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IMPULSES OF THE HAMBURG-VIGONI FORUM
FOR A EUROPEAN FUTURE AGENDA

EUROPEAN IDENTITIES AND VALUES IN TRANSFORMATION



NOTES FROM THE HAMBURG-VIGONI FORUM VOL. 4




HAMBURG VIGONI FORUM

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<https://www.hamburg-vigoni.de>

FOREWORD

“What holds Europe together?” The “Hamburg-Vigoni Forum” conference series endeavors a reflection of this profound question by fostering a convergence of academic research, political discourse, and civil society engagement. Rather than delving into the minutiae of day-to-day politics, the Forum seeks to construct a comprehensive framework for European integration policy, anchored in three fundamental pillars: *space*, *sovereignty*, and *identity*.

This ambitious undertaking involves the participation of globally renowned scholars, as well as a special focus on early-career academics. Through a sequence of workshops, designed to encourage cross-generational and transnational dialogues on European policy, the exploration of these themes unfolds alternately at the Villa Vigoni in Menaggio, Italy, and at the Europa-Kolleg in Hamburg, Germany. The Forum stands as a collaborative effort spearheaded by the University of Hamburg, as an integral part of its European strategy as a “University of Excellence”, in partnership with the Europa-Kolleg Hamburg, the Institute for Peace Research and Security Policy, and the Villa Vigoni.

With this vision in mind, the fourth volume of the “Notes from the Hamburg-Vigoni Forum” publication series distills the insights garnered from the second workshop, which convened at Villa Vigoni in February 2023. This volume offers the findings of our esteemed participants and augments them with an interdisciplinary exploration of specific subdomains within the realms of sovereignty and identity, while incorporating diverse national perspectives.

We extend our heartfelt appreciation to all the Forum participants for their contributions and dedication and wish you an enriching and enlightening reading experience.



Prof. Dr. Markus Kotzur



Dr. Christiane Liermann



Prof. Dr. Ursula Schröder

I. INTRODUCTION

Roberto Luppi

It is difficult to say whether the debate on Europe's identity and its cultural roots and values will ever come to an end. Certainly, over the centuries, intellectuals, scholars, and even ordinary citizens have grappled with definitions of what Europe is and what values and identity traits distinguish it from the rest of the world. The mention of "intellectuals", "scholars", and "ordinary citizens" is not accidental: like few other socio-political issues, the question on European identities affects and – in some way – involves basically every citizen of the continent.

At a time of great worldwide polarization, of constant movement of people between cities, states and continents, of upheavals both socio-economic and geo-political, the issue of identity has returned as much as ever to the center of global and, therefore, also European public opinions. It is frequently thematized from a defensive perspective, aimed at distinguishing *us* from *them*, *friends* and *enemies*. Yet, each time it is addressed, the question of European identity partially shifts, changes connotations and accents, appears *in transformation*. Circumscribing the analysis to recent years, how could it be otherwise considering the fact that the European continent has faced a succession of crises: from the financial and economic crisis to the migrant one, from the COVID-19 pandemic to the Russian war of aggression in Ukraine? Each of these events has brought to the center of European public opinion questions, issues, contradictions; each of these crises has called for different values, ideals, and hopes. The rapid succession with which the last two crises (the pandemic and the war) have followed one another and the measures and, especially, the *awareness-raising* they have brought with them demand to dwell on their repercussions on the European identity.

It is precisely this task that the Hamburg-Vigoni Forum has dedicated itself to over the past year, and this paper, entitled *European Identities and Values in Transformation*, brings together some of the results of this effort. In particular, it documents the proceedings of the second international workshop promoted by the Hamburg-Vigoni Forum, entitled "Further Perspectives on the European Unions (Strategic) Sovereignty and European Identities", which took place on February 13 to 15, 2023 at Villa Vigoni in Menaggio, on Lake Como.

The decision was not to engage in an academic publication *strictu sensu*, but to condense reflections and food for thought within short texts directed to a wide audience.

The first section centers on what the European Dream is today. What were the defining moments for the *European Dream*? What transformations has it gone through in recent years? It is on these questions that Aleida Assmann's contribution focuses, going as far as describing Zelensky's and Ukraine's European Dream as central today as ever before. At the same time, we cannot omit the fact that the European Dream is facing important challenges. From a legal perspective, Tomasz Tadeusz Koncewicz thematizes the fact that today the once unthinkable rise of illiberalism within the EU puts at risk the original hopes of the European project and tests its design. Identifying a new worrying pattern of deconstruction of democracy and key components of the rule of law by using legal means, Koncewicz underlines the necessity that all actors operating within the European public space embrace Union's shared values as their

own and acknowledge their commitment to its democratic aspirations. The third paper moves from the general level to the analysis of a specific and hotly debated issue Europe is facing in recent years: migration. Adrian Favell describes how the EU maintains its *fortress* through security and policing operations at its borders at odds with its commitment to human rights, global development, and equality between nations. Of course, the contrast is even more striking when one compares the hard reception of migrants from other continents with the freedom of movement internal to the EU. Favell emphasizes that this freedom of movement represents one of EU's most striking signature achievements. Consequently, it is hard to deny that people on the move across and into Europe really do pose the question of how seriously the EU takes its "universal" commitment to justice, anti-racism, equality of non-nationals, and fair and equal treatment of individuals.

The second section focuses on the Russian war on Ukraine. First Angelika Nußberger addresses the importance of the encounter/clash with the "other" in identity formation, focusing on the relationship between Russia and Europe. West and East are described as more dependent on each other than they would admit: they are what they are *only* because of "the other". The last year has been marked by war propaganda, which cannot exist without cultural stereotypes. She hints at the reasons why – on and off – "living with the West or distancing oneself from the West was decisive for Russian self-identification". The second contribution, written by Antonio Tanca, addresses the European defence and EU strategic autonomy in light of the War in Ukraine, which has been harbinger of major changes: "Defence in the classic sense is back on the radar screen, with a clearer vision of the Union's strategic goals". In this scenario, Member States have increased their awareness of the importance of acting united and experienced a revival of the transatlantic relationship and of NATO.



The third section is devoted to one of the issues that traditionally most fascinate Europe's public debate, namely the relationship between religion and politics. Referring to the thought of John Rawls and Jürgen Habermas, Roberto Luppi asks – by way of provocation – where, at a time of deep crisis in our democracies, public discourse can get those resources and values that it is unable to produce on its own. Can religious voices help to address this need? Luppi describes how both Rawls and Habermas face a path towards loosening the restrictions for religious voices in the public sphere: the reason for this new centrality of religion stems from its ability to scrutinize social reality and combat unjust practices. This perspective is applied to the preaching of Pope Francis in the field of migrants' reception. The second paper, written by Regula M. Zwahlen, thematizes the topic of Christian Orthodox Identities in Europe. In view of the eastward EU enlargement, the debate whether Orthodox countries can sustain democracy or belong to Europe seems quite outdated. However, Zwahlen underlines that the fact that Orthodox churches do not openly resist EU integration does not mean that they firmly endorse fundamental principles of constitutional government. She concludes that the alleged incompatibility of Orthodoxy and Europe may not be a problem intrinsic to Orthodoxy itself, but rather a problem linked to widespread assumptions about Orthodoxy, Europe, and their relationship. According to Zwahlen, there are many Orthodox voices willing to contribute to a dialogue on European identities, and they should be listened to.

The last section is dedicated to climate change and policies. In response to the Russian invasion, European states have slapped sanctions on Russia and, in less than a year's time, have largely succeeded in breaking their dependence on its fossil fuels. Starting from these observations, Miranda A. Schreurs analyzes European climate and energy security policies. The Russian war against Ukraine has become a quite effective reason to speed up the advance of clean energy transition and numerous new policies and programs have been introduced to promote energy savings, energy efficiency, renewable energy, and green hydrogen technologies. Schreurs identifies some promising signals that this crisis is being turned into a moment of technological and social change, spreading a new understanding of what energy security means and how it can best be achieved.

II. THE EUROPEAN DREAM TODAY

TRANSFORMATIONS OF THE EUROPEAN DREAM

Aleida Assmann

The EU has no distinct identity with a clear ‘narrative’. It is better described as a project and defined by its goals and values. In my book *“The European Dream. Four Lessons from History (2018)”* I have proposed four historical lessons that make up the European Dream:

- 1 restoring and securing peace through a shared economy;
- 2 transforming dictatorships into democracies;
- 3 a new self-critical memory culture;
- 4 a new reinforcement of human rights.

The first two lessons were learned and applied in a huge collective achievement to overcome two devastating wars, that had shaken the foundations of Europe and a monstrous genocide that had destroyed European Jewry, and to build a new future. The new Europe was supposed to rise like a phoenix out of the ashes: “[w]e must all turn our backs upon the horrors of the past. We must look to the future” (Winston Churchill). This future was built in two steps: after 1945 and after 1989. The fall of the Iron Curtain marked the beginning of new formats of historical memory. The last lesson, the reinforcement of human rights, goes back to René Cassin, who drafted the 30 articles after the Second World War, but the implementation of the human rights gained traction much later with the growing crisis of mass migration.





HISTORICAL MOMENTS OF THE EUROPEAN DREAM

The European Dream is a normative backbone of the EU and an experiment that had to be complemented and transformed. It is not a continuous narrative but a project that had to be loaded and reloaded at different decisive moments in history. The following trajectory offers a record of this re-ignition of the European Dream:

Stefan Zweig in 1932

In 1932, Stefan Zweig wrote an essay on the “moral detoxification of Europe”. The European Dream did not only take shape after the Second World War but already after the Great War and even before it. Zweig wrote in the shadow of the Great War, which had not really ended in the hearts and minds of the people. He diagnosed an ingrained hatred and devised a therapy against this disease. Zweig’s hope for a new future was focused on a culture of peace addressed to the young generation and, in this utopian spirit, he wrote an educational program for the youth of a new Europe. In his search for a remedy that would overcome hatred and nationalism, he started from a simple idea that it was necessary to emphasize “the commonality between the peoples of Europe more than their antagonism”. Zweig focused on a new culture and curriculum for the youth of Europe that is able to change its perspective from the “nation against Europe” to a “nation in Europe”.

Peacebuilding after 1945

The creation of a new legal space by Jewish lawyers who responded to the huge crimes committed by the Nazi regime in the Second World War (Hersch Lauterpacht, Rafael Lemkin, René Cassin).

The idea of creating a new beginning based on peaceful coexistence and a shared economy helped to literally transform deadly weapons, namely coal and steel, into ploughshares, namely resources for common prosperity (Jean Monnet and Robert Schuman).

Eastern European Nations after 1975 and 1989

The new protagonists of the European Dream are various groups of civil society, who were formed after the Helsinki agreement in 1975 as so-called Helsinki-groups in the Soviet States, such as Havel's Charta 77, Walesa's Solidarnos and the organizers of East German demonstrations, who caused the fall of the wall.

The European Dream in the East was not only a vision of democracy and individual freedom but also one of nationhood. The post-Soviet nations longed for independence and the license to regain their cultural sovereignty.

The American and the European Dream 2004

In 2004, American economist Jeremy Rifkin published his version of The European Dream, which he preferred to the American Dream: "The American Dream is fading while the European Dream is steadily gaining contours. It is already morally superior. [...] We [Americans] are fixated on property rights, and on civil rights. They are the basis of our individualism and elements of our autonomy. Europeans are focused on social rights. And they uphold human rights: you have to abolish death penalty to become a member of the EU". The European Dream has again the quality of an experiment. The experiment may fail; the future is radically open and involves the concerted effort of solidarity with other democracies and the European community.



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The European Dream of Wolodymyr Zelensky: 2019 and 2023

Wolodymyr Zelensky expressed his strong commitment to the European Dream in a public speech after his election in May 2019. His European Dream is tried and tested not only through negotiations and transformations but also through the trauma of violence in the Russian war of aggression. In this case, the European Dream has again the quality of an experiment. The experiment may fail; the future is radically open and involves the concerted effort of solidarity with other democracies and the European community.

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THINKING ABOUT “THE EVER-CLOSER UNION AMONG PEOPLES OF EUROPE” IN TIMES OF CONSTITUTIONAL RECKONING

Tomasz Tadeusz Koncewicz

“our endless discussion of How has caused us to lose sight of Why”¹

Today constitutional and supranational law, both anchored in liberal values, face fundamental questions as to the reasons for the insufficiency of the institutional setting that was prone to abuse by the majoritarian rule dictated by no-holds-barred majoritarian politics. It is worth bearing in mind that the post-1945 liberal consensus was built around the paradigm of “never-again constitutionalism” and reinforced by the legal commitment to ensure that dictatorships would never arise out of constitutionalism. Political power at the domestic level was to become subject to new international and supranational checks and balances, with the legitimacy of the power depending on continuous adherence to the core values of liberalism, values that transcend momentary political desires. Back in 1951, the authority to ensure that states remain liberal democracies had not been effectively translated into legal mechanisms. This was understandable given the fresh memories of the horrors brought upon the continent by the Second World War. The EU Founding Fathers thought that these memories would be enough to stave off any backsliding into authoritarianism (Koncewicz, 2019, 2023).



¹ D. Edward, *Luxembourg in Retrospect: A new Europe in Prospect* (2004)

History never stops, though, it always moves, and today the once unthinkable rise of illiberalism within the EU challenges the original hopes of the European project and tests its design. When analysed together, the cases of Hungary, Poland, Asian and South American countries, and more recently the United States suggest a new worrying pattern of erosion of constitutional democracies by the politics of fear, threat, and resentment. One may even speak of a recipe for constitutional capture in one state after another that travels in space and in time. Examples of Poland, Hungary, and other “legalistic counter revolutions” (Varol 2017) are not the sort of mass human rights violations that would at first merit scrutiny at the international level. The new smart legalistic autocrats know that the law might be used to kill off law and institutions. They engage in a different form of “repression by stealth” (Varol 2015) or the deconstruction of democracy itself by using legal means (“autocratic legalism”, Scheppele 2018). This process tends to result in a systemic undermining of the key components of the rule of law such as human rights, independent and impartial courts, and free media. It follows a well-organised script and tends to begin with disgruntled citizens voting to break the system by electing a leader, who promises radical change, often referring to the “will of the people” while trashing the pre-existing constitutional framework with cleverly crafted legalistic blueprints borrowed from other “successful” autocrats.



History never stops, though, it always moves, and today the once unthinkable rise of illiberalism within the EU challenges the original hopes of the European project and tests its design.

While the supranational legal order of the EU (hereinafter referred to as “SLO” or “order”) has been no stranger to centrifugal tensions, the landscape changes dramatically when these tensions start affecting the very fabric of the supranational governance and design. These “systemic centrifugal tensions” move beyond the technical and traditional dichotomy of “market regulation vs deregulation” and “Union competence vs Member State competence”, and instead zero in on the more fundamental, if not foundational questions of the mega-politics centered around belonging and identity among the European peoples. As a result, the Union membership has seen worrisome backtracking from some of the foundational assumptions centered around action within the common framework, respect for the common institutions and behaving in the spirit of considerate other-regarding and solidarity. The sacrosanct “ever closer union among the peoples of Europe” (Art. 1 TEU) seem to be the focal point of the principled disagreement that calls into question the very belonging of the community and its continued existence (Konciewicz, 2021). The supranational critical juncture brings to the fore questions not only of design and governance (narrative building and actors’ fidelities), but also of content that embraces and reflects the allegiance to shared values (supranational legality,) and purpose, and self-understanding (fight illiberal democracies or accommodate them?). The unstated and implicit assumption of a community made up of liberal democracies is being challenged and pitted against the rival rebirth of the nationalistic narrative of uniqueness and self-sufficiency.

This short analysis recognizes that while clearly the supranational design must be retooled in response to the changing political and legal environment, this is no longer enough. The discussion must weave together high hopes, concerns, and yes, also disappointments, healthy scepticism, and political constraints. The latter must be as much a part of thinking and researching about the changing fabric of supranational governance, as the former. Therefore, the reflection should move beyond the legal and instead embrace the interdisciplinary, for legal words to be more than empty vessels but active shields against the “constitutional evisceration” of the European Union. When dealing with the systemic internal and external shifts that the supranational legal order undergoes right now, one must avoid the danger of being trapped in the world of legal expertise and arcane legalistic approaches to the current crises. The question of “how” EU governance should be adapted and react must go hand in hand with revisiting the “why question”. The EU must be better at defending its narrative and explaining at the domestic level not only what and how the EU is “doing things”, but also why it acts to defend voluntary commitments and duties adopted by the States upon their accession to the European Union. The EU needs to have its own clear position and voice when it comes to defending its narrative(s), one that would be respected and heard in the national capitals. The non-legal intangibles and researching people’s attitudes toward the EU are as pivotal for the debate about EU governance as legal enforcement. Merging “why” with “how”



(Koncewicz, 2018) holds out a promise of the research focused on the substantive context of the supranational governance and design. As such, it invites collaboration across various fields (e. g. law, political science, sociology) and caters to methodological diversity. Only then the avowed “interconnectedness” between Member States as one of the paradigms of supranationality would take on a more tangible and identifiable dimension and underpin the real trust. As things stand right now, domestic rule of law and domestic democratic process are unfortunately of no concern behind these borders, in other Member States.

In these dire and challenging circumstances, the supranational legal order is faced with the challenge of ordaining a catalogue of First Principles and interweaving them within the constitutional legal order of the Member States (Koncewicz, 2023). At the heart of the SLO lies a fundamental commitment to the set of First Principles that the Member States, institutions, and civil society actors, are bound to respect and uphold and trust that others will uphold. The process of unearthing, reconstructing, and operationalising the catalogue of First Principles would provide a reference point for the political leaders’ own itinerary and focalise their efforts. The rule of law is but one of these First Principles as it has transformed “political power” into “political power constrained by law”. The catalogue of First Principles is intertemporal as it cuts across the past, present, and future. The challenge is to revisit the forgotten founding narratives (“First Principles”) of European integration (dimension of the past), to rethink Europe’s present vocation (dimension of the present) and finally, to embrace new vistas (dimension of the future).

While human rights were given a special place in the European international and supranational system of checks imposed on the domestic *pouvoir constituant*, they were never meant to be alone. The Member States have recognised that liberal democracies would work best alongside two complementary safeguards, including (1) the rule of law and the constitution as the supreme law of the land; and (2) mechanisms of supranational and international control whereby self-governing States hold each other accountable according to principles of human rights, guarantees of democracy, and openness to the world. Consequently, the functional (pragmatism) and idealist (values) strand were the defining features of the integration from the get-go, even more than that: they were thought as complementary. Pragmatism ought not to be thought in opposition to idealism. On the contrary, pragmatism might be the ultimate form of idealism in action.

Today’s “essential characteristics of EU law” must go beyond traditional and revered “First Principles” of supremacy and direct effect, and to also embrace the rule of law, separation of powers, independence of the judiciary together with the enforceability of these principles as part of the ever-evolving consensus. These essential characteristics of EU law have given rise to what the Court has imaginatively called: “a structured network of principles, rules and mutually interdependent legal relations linking the EU and its Member States, and its Member States with each other, which are now engaged, as is recalled in the second paragraph of Article 1 TEU, in a process of creating an ever-closer union among the peoples of Europe”. These values define “the very identity of the European Union as a common legal order. Thus, the European Union must be able to defend those values, within the limits of its powers as laid down by the Treaties”. While the European consensus is always able to adapt and listen to all the voices (united from and in diversity), the integrity of the European Union as a common

legal order must never be called into question. The commonality and sharing of the values in Art. 2 TEU constitute the minimum identitarian threshold for all parties to the consensus to abide by (Koncewicz, 2022). The continuing defence of the commonality and sharing of these values and the identity of the legal order in case of a Member State falling below the threshold binding on all is thus crucial.

In this sense, the supranationality must be built around constitutional essentials that make up the consensus and fill the original assumption of commonality with substantive content. As European societies evolve and advance, it must be indeed asked whether “we the European peoples” are ready to continue living together in a constitutional regime, internally divergent, and one that is ready to respond to the exigencies and demands of new realities? The SLO and its values discourse and narrative-searching are faced with the challenge of building a supranational overlapping consensus while catering to the existing domestic overlapping consensus. The value discourse and the mutual trust highlight this challenge perfectly, even though they often come with more questions than answers. The imperfection and uncertainty speak to the very DNA that has been woven into the European project and its founding myth of an ever-closer Union among peoples of Europe (Art. 1 TEU). Importantly, the centrifugal tensions that call into question the very essentials thought of as keeping the parties together go beyond mere disagreements. While the latter form part of the European overlapping consensus, they must never strike at the minimum commonality to be shared and respected by all the parties to the consensus.

Unfortunately, as of now “the ever-closer union” continues to be bound together by the fact of state-membership with the citizens still lurking in the shadow of this state-driven narrative. The design is still dominated by a Union of States and at best market-driven and self-interested economic operators. While at some point, Treaty changes might be indeed needed to reflect the normative asymmetry within the polity, this has not been the focal point of the text. The challenge before the SLO goes clearly beyond institutional and procedural dimension and technocratic tinkering. It starts from and recognizes that we need to move beyond *ad hoc* patching-up of the sinking ship and embrace more systemic rethinking of the system’s ailments and their causes. If the Union of States does not make a leap towards community of values, shared legality and practice enforced in the name of the European peoples and explained as such, SLO’s vocation and mission will be constantly called into question. Only the sum of commitment of the Member States, a special *ethos* of membership, novel justificatory narrative(s) and triggering the civic register can ensure long-lasting credibility and legitimacy of the supranational design and governance. (Koncewicz, 2022a)

As we move forward, it is thus crucial to accept that all actors operating within the European public space must embrace the shared values as their own and acknowledge their commitment to their own and the Union’s democratic aspirations and core values of the European public space of dignity, equality, rule of law, and freedom. The supranational legal order as conceptualized here has not only a special *counteracting* (rights as shields), but also *mobilising*, role to play. It can play a catalyst function for pro-democracy initiatives. Paraphrasing M. Shapiro, the SLO faces now the challenge of learning how to translate the text into the transnational law and case law. For that to happen, though, a new narrative is needed that would provide a discursive framework for the actors to defend the transnational democracy and the rule of law, not just human rights, as the constitutional essentials (this paper’s “First Principles”) of the SLO. A theory of integrated approach to building a set of institutions is

needed to enforce and reinforce supranational legality built on the overlapping consensus among European peoples as well as to offer viable counter-strategies to defend the viability of such a consensus. Such theory would call for going beyond mere rights regime and instead embracing supranational legal order in which democratic structures, constitutional profiles, and shared values have as much protection as the human rights, all as part of the emerging supranational legality and practice of the First Principles of the European public space. All this as part of the never-ending and elusive search for the workable equilibrium between the existential diversity of the parts on the one hand, and the necessary minimum sharing among all the parties to the consensus on the other. At the very minimum, all actors to the consensus must be ready to read their local mandate through the credible commitments that trample the momentary desires of the people and their representatives and embrace the values that define us as Europeans and our community as a community of law. A community that springs from the dream of coming together and the reality of (still) living apart.

No doubt, the question of who will be the constitutional storyteller of the SLO's First Principles and the overlapping consensus is crucial. For any myth to survive, though, supranational governance and design need not only crafty storytellers but also a good story to tell, an engaged audience to listen, counter-strategies to defend the myth(s), and counternarrative(s) to explain and justify the original consensus that brought States and European peoples together (Koncewicz, 2022b). The SLO seems to be falling short in all these registers of myth-telling, defending, and building new myths for the generations to come. As the SLO moves forward, ponders, and narrates its myths, the memory of why the States joined in 1952 is and will be of



fundamental importance. Amnesia and inability to critically retool the founding narrative(s) and adapt them to the changing world would set free the majoritarian politics and shatter one of the founding myths of the first Communities, that of the constrained political power and the overlapping, and not perfect, consensus.



The challenge of transition from traditional seeing “other as a stranger” to the more demanding embracing “other as a neighbour”, with whom we agree to share certain constitutional essentials and live together by First Principles, is staring right into our eyes.

Therefore, an important critical self-introspection by the Union and for the Union is thus very much in order. While clearly the European decision-makers need new expertise and advising that would show the signs of deterioration in the functioning in the democratic system before the collapse happens, their commitments must first and foremost be correctly anchored in a set of First Principles and narratives that explain the processes and journey. Thus, the emphasis not simply on “What” but also on “Why” has been at the center of the supranational road map. This analysis must not be read as a closed box, though. Quite the contrary. It is open to embracing new challenges and to adapting to the ever-changing circumstances of the integration. By belonging to the supranational legal order, its actors limit their choices by committing to the order’s practice and its understanding of legality. What must be appreciated and studied more is the critical interaction between the legal dimension of the integration-search for optimal tools and enforcement competences to safeguard the integrity of the EU order (“How”) and its ethical narrative and justification that would explain in the name of whom the EU acts to defend its First Principles. This is where the “EU value discourse” faces its true constitutional challenge before it can lay claim to the most noble proposition that a “a value” becomes “Our value” (Konciewicz, 2022). The challenge of transition from traditional seeing “other as a stranger” to the more demanding embracing “other as a neighbour”, with whom we agree to share certain constitutional essentials and live together by First Principles, is staring right into our eyes. With all this transition comes the true challenge of mega-politics behind the “Why Question” that the supranational governance, design, and legality face today and in the foreseeable future.

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OPEN BORDERS AND FREEDOM OF MOVEMENT AS EUROPEAN VALUES

Adrian Favell

It is very hard to make the case for EU policy and politics on migration as a positive, progressive embodiment of the continent's highest values. The Euro-Mediterranean refugee crisis of 2015-2016 showed up a crabby and implacably hostile club of Member States unable and unwilling to face up to the despair and flight from danger of asylum seekers beyond and across its borders. This grave moral failure was summarised in the stark and abject photo syndicated worldwide of the washed up body of three-year-old Syrian toddler Alan (or Aylan) Kurdi on a beach in Turkey in September 2015. At the same time, FRONTEX operations against helpless boat people, and the legal pursuit of anyone showing solidarity with the present day "wretched of the Earth" (Fanon 1961), regularly conjure up further images of the dark side of European integration, with dinghies packed with bodies that eerily echo the brutal efficiency of slave trading boats. Notwithstanding Angela Merkel's surprising, emotional decision to open German doors to over a million Syrian refugees in 2015, the EU continues to uphold security and policing operations at its borders at odds with its commitment to human rights, global development and equality between nations (see, for example, the assessment in De Genova 2017).

If this uncomfortable reality of the so-called Fortress Europe provides one enduring image of the EU in the present era of crisis, its much more utopian conception of the freedom of movement of persons *internal* to the borders of the European construction offers a very different kind of self-representation. This image is of course rooted in the optimistic 1990s, with the invention of "EU citizenship": what was, in fact, in technical terms, not "citizenship", but a right of non-discrimination on the basis of nationality, valid across borders within the EU. This was the full blown establishment of putting Europeans on the move as the fastest route to building "European identity" (Favell 2008a). From Erasmus students falling in love



with foreign boyfriends and girlfriends, to low cost airlines making Euro-tourism open to (nearly) all; from high flying professionals speeding by train from one European global city to another, to cross-border commuters, families, traders, and truck drivers knitting the continent together through everyday interactions without border passport checks (Recchi, Favell et al 2019) – what might be referred to as “Euro-mobilities” could be seen at the heart of the European project, as well as the set of European rights most enamoured of its populations (Recchi 2015).

The collapse of the Berlin Wall (1989 and all that) put ever more populations on the move, as the geo-political gamble of accession extended the same sets of rights – the right to live, work, study, love, travel, or settle in another Member State of choice, under conditions of equality to the nationals of the receiving society – to East and Central European nationals (Favell 2008b). Though often portrayed by populists as yet more new “immigrants” posing issues of toleration, diversity, labour market competition and welfare state strain, the point, of course, was that these other movers of foreign nationality, were – like the more or less invisible, yet substantial numbers of West European residents living across borders as non-nationals in other Member States (Recchi and Favell 2009) – simply Europeans who had chosen to live in another part of Europe. They were therefore not really “immigrants” at all, and not even “migrants” in the conventional international sense of the term, which presupposes a linear and definitive move from A to B across an international border, with at least one year of settlement.

These multiple mobilities and forms of social transnationalism have indeed provided a dynamic of economic and social integration from below, a sign of the continent’s economic interdependence and vitality, even if this has not proven the high road to a more consolidated European identity (Favell and Reimer 2013). An argument can be made for the effects of freedom of movement of persons as the EU’s most striking signature achievement – a rather unique facet of the EU as a political economy that makes it distinct from the norm of globalised regions, in which freedom of movement of capital, goods and services is enabled by cross-border integration, but not that of persons, which remains restricted. Certainly a case can be made that EU membership and accession to such mobilities was key to the inclusion of the long-time authoritarian Portugal and Spain in the European family, and that after Eastwards accession, the biggest new Member States, Poland and Romania, benefitted significantly from the new population movements unleashed (economically and politically, respectively – certainly not without complication; see, though, Garapich 2016; Paul 2014).

This has not been the case, however, with the palpable effects of brain drain on countries such as Bulgaria and Lithuania, where freedom of movement for younger, and more educated, and *ipso facto* more mobile nationals, meant that anyone with human capital could and did move away. The receiving side benefits are clear: their human capital has infused the economies of Western Europe, whether providing medical personnel, university researchers, agricultural workers or staff for the hospitality industry. London was the great success story, with Germany not far behind the UK in adapting dramatically as open but stratified migrant economies receiving the new mobilities (Black et al 2010). These were free moving, often transnational populations, as much as potentially new immigrant groups, with their positive economic effects clearer than their political sustainability, given ongoing national hostility to “immigration” as such.

Brexit indeed saw intimations of the coming end of non-discriminatory freedom of movement across Europe, writ large in a populist revolt against EU membership (Favell 2020). This was driven in large part by political entrepreneurship from the right, led by the independentist leader Nigel Farage, which successfully associated free movers in the UK (overwhelmingly European, white, young and net contributors to the economy) with other ostensibly “unwanted” populations (those immigrants thought to be Middle Eastern, black and brown, Muslim, cashing in on benefits, committing “crimes” of border irregularity, etc.). The UK voted to “take back control” of immigration – as it was seen – by leaving the EU and its single market (based on the four, not three, freedoms). It is too easy to think the UK is an outlier in European values in this respect. The retraction was in fact prefigured by other Member States signing up to similar restrictions on welfare benefits for free movers that UK premier David Cameron tried to negotiate for the UK, and has been shadowed by them in the years since, maintaining freedom of movement of person in principle, while suspending open borders in moments of crisis (terrorism, COVID-19), clamping down on vagrancy and homelessness (Roma being a favourite target), and constitutionally impeding fair and equal access to welfare benefits to less wanted, non-economically performative, migrants (Barbulescu and Favell 2020).



So people on the move across and into Europe really do pose the question of how seriously the EU takes its alleged “universal” commitment to justice, anti-racism, equality of non-nationals, and fair and equal treatment of individuals regardless of origins. There is no more obvious inequality in the world than the value of the passport. This is the notorious global “birthright lottery” (Shachar 2009). Where you are born in the small world we live in, overwhelmingly determines life chances, so that privilege is inherently packed in to being born European, even before we take into effect the ongoing effects of colonial heritage (or, one might argue, because of those long term effects of the supremacy of European modernity). There is little or no justification for the territorial borders of sovereignty that preserve these privileges, save the recall to arguments about the fatal impact to “our” democracy or welfare state (arguments often technically shown to be wrong by economists and political scientists). In any case, we have to ask why migration is only acceptable when it can be shown to benefit the receiving State – regardless of the claims of the Global South to a more equitable distribution of the world’s resources and power (as well as, increasingly reparations for what has been taken in the past).



So people on the move across and into Europe really do pose the question of how seriously the EU takes its alleged “universal” commitment to justice, anti-racism, equality of non-nationals, and fair and equal treatment of individuals regardless of origins.

Any discussion of the “European Dream”, in the context of this project, then, if restated for the present and the future, must surely need to incorporate the kind of postcolonial arguments about the real consequences of multiculturalism and global diversity in the North Atlantic West necessarily leading to arguments for open borders and equitable development mechanisms. Normatively speaking, migration and global mobilities *must* indeed lead to decolonisation. Migration and development theory in the 1990s – premised on the idealised win-win-win of neoliberal development – more often than not did not bring tangible benefits to the poorest countries and most immobile nationalities in the world (De Haas 2012). Instead, in many cases, it only exacerbated one-way selection and extraction mechanisms that, when it allowed migration at all, creamed off “the best and the brightest” – perhaps welcoming them into a proud new multi-cultural and racial Western citizenship – while it left behind the immobile, subaltern, and most wretched of the world.

It would therefore be wise to carefully pause and reflect on how the “normative power” of European values is so often confounded with Eurocentricity, protecting a European way of life premised normatively on “whiteness”, while piously exporting values of “universal” equality, freedom and justice. In reality, the European Dream – in the UK, France, Germany, the Netherlands, Norway – now resembles more the American Dream (Favell 2022). This envisages an equality of opportunity to those selected to come as immigrants, enabling a multi-racial “integration” as they move towards middle class affluence as new nationals, while caring little about the effects beyond its borders of this extractive selection, or the racialized biopolitics, built into this logic. We must look for other discussions of the European Dream, if they can be found, focusing perhaps on the distinctive quality with which European societies

have sometimes been transformed – de-nationalised, in effect – by the globalisation brought in as a disruptive column of change by new populations, whose diasporas may porously force new relations with sending countries and, in time perhaps, a more equal balance of resources and power.

One might argue that this has been the case with China and India, whose rise as BRICS centered in their powerful home demographics has nevertheless been open to benefit from their massive diasporas increasingly implanted and operating successfully in Western countries. The movements of students; the activities of high tech personnel; the operation of transnational businesses – these presage shifts in global inequalities and the hierarchies that once kept the North Atlantic West on top and China or India subordinate. European movers outwards have been sucked into their economic orbit; where once they were colonizers and appropriators, they are now forced to take on more subordinate roles, functional to local economies and cultural change.

The crises of migration and freedom of movement, of course, are intimately linked to other planetary concerns about global environment and geo-political conflict. Climate change will push more populations to move, and that will have to be managed with values consistent with decent humane treatment; and not as selective, extractive biopolitics, or worse, the necropolitics built on letting the most abject and wretched die. The Ukraine conflict – as did the



war in Yugoslavia – has confronted Europe with borders shattering again in its own continent. A shift in asylum policy was inevitable, as populations had to be protected. Yet, it also has to be noted that the conflict was prefigured by the closure of Ukrainian borders to Russia, while borders of tourism and foreign direct investment were opened to floods of capital from the West, allowing some people to move while others were excluded – all contributory factors to the irredentism of some Ukrainians, and hence factors fuelling the conflict. Ukrainians looking West saw a rare window of opportunity to suddenly be seen as welcomed movers deserving protection, rather than a movement that had hitherto been premised on subordinate positions in precarious industries or sex work. And, as has been observed everywhere, their differential treatment as “deserving” refugees of a “just” war, has contrasted sharply to the indifference of the West to ongoing military disasters in the Middle East, and the very different treatment of black and brown refugees from Asia and Africa. Again, we see the egregious racialisation into “good” and “bad” categories of the (temporarily) wanted and (invariably) unwanted.

Equality, human rights, global justice, and genuine hospitality to those in need, demands nothing less than a rethinking of the habitual attitudes towards migrants, minorities, and non-nationals anchored in conventional categories and conceptions of immigration, that make invisible other ongoing forms of spatial mobility in a globalised world. As we see, less categorical distinction between tourists and visitors, and those legal or illegal visibly non-national “foreigners” seen as “immigrants” – and hence a “problem” for sovereignty and citizenship – attitudes will be forced to change towards those who so often become the targeted object of violent immigration politics.

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III. THE RUSSIAN WAR ON UKRAINE

RUSSIA AND THE WEST – IDENTITY FORMATION ON THE BASIS OF OTHERNESS

Angelika Nußberger

War propaganda needs cultural stereotypes. It would not work without building up the image of an enemy who stands for everything you hate. The stereotypes used in the Russian-Ukrainian war thus also throw light on Russian self-images.

When Volodymyr Zelenskyy is called the “antichrist” in Russian TV, when Ukrainians are compared to transpersons who “behave against human nature”, when bombing of infrastructure is considered as just punishment necessary to bring Ukrainians back to their “Russianness”, and when Olaf Scholz – after his decision to deliver tanks to Ukraine – is called a “hanseatic nazi”, who should be judged in a second Nuremberg trial, then all that conveys a clear message about the vision of “Russian identity”.

This vision is centered on the idea to be “on the right side”, on the side of Christ. Orthodox religion therefore plays a dominant role in the process of self-identification. While considering transpersons as unnatural, Russians live their lives in harmony with nature, with their God-given role. Therefore, it is not by chance that Putin takes up these cultural elements in his “war speech”, delivered just before the invasion: “Do we want to have here, in our country, in Russia, ‘parent number one, parent number two and parent number three’ (they have completely lost it!) instead of mother and father? Do we want our schools to impose on our children, from their earliest days in school, perversions that lead to degradation and extinction? Do we want to drum into their heads the ideas that certain other genders exist along with women and men and to offer them gender reassignment surgery? Is that what we want for our country and our children? This is all unacceptable to us. We have a different future of our own”.



War propaganda needs cultural stereotypes. It would not work without building up the image of an enemy who stands for everything you hate.

This stereotype of the West is not new. It builds on writings of the influential political scientist Sergey Karaganov, who considered the West to be characterized by “phenomena such as LGBTism, multisexuality, ultrafeminism, denial of history and one’s roots, faith, support of black racism including its anti-Christian elements and its anti-Semitism”.



Against this background, it is interesting to inquire in how far Russia's (negative) image of the West has helped shaping Europe's identity, not only now, but over the centuries. It is argued that Europe as an opponent and adversary is more important for Russia's identity-building than vice versa. Yet, Russia's influence on Europe should not be underestimated; in any case, it is very different from the role the United States of America have played in this context.

In present times, the antagonism is very clear. In so far as Russia sees orthodox religion as the right path, the West would contradict and speak out in favour of pluralism and tolerance. The confrontation can be illustrated with the famous trial against the feminist rock group *Pussy Riot*, that staged a sort of satanic song against Putin in one of the central churches in Moscow. The refrain was "Virgin Mary, Mother of God, drive Putin away". The European Court of Human Rights condemned Russia for violating the European Convention of Human Rights because of the harsh judgment of more than a year in prison and decided that it was a non-proportionate overreaction.

The topic of LGBTQ is in the center of the cultural fight, not only between Russia and a liberal vision of the West, but also between different political camps in countries world-wide. The Russian Constitutional Court's position is clear: "[i]n so far as one of the roles of the family is [to ensure] the birth and upbringing of children, an understanding of marriage as the union of a man and a woman underlies the legislative approach to resolving demographic and social issues in the area of family relations in the Russian Federation". Contrary to this position, the European Court of Human Rights, speaking for the West, sees a "clear ongoing trend" to also provide a legal framework for homosexual couples' living-together.

Last but not least, fighting against nazis is a building-block of Russian identity. In the view of the West, the Russian approach to history is, however, one-sided and denies seeing the reality, for example the Stalin-Hitler-Pact and the manifold cooperation between the Soviet Union and the nazis before Nazi Russia's invasion in 1941.

It is undeniable that Russia's aggressive war against Ukraine marks a negative extreme in the relations between the West and the East of Europe. But it is not the first time that the atmosphere is frozen. It was, however, not always frozen. On the contrary, periods of complete isolation interchanged with intense interaction. The invasion of the Mongols cut Russia from the cultural development during the late Middle Ages and Renaissance. Peter the Great opened Russia up and took whatever inspiration he could get from the West – starting from shipbuilding to architecture and lifestyle. Catherine the Great was a pen friend of Voltaire; the aristocracy in her time preferred to speak French instead of Russian. On the contrary, the Soviet Union closed all doors and distanced itself from what was considered “capitalism” and “exploitation”. In the 1990s, the picture once more changed: it was a time of not only imitating, but even copying the Western model.

Thus, living with the West or distancing oneself from the West was decisive for Russian self-identification. For the West, on the contrary, Russia was one factor among many in shaping “Europeanness”. It is true that, in the Cold War, the Soviet Union was an antipode that allowed rallying round the flag of democracy, rule of law, and human rights. But it was far away and could be forgotten as long as it did not turn out to be a threat to well-being and security. The model of the United States was, on the contrary, always a source of inspiration.



West and East are more dependent on each other than they would admit. They are what they are only because of “the others”.

Due to the war, in present times, the picture is somehow black and white. But that is misleading. The reality is much more complicated. While the West tries to stress its unity and harmony, the cracks cannot be overlooked; in some countries the governments, in other countries parties favour the “Russian model”. At the same time, in Russia, the support is based not always on conviction but more on coercion.

It is unforeseeable how the relationship between West and East will develop after the end of the war. But we can expect that the isolation and confrontation will not last forever and the pendulum will swing back again in the other direction. West and East are more dependent on each other than they would admit. They are what they are only because of “the others”.

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EUROPEAN DEFENCE AND EU STRATEGIC AUTONOMY IN LIGHT OF THE UKRAINE CONFLICT

Antonio Tanca

Ukraine has been a catalyst in the debate about European defence in a context marked by a deterioration in the relationship between world powers, and a new bout of transatlantic solidarity. The European Security and Defence Policy (now CSDP) originated from a post-Cold War setting, with the looming US military disengagement from the European continent. This led to an Anglo-French agreement setting the bases of the new policy, whereby the Union would organise its own crisis management operations, with the possibility to use NATO's assets, together with an engagement to reconvert and improve its own military capabilities.

After an encouraging start lasting until 2008, subsequent developments were disappointing, despite a number of institutional improvements contained in the Lisbon Treaty. The Treaty set forth a legal framework that, while still based on unanimity, allowed the Union to decide and act with greater flexibility and speed.

The current situation in Ukraine has triggered further developments. Defence in the classic sense is back on the radar screen, with a clearer vision of the Union's strategic goals. This is coupled with the awareness that Member States cannot go separately, whereas US engagement cannot be taken for granted. There is also greater willingness to devote more funds to defence. Finally, there is a revival of the transatlantic relationship and of NATO.



Defence in the classic sense is back on the radar screen, with a clearer vision of the Union's strategic goals.

The EU current strategic thinking is spelled out in the EU Strategic Compass, approved last March. The Compass aims at providing a shared assessment of the strategic context in which the Union is acting, achieving a common sense of purpose, improving the Union's capabilities and establishing a kind of roadmap. These goals would be achieved through a number of concrete initiatives.

The first is the plan to develop a capacity for rapid deployment. This force should have a maximum of 5000 military personnel, and should be used at different stages of operations in a non-permissive environment. A second is the engagement to agree by 2023 on the implementation of Article 44 of the TEU, allowing a limited group of Member States to conduct operations within the framework of the Union. A third is the strengthening of existing command and control structures to the point of enabling their full operational capacity. Another two important elements are periodic exercises to strengthen mutual assistance in the event of armed aggression, as well as the strengthening of civilian missions, which might prove of crucial importance in a post-conflict stabilisation phase in Ukraine.

There are also interesting developments on capabilities. The Permanent Structured Cooperation or PESCO, based on Article 46 TEU, was launched in 2017 with a view to increasing

defence cooperation among the most willing and able EU Member States. In fact, most Member States signed up to 20 more binding commitments to jointly plan, develop and invest in shared capability projects. Also in 2017, the European Commission launched the European Defence Fund (EDF) addressing defence research and capability development, which would – under the 2021-2027 multi-annual financial framework – scale up the funding for collaborative research in innovative defence products and technologies and for subsequent stages of the development cycle.

On financing initiatives, the use recently made of the European Peace Facility (EPF), adopted in 2021, is very significant. Initially conceived as a tool financed by the Member States to cover the common costs of military operations, the EPF has now evolved into a tool to ensure assistance to partners, by providing military material that complements training by CSDP missions, and by supporting their defence capabilities in times of crisis, as was done with the assistance package to support the Ukrainian armed forces. Contributions will be determined based on a gross national income (GNI) distribution key. In relation to the conflict in Ukraine, the military training and assistance operation, EUMAM Ukraine, decided by the Council last October, is financed practically entirely by this instrument. It has also been used for the supply of military material to Ukraine.

Last but not least, the Strategic Compass restates that the EU's strategic partnership with NATO is essential for Euro-Atlantic security, as demonstrated by the Russian aggression



against Ukraine. EU-NATO relationship was never easy. The Anglo-French compromise at the basis of CSDP mentioned before on the use of NATO's assets and capabilities never really worked. The relationship developed thus pragmatically, with cooperation on the ground in a number of specific theatres. Current bilateral relations are based on joint documents establishing a number of specific areas of cooperation. The strategic compass adds joint and inclusive exercises to improve interoperability for the activities pursuant to Article 42.7 TEU (common defence).

It is at present difficult to foresee the timeframe for the end of the conflict in Ukraine. For the short/medium term, as things stand now, one can realistically imagine a division of tasks between the EU and NATO with the latter focusing on strengthening territorial defence, and the EU using all its other available tools, by providing arms, training, post-conflict monitoring, and rehabilitation activities involving the CSDP, as well as coordinating the reconstruction (including through civilian CSDP), when the conflict is over. For the longer term, a distinct possibility is a serious discussion on a realistic division of roles, e.g. greater autonomy for the EU in exchange for greater contribution, which might also shelter Europeans from undesirable developments in the US.



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IV. RELIGION AND EUROPEAN LIBERAL VALUES

RELIGIOUS VOICES IN THE PUBLIC SPHERE OF STRUGGLING LIBERAL DEMOCRACIES: OPPORTUNITY OR PROBLEM?

Roberto Luppi

A sharp separation between the spheres of public and private characterizes the liberal world. While the former sphere is considered the place of principles and reasons that can be understood and embraced by the entire citizenry; the latter space sees the proliferation of a multiplicity of philosophical, religious, and ethical doctrines. It is the need for everyone to understand the arguments used in the public sphere, coupled with the fact of pluralism, that has prompted many liberal thinkers to narrow the spectrum of arguments that can be used in public discussions and to assert that democratic deliberation should be conducted without referring to controversial claims from individuals' worldviews. The foundation for political decision making must thus consist solely of a set of public principles and values, as such neutral.

Thinkers belonging to this group – including John Rawls and Jürgen Habermas – have been called justificatory liberals. While they endorse positions that are in some cases far apart, they are united by agreement on two main elements. First, they place a high value on liberal principles and practices. What makes them justificatory liberals, however, is their being united by the belief that respectful citizens have a moral (not legal) duty to seek forms of public justification for the laws they support. Consequently, justificatory liberals claim that a citizen cannot support a law making reference solely to religious reasons. Otherwise, principles of respect and tolerance would be violated.



At a time of deep crisis in our democracies, it is perhaps no longer so crucial to talk about what reasons are acceptable in public discourse. Rather, it seems increasingly important to ask where the latter can get those resources and values that it is unable to produce on its own.

The separation between public and private seems, thus, difficult to mediate. What I would like to point out, however, is how, in recent decades, there have been outstanding liberal thinkers, and specifically I am referring to John Rawls and Jürgen Habermas, who in the final part of their career took steps towards recognizing the importance that religious discourse plays (also) in public life. The reason for this new centrality attributed to religion stems from its ability to scrutinize social reality and to trace and combat existing tensions and unjust practices.

By way of provocation, it could be said at a time of deep crisis in our democracies, it is perhaps no longer so crucial to talk about what reasons are acceptable in public discourse. Rather, it seems increasingly important to ask where the latter can get those resources and values that it is unable to produce on its own.

I. PUBLIC REASON IN RAWLS AND HABERMAS

The Rawlsian concept of public reason refers to the types of reasons available to citizens and state officials in public discussion and deliberation. Avoiding reliance on controversial points of view, public reason is based on generally accepted beliefs and premises that can reasonably be shared and supported by all. According to this idea, Rawls would seem to endorse the principle of *privatization of religion* and its exclusion from the public sphere. In the last phase of his reflection, however, he opens the door to religion claiming: although the content of public reason is given by principles belonging to liberal conceptions of justice, reasonable comprehensive doctrines, that is in this case (especially) religious doctrines, can be invoked in political discussion, even on fundamental issues, provided that in due course public reasons are presented sufficient to support whatever the comprehensive doctrines are introduced to support. Everyone can therefore express their deepest convictions as long as, when necessary, they are able to accompany their arguments with public explanations.

Rawls's idea is that religious content can prove particularly valuable whenever the community is confronted with serious injustice, faced with new collective demands, and/or when the need for radical change emerges. Examples offered in this regard include the role played in U.S. history by abolitionists and Martin Luther King Jr. What Rawls seems to notice is the fact that, on some occasions, liberal democracy seems unable to put itself under scrutiny in



order to trace existing tensions or, in some cases, injustice and to find ways to combat and overcome them. This is when comprehensive doctrines – and especially religious doctrines – can come to the rescue.

A similar path can be traced in Habermas. For years, scholars have identified Habermas's work as an attempt to marginalize religion. The basic idea was that the Enlightenment brought with it a loss of importance of worship within modern societies, which were seen as irreducibly destined to secularization. Habermasian theory relies on an autonomous justification of the normative foundations of the constitutional state, which are claimed to be rationally acceptable to all citizens. Inevitably, this is followed by the exclusion of religious and metaphysical contents from the public sphere.

In the early 1990s, however, Habermas changes his view on the value of religious traditions in the public sphere. In particular, at the substantive level, Habermas develops the conviction that public reason – left to itself – may suffer from a deficit of normative content. This deficit can be counterbalanced by religious contributions, interpreted as precious resources on the social, political and – above all – relational level. He identifies the need for a cooperative work of translation, by believers and nonbelievers alike, aimed at translating religious contents into a widely understandable language. Now, religious voices are seen as capable of expressing those moral values and sentiments that secular modernity otherwise tends to forget... especially in the struggles for justice and social harmony.

II. REQUIREMENTS FOR INTRODUCING RELIGIOUS ARGUMENTS INTO THE PUBLIC SPHERE

Both Rawls and Habermas face a path towards loosening the restrictions for religious voices in the public debate. That said, there are some circumstances in which they seem not only to open the door to public interventions by religious communities, but almost demand these interventions. When does this happen?

First requirement. *Viewpoints from religion take on a particularly prominent public role when a society appears unjust or not completely just*

The basic idea is that religious voices are particularly precious when a society is unjust or not fully just. Therefore, the limits of public reason must be observed as changing as a result of historical and social circumstances. In the most favorable moments, a more exclusivist view of public reason may be endorsed. In other circumstances, public reason may not be able to see and counter situations of injustice or respond to new social demands. On these occasions, it is not only permissible but desirable that citizens, possessing a worldview that enables them to identify these issues, use their doctrines in order to enable the necessary social changes.

Second requirement. *Religious voices take on special relevance when they show a tension toward transforming society into a more just reality.*

The formulation of certain beliefs should help to make society more just. This argument is particularly emphasized in reference to abolitionism. Principles such as that of equal respect for every human being were not universally endorsed in the US at the time of slavery. Abolitionists were able to bring to the forefront values and virtues that are today the basis of

American public opinion, referring primarily to religious contents. At that stage, their comprehensive religious doctrine enabled them to see injustice in their society and to identify a path aimed at overcoming it.

Third requirement. *Religious perspectives take on a prominent role when their conclusions*

a. are general and refer to values underlying a liberal regime

The cases of abolitionists and the civil rights movement are almost self-evident: their doctrines *supported* basic constitutional (liberal) values, Rawls writes. For example, King repeatedly invoked constitutional values in a way that helped show the entire citizenry why it was right to oppose racial discrimination.

Furthermore, Rawls and Habermas underline that religiously motivated voices in the public sphere are characterized by their *generality*, addressing the citizenry as a whole. As suggested by Habermas, other views are usually conceptions of the good for me or for us, religious views have contents of relevance to everyone.

b. interpret political values in innovative ways, especially with reference to fragile areas of community life

Habermas underlines that religious traditions have a special power to articulate moral intuitions, especially with regard to vulnerable forms of life. In the event of the corresponding political debates, this potential makes religious speech a serious candidate for transporting possible truth contents, which can then be translated from the vocabulary of a particular religious community into a generally accessible language.

In light of what has been said, it is important to emphasize that both Rawls and Habermas do not simply aim for the translation of certain concepts into conventional secular language: in my opinion, their view is open to the transformative public role of religious faiths, seen to convey in the liberal world *essential inputs* for the reform of social obligations. Indeed, religious communities are seen to fulfill an indispensable social role: that of *raising attention to the most suffering and struggling groups in our communities*, the so-called *least-advantaged*. Through religious arguments and storytelling, political debate is forced not to forget them and, on many occasions, is confronted with the injustice, that affects the system.



III. CHURCH, MIGRANTS, AND PUBLIC REASON

I think that a field where the Catholic Church and its leader, Pope Francis, fulfill the requirements identified by Rawls and Habermas for the introduction of religious reasons into the public sphere is that of migration. Indeed, it is difficult to deny that, in our societies, the field of migrants' reception shows deep elements of injustice (*first requirement*) and that the preaching of the Church and the Pope aims to move consciences towards the creation of more just and open societies (*second requirement*). In doing so, the Pope addresses the community at large, promoting principles that are absolutely in line with the democratic and constitutional traditions of liberal States and offering innovative and fruitful interpretation of them (*third requirement*).

In this regard and just by way of illustration, it is of interest to point out the importance Pope Francis has attached to one principle in connection with migrants, that of *accountability/responsibility*. In a speech in Lampedusa (July 8, 2013), he said:

Who is responsible for the blood of these brothers and sisters of ours? Nobody! That is our answer: It isn't me; I don't have anything to do with it; it must be someone else, but certainly not me. [...] Today no one in our world feels responsible; we have lost a sense of responsibility for our brothers and sisters. [...] we see our brother half dead on the side of the road, and perhaps we say to ourselves: "poor soul...!", and then go on our way. It's not our responsibility, and with that we feel reassured, assuaged. The culture of comfort [...] makes us insensitive to the cries of other people, makes us live in soap bubbles which, however lovely, are insubstantial; they offer a fleeting and empty illusion which results in indifference to others; indeed, it even leads to the globalization of indifference.

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MULTIPLE CHRISTIAN ORTHODOX IDENTITIES IN EUROPE

Regula M. Zwahlen

In view of the eastward EU enlargement, the debate whether Orthodox countries can sustain democracy or belong to Europe seems quite outdated. Almost a quarter of the member countries of the Council of Europe (namely eleven out of forty-six) have predominantly Orthodox populations and implement the European Convention of Human Rights. Three Orthodox countries are full members in the European Union (Bulgaria, Greece, Romania), and five are EU candidate countries (Moldova, Montenegro, North Macedonia, Serbia, Ukraine). However, the question of whether this process is a success story or not is highly controversial, considering the fact that the democratic transition of the successor States of the former Soviet Union and of SFR Yugoslavia has brought forth strong ethno-nationalist tendencies too.

I. POLITICAL ENGAGEMENT OF ORTHODOX CHURCHES IN EUROPE

The fact that Orthodox churches do not openly resist EU integration does not mean that they firmly endorse fundamental principles of constitutional government. In some scholars' views, they chose a strategy of conformism rather than actively endorsing or shaping the politics of liberal democracies. However, there are at least four visible forms of political engagement



of Orthodox churches with societal structures today: first, they send representatives to the EU, who cooperate in the Committee of Representatives of the Orthodox Churches to the European Union (CROCEU). Second, Orthodox countries engage with the European Court of Human Rights (ECtHR) to defend religious rights, and case law on freedom of religion has grown significantly over the past twenty years. Third, many Orthodox churches are actively campaigning against the Istanbul Convention and what they call “gender ideology”. Fourth, most Orthodox churches have historically acted as advocates of nation-building, and this legacy tends to engender religious nationalism, which poses a threat to democratic political pluralism (Aristotle Papanikolau). The strong association between faith and national identity and the emphasis on concepts like the “symphonia” between State and Church in Orthodox Christianity has mostly historical, not primarily theological, roots. However, it has been argued, that even though religion constitutes an element of national identity in Orthodox countries (unlike the dominant Western conception of religion “practiced in the private sphere”), it does not necessarily preclude religious pluralism and “alternative definitions of secularism” (Kristen Ghodsee). New research on Orthodox identities is exploring these topics.

II. HUNTINGTON’S CURSE AND “MULTIPLE ORTHODOXIES”

Samuel Huntington was not the first to label Orthodox Christianity “a monolithic, backward, and stagnant religious system” (Rimestad and Makrides 2020). In his 1993 article, *The Clash of Civilizations?*, he predicted “a cultural division of Europe between Western Christianity, on the one hand, and Orthodox Christianity and Islam, on the other”. This is a new version of a much older “Orientalist” Western Christian discourse. The flip side of this coin is a “self-Orientalized” or even “self-colonized” Orthodox traditionalism that emphasizes the preservation of “the pristine Orthodox faith” in contrast to the so-called “heretical Latin West”.

Many recent studies are trying to break free from these discourses, arguing that the Orthodox world does not stand outside history, and that its encounters with modernity have not exclusively been negative. However, “out of socio-political and cultural, and, last but not least, religious reasons” (Rimestad and Makrides 2020), it did not develop in the same way as Western Latin Christianity: the historical experiences of restrictions under Ottoman rule and totalitarian communism caused serious trouble to address contemporary issues in association with modern pluralist societies. At the same time, this historical experience brought forth a growing Orthodox diaspora in the West, which adapted to a heterogeneous social environment in different ways. Huntington may have been right in predicting a clash, yet not between civilizations, but rather between progressive and conservative values within different groups, institutions, and religions (José Casanova, Kristina Stoeckl). In short, there are “multiple Orthodoxies”.

III. DIVISIONS IN THE ORTHODOX WORLD

There are significant differences between the sociocultural and political outlooks of various Orthodox countries, institutions, and actors. A Pan-Orthodox Council in 2016, in which the majority of Orthodox churches in Europe took part (with notable exception of the churches of Bulgaria, Russia, Georgia, and Antiochia) showed the intention to find common solutions to the most pressing problems. The current Russian war against Ukraine sheds a harsh light on current fault lines within the Orthodox world, particularly between the Moscow Patriarchate and the Ecumenical Patriarchate (Istanbul).

While the first has shaped a traditionalist agenda within the framework of global culture wars, the latter engages with the challenges of modernity in a more constructive way, as exemplified by the publication of an *Orthodox Social Ethos* (2020), that addresses contemporary social issues. Yet until recently, a majority of Orthodox Christians in Central and Eastern Europe believed that “Russia has an obligation to protect Orthodox Christians outside its borders” (Riboloff, data from 2017). It can be assumed that the Moscow Patriarchate’s open support for the war against Ukraine will cause serious changes in the Orthodox political landscape.



The current Russian war against Ukraine sheds a harsh light on current fault lines within the Orthodox world, particularly between the Moscow Patriarchate and the Ecumenical Patriarchate (Istanbul).

As for Orthodox theology, despite its emphasis on communion and community, it does not necessarily preclude acknowledgement of the dignity of individual persons (believed to have been created in the image and likeness of God), and it contributes to ecumenical and interreligious reflections on social and ecological responsibility, as well as on diversity in unity. I conclude, then, with an adaptation of an argument by José Casanova about the relation between religion and democracy: the alleged incompatibility of Orthodoxy and Europe may not be a problem intrinsic to Orthodoxy itself, but “rather a problem linked to widespread [...] *assumptions*” (emphasis added) about Orthodoxy, Europe, and their relationship. There are many Orthodox voices willing to contribute to a dialogue on European identities, and they should be listened to.

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V. CLIMATE CHANGE AND EUROPEAN PERSPECTIVES

EUROPEAN CLIMATE AND ENERGY SECURITY POLICY IN THE SHADOWS OF THE RUSSIAN WAR AGAINST UKRAINE

Miranda A. Schreurs

Russia's unprovoked and illegal attack of Ukraine has caused tremendous human suffering, loss of life, and displacement. It has led to many tens of thousands of deaths, resulted in billions of dollars' worth of destroyed infrastructure, caused millions to flee the country in search of safety, and disrupted and destroyed countless lives.

The attack has been received with widespread, albeit not universal, critique, disbelief, and anger. It has rocked global energy markets and contributed to rising inflation. After the 2014 Russian attack on Crimea, the West hit Russia with sanctions, but they were limited in scale



and impact. The invasion which began on February 24, 2022 has led to a far more extensive and impactful response. Moved by the pleas of Ukrainian President Volodymyr Zelensky, Western States slowly at first, and then with increasing resolve began to retaliate, introducing sanctions on Russian oligarchs, prohibiting Russian flights in their airspace, and ending business relationships and investments in Russia.



The war has also added a new sense of urgency to plans to transition to low-carbon economies and to respond to climate change. In less than a year's time, Europe has largely succeeded in breaking its dependence on Russia fossil fuels.

The Russian war on the Ukraine is also deeply intertwined with energy and climate change policies and politics. Over the past decades, Europe built an extensive set of *pipelines* to enable the shipment of Russian gas to Europe and thereby to strengthen European security. Germany provides a particularly prominent example of Europe's turn to Russia for energy. Germany is Europe's largest economy and remains a manufacturing powerhouse. Despite Europe's unease with Russia's clampdown on civil society groups and suspicious deaths and imprisonment of journalists and individuals critical of the Kremlin, Germany turned to Russia for the fuel it needs to run its steel, chemical, and glass industries as well as to supply its electricity and thermal power plants. In 2005, Germany and Russia signed a deal to build *Nord Stream 1*, a pipeline carrying gas directly from Russia via the Baltic Sea to Germany; it went into operation in 2011. In 2013, planning for *Nord Stream 2*, a second set of pipelines which would run parallel to the *Nord Stream 1* pipelines gas and thus bypassing Ukraine as a transit route was launched.

In response to the war, the European Union and many other primarily democratic countries have slapped sanctions on Russia and European countries have aimed to end their dependence on Russian fossil fuels. Russia initially retaliated by slowing the shipment of gas to Europe but its efforts have largely back-fired. In the short-term, Europe's decision to restart mothballed coal-fired power plants to replace Russian gas in electricity production could lead to higher carbon dioxide emissions should this reserve capacity be put into use. But the war has also added a new sense of urgency to plans to transition to low-carbon economies and to respond to climate change. In less than a year's time, Europe has largely succeeded in breaking its dependence on Russia fossil fuels. For the European Union, the war has become another reason to speed up the advance of its clean energy transition. Numerous new policies and programs have been introduced to promote energy savings, energy efficiency, renewable energy, and green hydrogen technologies.

Russia is the world's largest exporter of gas and the second largest exporter of oil after Saudi Arabia. Russia's federal budget is heavily dependent on the exports of crude oil, petroleum products, and natural gas. Fossil fuel exports have provided the capital Putin has needed to launch his war on Ukraine. The Center for Energy and Clean Air estimates that the European Union alone has paid Russia over 80 billion Euro for the fossil fuel it imported between the start of the war and August 10, 2022.

While Russia has been able to use energy as an economic weapon against Europe, it is at the same time, vulnerable. Russia's failure to diversify its economy over recent decades means its loss of a major trading partner could have long-term consequences for its economy and could set it back for years if not decades in its economic development.

For European countries, the war has forced a reckoning with past energy policy decisions. Europe produces only about 40-45% of its own energy, importing the remainder. In 2019, the EU imported somewhat over 60% of the energy it consumed and much of that came from Russia. Russia supplied Europe with close to half of the solid fuels, over 40% of the natural gas and over a quarter of the crude oil it was importing. Today, imports of Russian gas to Europe are at below 10% – the result of concerted efforts to reduce dependencies on Russia as well as Russia's slowing of gas flows to Europe.

The loss of trust in Russia is leading to new geopolitical arrangements and alliances. It is also having major implications for future energy directions and thus also for climate change policies and programs. Crises can be turned into moments of technological and social change. For the European Union, the changes being brought about by the Russian assault on Ukraine are dramatic. After years of increasing talk of a fragmented and destabilizing Europe, and the painful experience of Brexit, the European Union has united in defense of democracy and in abhorrence of efforts to address territorial disputes through war. This is visible both with the expansion of NATO through membership applications by Finland and Sweden and through the increasingly closely coordinated energy policies of the EU.

One key legislative change that took place in the first months after the war began, are amendments made to the REPowerEU legislation, which promotes renewable energy development. As amended in the summer of 2022, the legislation was designed to help Europe make it through the winter by saving energy, diversifying fossil fuel and especially gas supplies,



speeding up the deployment of renewable energy, and replacing gas with other sources in heating and power generation. The legislation's initial target was to reduce demand for Russian gas by two-thirds by the end of 2022. This goal was surpassed. REPowerEU now sets a 45% target for renewables as a share of power generation for 2030. It further recommends that Member States speed up permit-granting procedures for the deployment of renewable technologies.

Germany has been by far Europe's biggest importer of Russian gas. The German government passed emergency legislation in June permitting the equivalent of about 8 GW of domestic hard coal and lignite plants to restart to replace gas plants in electricity production should the country be hit with a gas shortage. This reserve capacity was put together out of the coal-fired power plants that were scheduled to be shut down in 2022 and 2023 under the pre-Ukraine war plan to shut down all of the countries coal-fired power plants by around 2030. Germany also rushed to build new LNG terminals, with 12 approved by the end of 2022. While environmentalists are worried that this will lead to an increase in greenhouse gas emissions, they are encouraged by the fact that at the same time major steps are being taken to decarbonize the energy system.

The *Easter Package*, a set of legislative initiatives intended to expand the use of renewable energy and to accelerate renewable energy capacity development, was introduced in April 2021, approved by the Parliament in summer 2022, and entered into force in January 2023. By 2030, Germany now aims to achieve an 80% share of renewables in its electricity sector. It will also open the first wind to hydrogen fuel auctions. For both Germany and Europe, the Russian attacks against Ukraine have led to a new understanding of what energy security means and how it can best be achieved. There is also a stronger recognition that it makes sense to couple energy security with efforts to tackle climate change – and this means promoting energy savings, energy efficiency improvements, a large-scale expansion of renewable energy capacities, the electrification of the transport and building sectors, among many other steps.

The war in the Ukraine is thus speeding up an energy transition that was long overdue. It is also pulling Europe closer together and leading to new and expanded energy partnerships within and between European States as well as with other countries, including Armenia, Canada, the Netherlands, Norway, the United States, and several Middle Eastern countries. Europe and Canada, for example, are planning joint development of green hydrogen and the United States aims to expand exports of liquid natural gas to the continent. The European Union is also taking steps to integrate Ukraine more strongly into its fold, supplying the country not only with weapons but also with energy.

In summary, we see that Putin severely miscalculated with his attack on Ukrainian sovereignty. The political influence Russia managed to build over the years on especially the European energy sector has been severed. The war has pulled European countries more strongly together, strengthened the NATO alliance, and accelerated low carbon energy transitions.

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