at the Hungarian Academy of Sciences in Budapest contribute to your

research? The main gain of my stay in Budapest was the chance to talk with people from different groups of the Hungarian society about their perspectives on the developments in their country and in Europe. I met with NGO members, journalists and academics, but also with a former minister and with the president of the Constitutional Court. Access to research literature about the situation in Hungary can also be found elsewhere. But conversations with actors of different backgrounds who are directly involved in this situation open up a much deeper and more vivid view on the country's actual political, legal and social dynamics.

What is your next project? In the coming year, I will work at a law firm in order to enrich my practical experience and to prepare for the bar exam. Besides this, I will be an Associated Researcher at the Institute for European Global Studies in Basel. Here, I will continue my research in European constitutional law and prepare a new book project (habilitation). Additionally, I will complete a German edition of essays by the American legal theorist Robert Cover.

Nyasha Weinberg Rule of Law Measurement

Nyasha Weinberg is a public policy specialist and trained lawyer. Much of her work focuses on the relationship between business, the law and human rights following her work advising Gordon Brown, the former UK Prime Minister on the legal aspects of Brexit, and as author of four Harvard working papers on the impact of Brexit on British business. After a period spent consulting for FTSE 100 businesses on the impact of political and regulatory changes she now is a Leads Research at the Bingham Centre in the UK on the impact of Brexit on the rule of law. She received her Masters in Public



Policy from Harvard University and her undergraduate degree from Oxford University. In 2020 Nyasha

will begin pupillage at 39 Essex Chambers.

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

I would begin by asking whether they have an understanding of what the rule of law is, and why it is important. Next I would give some examples of how it's transformed in recent years, whether as a result of emergency states set up to control the spread of Covid-19, the spread of police powers or rollbacks of judicial independence. Finally, I would say that my project is an attempt to understand how we capture these changes, and how we should capture these changes to give the best possible tools to policymakers and activists to demand the rule of law.

When doing comparative work it's really helpful to dig into the detail of a different national context to challenge my assumptions.

In what ways does international mobility impact your projects and/or the way you work?

Having the ability to work in different countries helps projects by giving an opportunity to make new connections, and draw inspiration from new colleagues alongside providing an alternative perspective on issues you've been grappling with for a long time. In particular, when doing comparative work it's really helpful to dig into the detail of a different national context to challenge my assumptions!

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

Can't beat Marseille for food, sun, vibe

and true sense of Mediterranean hybridity. But, maybe that's not properly off the beaten track. So, what I would say instead is the west coast of Scotland, fabulous mountains, brilliant people, whiskey, deer, bliss.

What questions are on your mind right now? How and where will you be looking for answers?

Can't quite work out what sovereignty looks like in a world dominated by a limited number of digital platforms. Can democratic decisions truly be made when

increasing power to influence public opinion and dictate which technologies can integrate reside with some of the big tech companies? Also what's the future for the US and China, and where does Europe sit between the two? Will Britain come through Brexit intact? I'll be looking to Twitter for pithy comments on the above, but probably to the history books for answers.

What is your next project? I am currently working on an enhanced English translation of a book 'The Human Principle' with Paul Nemitz and Matthias Pfeffer. The book is looking at the impacts of the technological changes wrought by artificial intelligence on democracy and the rule of law. After that I will be beginning pupillage in public law and human rights.

Alain Zysset Calibrating the Legal Response to Populism: Role and Limits for the European Court of Human Rights

Alain Zysset is a Lecturer in Public Law at the School of Law, University of Glasgow. He previously held postdoctoral positions at the University of Oslo (PluriCourts Center of Excellence), the European University Institute in Florence (Max Weber Fellowship) and Goethe University Frankfurt (Excellence Cluster Normative

Orders) on a fellowship of the Swiss National Science Foundation (SNSF). Alain's research lies at the intersection of public law, international law and political theory. His main area of research is the theory and practice of the European Court of Human Rights (ECHR). His doctoral thesis examined the practice of the ECHR from the perspective

of human rights theory ("The ECHR and Human Rights Theory" (Routledge, 2016)). His research has also been published in journals such as ICON, GlobCon, Ratio Juris, Criminal Law and Philosophy, Canadian Journal of Law & Jurisprudence and CRISPP. Alain's academic background is multidisciplinary. After a BA in Philosophy and His-

tory (University of Lausanne, 2007), he has earned graduate degrees in Philosophy (MSc., London School of Economics, 2008), History (MA, Graduate Institute Geneva, 2010) and Law (LL.M., University of Toronto, 2014). He holds a PhD in Law from the University of Fribourg (Switzerland, 2013).



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

I would explain how the human rights, rule of law and democracy credentials are common to all European states and then explain how they are currently under attacks in various parts of the continent. I would also explain how these attacks may help identify flaws in the current legal infrastructure of EU law and the ECHR. I would finally ask the stranger how she/he will go about addressing these topics in a way that preserve the supra-national legal heritage built over the last 70 years.

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

I wanted to make my research closer to concrete political events and populism seemed sufficiently grave a broad political phenomenon to examine it from the perspective of European human rights law. Also, my intuition was that the European Court of Human Rights is well-placed to respond to populism but needed to explore all the facets of populism in order to design an appropriate response.

In what ways does international mobility impact your projects and/or the way you work?

It impacts my projects massively. For scholars working in public law/constitutional law/human rights law, the law might be Europeanized but the modes of thinking and the methods are very much shaped by national boundaries. The need to collaborate with scholars from other coun-

tries is crucial—and that implies meeting and talking to them, rather than just emailing with them.

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

It will be very important—primarily because of Brexit (being based at the University of Glasgow). The UK has insulated itself from the rest of the continent when it comes to academic research, and this will prevent me from easily building research networks, apply for research grants, and even have access to research outputs. International mobility (through research stays abroad and fellowships like re:constitution) will be crucial for my future professional development.

What is your next project? My next project builds upon my re:constitution project: after having analysed the response of the ECHR to populism in its substantive practice, I will aim to expand the scope of the project by analysing the procedural dimension of the ECHR system. I am interested in how the populists and authoritarians instrumentalise legal procedures, in particular the rule of exhaustion of domestic remedy. Another great output of the Fellowship is the collaboration with my host institution, Hertie School, and Prof. Başak Çalı more specifically. We will co-write a paper together and potentially submit a German-UK funding application. The re:constitution Fellowship was instrumental to these further projects.

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Looking ahead

The first cohort of re:constitution Fellows will be followed by a second and a third, so new Fellows will enrich the network with their experiences, thus adding new questions and perspectives to the debate. Since the pandemic also brought considerable restrictions on fundamental rights, it also adds more urgency to the debate about democracy and the rule of law in Europe and highlights the importance of finding a common understanding of shared values and principles even more. The re:constitution Fellows have started to address these questions in their projects already.

The ongoing mobility restrictions will also lead to new ways of collaborating with host institutions, promoting digital and remote rather than personal interactions. While we hope to be able to safely return to the original format of the Fellowship in terms of mobility, personal exchange and debate, we also started to think about new concepts to combine the benefits of personal encounters with the opportunities of digital engagement.

Intergenerational meetings will be introduced as a new dimension of the Fellow meetings. Since a strong network will thrive on the quality of connections, bringing current Fellows and alumni together will be key for building a sustainable re:constitution network.

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