2016-2017
Annual report

Constitutionalism and Politics Working Group
European University Institute
Florence (Italy)
PRESENTATION OF THE WORKING GROUP

Founding and Mission:

The working group was founded by four EUI researchers: Elena Brodeala, Théo Fournier, Bartosz Marciniak and Juha Tuovinen in September 2016.

The aim of the working group is to provide a platform for researchers who are interested in matters related to the (good) functioning of democratic states governed by the rule of law. Whereas politics cannot be exercised without a properly operating institutional and legal framework, such a framework cannot make do without politics. It is this interplay between constitutionalism and politics, and possible tensions created thereby, that is of particular interest to our working group. The Working Group is devoted particularly to issues related to constitutional backsliding and political crises; constitutional reform and constitutional review; constitutional rights; the functioning of the rule of law; and separation of powers in particular and checks and balances in general. Researchers working in areas of constitutional and political theory, legal and political philosophy, as well as history of ideas are particularly welcome.

Institutional basis:

The Working Group operates within the structure of the European University Institute (‘EUI’) and more precisely under the Guidelines for Working Groups.

Structure:

As stated in the Guidelines, the Working Group is structured around three pillars: one professor who is in charge of advising the working group; three coordinators who have the role of organizing the regular activities of the working group; and one administrative coordinator who takes charge of the administrative tasks related to the organization of the events.

Adviser:

Professor Gabor Halmai, chair of comparative constitutional law at the EUI.

Coordinators for the 2016/2017 academic year:

Elena Brodeala, fourth-year PhD candidate at the EUI under the supervision of Prof. Ruth Rubio Marin;

Darshan Datar, LL.M. researcher at the EUI under the supervision of Prof. Gabor Halmai;

Théo Fournier, first-year researcher at the EUI under the supervision of Prof. Gabor Halmai;

Bartosz Marciniak, fifth-year researcher at the EUI under the supervision of Prof. Mattias Kumm and Prof. Giovanni Sartor;

Juha Tuovinen, fifth-year researcher at the EUI under the supervision of Martin Scheinin.

Administrative coordinator:

Agnieszka Lempart, administrative assistant at the Department of Law.
Membership:

Membership was initially conceived of as including EUI and visiting LL.M and PhD researchers interested in the activities of the working group, but also more senior researchers or professors. Membership could be acquired either by express invitation from the advisor or coordinators of the working group, or after an expression of interest from anyone willing to become a member.

We distinguish between two categories of membership:

✓ *Members* who are LL.M. and PhD researchers from the EUI, or affiliated with other institutions but on exchange or research mission at the EUI. They have the possibility (and the priority) to present their work and get feedback during the work-in-progress sessions of the working group. They can be asked to review blog posts before their publication on the working group’s blog or they can contribute with blogposts themselves. They also have the right to propose speakers or activities for the working group.

✓ *Academic supporters* who are professors and senior researchers who expressed an interest in the working group’s working field.

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**Not even one year of activity but already a great network of members and supporters!**

We are glad to count among our supporters leading scholars in constitutional law from all around the world: **Prof. Michel Rosenfeld** (Cardozo School of Law), **Prof. Bojan Bugaric** (University of Ljubljana), **Prof. Barbara Margreta Oomen** (Utrecht University), **Prof. Paul Blokker** (Charles University, Prague), **Prof. Vlad Perju** (Boston College Law School), **Prof. Ruth Rubio Marín** (University of Seville, Spain), **Prof. Bianca Selejan-Gutan** (University of Sibiu, Romania), **Prof. Richard Bellamy**, (Director of the Max Weber Programme, EUI). See the full list [here](#).

Through our membership, we have extended our network beyond the EUI by including researchers from Cambridge (UK), Lausanne (Switzerland), Louvain (Belgium), Lapland (Finland), etc. See the full list [here](#).
Porstmouth Law School, University of Portsmouth.

Robert Schuman Center for Advanced Studies, European University Institute.

Communication:
General email address: constpol@eui.com

Facebook page (@constpolEUI): https://www.facebook.com/constpolEUI/

Blog hosted by the EUI: https://blogs.eui.eu/constitutionalism-politics-working-group/

ACTIVITIES

Our working group is focused on three kind of activities. First of all, since we are a platform for researchers, we organize as often as possible lectures and conferences at the EUI on different topics pertaining to constitutionalism and politics. Our events reflect the complexity and the variety of subjects such as: democratization and its counterparts, constitutionalism and religion, constitutionalism within the EU, gender issues, constitutional theory, and more broadly fundamental rights.

Secondly, we dedicate an equal amount of time to our blog and we try to offer the possibility to researchers (from PhD candidates to professors) to publish original articles on a topic related to constitutionalism. We equally value hot-topic blog entries on current events, theory-testing articles, or material on the state of constitutionalism in various countries.

Finally, we use our Facebook page to promote our activities and blogposts, but also to keep our followers informed about the latest political and constitutional events around the Globe.

The activity of the Working Group in a nutshell

Form October 2016 to July 2017

- 23 Blogposts
- 13 Authors
- 22 Events
- 41 Participants

✓ More than two blogposts published per month
✓ More than two events organized every month
✓ At least one activity per week!
Past Events

Lectures:

04/10/16, Bojan Bugaric, *Constitutional Backslidings in Eastern Europe Countries*. link

13/10/16, Michel Rosenfeld, *Constitutional Secularism in an Age of Religious Revival*. link

02/11/16, Paul Blokker, *Constitutional Populism, Conceptual and Empirical Reflections*. link

16/11/16, Armin von Bogdandy, *Reverse Solange, Systemic Deficiencies and the Rule of Law or What is European Law*. link

13/12/16, Mathias Moschel, “*Gender Quotas*” in French and Italian Public Law: A Tale of Two Converging and then Diverging Trajectories. link


10/02/17, Federico Fabbrini and Oreste Pollicino, *Constitutional Identity in Italy: European Integration as the Fulfilment of the Constitution*. link

20/02/17, Philippe Schmitter, *Contrasting Approaches to Political Engineering: Constitutionalization and Democratization*. link

15/05/17, Tarun Khaitan, *Directive Principles and the Expressive Accommodation of Ideological Dissenters*. link

31/05/17, Simina Tanasescu, *Rule of Law and Populism in Romania*. link

Book Launches:

06/03/17, Yaniv Roznai, *Unconstitutional Constitutional Amendments: The Limits of Amendment Power* and Tarik Olcay, *The Organic Justification for Constitutional Unamendability* (paper presentation and comments on the book). link

28/04/17, Antonios Kouroutakis, *The Constitutional Value of Sunset Clauses* (co-organized with the International Law Working Group). link

18/05/17, Michael J. Graetz, *The Burger Court and the Rise of the Judicial Right*. link

02/06/17, Barabara Havelkova, *Gender Equality in Law – Uncovering the Legacies of Czech State Socialism*. link


Workshops:

04/05/17, *European Elections and European Future: What to Conclude, What to Expect?* (co-organized with the State of the Union and the EUI Alumni Association). [link](#)

14/06/17, *Addressing the Refugees Crisis in Europe: Protection, Vulnerability, Security.* (side-event to the Human Dignity Conference organized by the EUI, the University of Portsmouth and the University of Exeter).

**Work-in-Progress Presentations:**


22/02/16, Liiri Oja and Elena Bordeala, *Constitutional and Political Debates on Reproductive Autonomy in Central and Eastern Europe: The Case of Estonia and Romania* (co-organized with the Fundamental Rights Working Group). [link](#)

15/03/17, Tomi Tuominen, *The Composite European Constitution and National Courts.* [link](#)

28/03/17, Raffeul Fasel and Manès Weisskircher, *Human and Animal Rights: From the Enlightenment to the Twenty-First Century.* [link](#)

13/06/17, Pauline Weller, *A Comparison: The Accommodation of Dietary Requirements of Religious Minorities in Prisons in Germany and the US.* [link](#)

**Sponsored events:**

19/10/16, EUI Faculty Seminar, Gabor Halmai “Second-grade Constitutionalism? Hungary and Poland: How the EU Can and Should Cope With Illiberal Member States”. [link](#)


15-16/07/17, EUI Conference, *Human Dignity and the Constitutional Crisis in Europe: Humanity, Democracy, Social Europe.* [link](#)

5-7/08/17, ICON-S Annual Conference, Panel, *Is There a Special East-Central European Constitutional Identity?*

**BLOGPOSTS**

Bianca Selejan-Gutan, ‘*We Don’t Need No Constitution’ – On a Sad EU Membership Anniversary in Romania.* [link](#) (also published on Verfassungsblog)

Bianca Selejan-Gutan, *Living Democracy in Romania: From Protest to Referendum?* [link](#) (also published on Verfassungsblog)

Bouke de Vries, *Make Eid al-Fitr a national holiday.* [link](#)

ConstPol Team, *Statement by the former presidents of the Constitutional Tribunal: Marek Saffjan, Jerzy Stepieni, Bohdan Zdziennicki and Andrzej Zoll.* [link](#)

Darshan Datar, *A Few Reflections on Professor Rosenfeld’s Thought on Secularism.* [link](#)

Elena Simina Tanasescu, *Analysis: Criminal Policy or Criminal Politics?* link (also posted on IACL, AIDC Blog)

Gabor Halmai, *Constitutional Court Decision on the Hungarian Government’s Constitutional Identity Defence.* link

Gabor Halmai, *Invalid Anti-Migrant Referendum in Hungary.* link

Gabor Halmai, *Legally sophisticated authoritarians: the Hungarian Lex CEU.* link

Gabor Halmai, *Much Ado About Nothing? Legal and Political Schooling for the Hungarian Government.* link

Gabor Halmai, *Regime Change in the US?* link


Juha Tuovinen, *South Africa and the ICC: or Whose Rights Does the Constitution Protect?* link

Laurent Pech, *Systemic Threat to the Rule of Law in Poland: What should the Commission do next?* link (also published on Verfassungsblog)

Oliver Garner, “So long (as) and Farewell?” *The United Kingdom Supreme Court in Miller.* link (also published on the European Law Blog)


Oliver Garner, *An Initial Call for Clarity over the ‘Constitutional Requirements’ for withdrawing from the European Union.* link (also published on Verfassungsblog)

Oliver Garner, *The European Citizens Initiative on a European Free Movement Mechanism: A New Hope or a False Start for UK nationals after Brexit?* link


Oreste Pollicino - Marco Bassini, *When Cooperation means Request for Clarification, or better for “Revisitation” – The Italian Constitutional Court Request for a Preliminary Ruling in the Taricco Case.* link

Paul Blokker, *Populist Constitutionalism.* link (also published on Iconnectblog)

An overview of our Facebook page activity: A constant growth and an important scope

from the 27th of September 2016 to the 27th of September 2017

... and a constant growth

523 Likes

192 Publications

... with an important scope (number of people reached by a publication):

✓ Best scope: 3515 for the blogpost “Front National’s constitutional program”
✓ 3 between 2700 and 3515
✓ 9 between 1000 and 2100