“Between Norms and Realities:

Challenges to Europeanization, Democratization

and the Rule of Law

in a Transnational Context”

Central European University / Invisible University for Ukraine

Spring Term 2022,

Elective Course – 4 ECTS credits

**Coordinates:** Nazarii Stetsyk with Vladimir Petrovic and Oleksiy Kononov

**Time:** Wednesdays, 17.00 CET (18.00 Ukrainian time)
Course description:

This course offers a study of constitutional democracy in the shadow of the war in Ukraine, in a broader European and global context. It investigates the construction and deconstruction of democracy in the European political space across disciplinary boundaries and conventions. Classes explore the interplay of geographic and normative frames, of local and supra-national political and social forces in their historical contexts; the course follows key actors, social movements and counter-moments across contexts through tracing the intended and unintended consequences of their actions, trepidations and silences.

Learning outcomes:

The program offers an intensive learning experience, placing questions relevant for Ukrainian students into a transnational comparative perspective. It invites a conversation between students of politics, society, government, European studies, law and human rights, and as such, it is designed as a multidisciplinary experience.

The program offers a new opportunity for critical intellectual reflection on questions and themes that are presented in a new light due to the Russian military invasion. It is not meant to replace or duplicate the existing online education in Ukrainian universities, but seeks to complement and to support it.

At the end of this course, students will have expanded their knowledge on key issues of constitutional democracy as an ideal and a political practice in a European and global transnational context. It also provides an intensive experience of interactive, problem-oriented learning in an English-language academic environment.

Learning activities and teaching methods:

This course consists of two components: lectures and in-class open discussion. Lectures (in English) will focus on key issues linking the Ukrainian and transnational themes. Lectures can also take the form of a dialogue or a mini-roundtable involving multiple scholars. The in-class open discussion will focus on the lecture and the assigned readings, as well as the thematic questions posed by students on the broader topics of the class.

In order to facilitate participation, students are requested to cover core English-language readings before class. A larger selection of readings is offered, covering topics from multiple disciplinary perspectives.

Classes are offered in a hybrid format (online teaching with a possibility of on-site (campus) presence for those students who are residing in Budapest). Classes take place usually on Wednesdays, at 5 PM (CET)/ 6 PM (Ukrainian time). The zoom link is:

Assessment:

This course is taken for a pass/fail grade. Passing the course means that the students have participated in the classes actively. For those students whose conditions make it impossible to listen to the classes synchronically, an asynchronic mode will be made available, with the lectures uploaded and questions they are asked to answer on the basis of watching/listening to the lecture.
CLASS SCHEDULE

Class 1. (April 27) Introduction

Instructors: Nazar Stetsyk and Renata Uitz

Class 2 (May 4) Grand ideal(s) behind democratic politics -- and European democracy

Instructors: Renata Uitz, Zsolt Enyedi, Sophia Wilson

Readings: Tatiana Zhurzhenko: Ukraine: A battleground for Europe’s future (Eurozine 2022)

Nazar Stetsyk, A voice crying in the wilderness (Verfassungsblog, April 9, 2022),

Francis Fukuyama: A country of their own: Liberalism needs the nation / Foreign Affairs (May-June 2022),


Nancy Bermeo: On democratic backsliding (Journal of Democracy, 2016),


THEMATIC BLOCK: 1 EUROPEAN INTEGRATION

Class 3 (May 11) Collapse of the Soviet Union and Third Wave of Democratization

Instructors: Mitchell Orenstein, László Bruszt, Oleksiy Kononov,

Readings: Francis Fukuyama, The end of history (National Interest, 1989), 3-18


Recommended: Samuel Huntington: Democracy’s third wave (Journal of Democracy, (1991))


PEW Report: European public opinion three decades after the fall of Communism (2019)
Grigore Pop-Eleches, Historical legacies and post-communist regime change (Journal of Politics, 2007)
Grzegorz Ekiert: Three generations of research on post-communist politics - A sketch (East European Politics and Societies 2017)
Lucan Way - Adam Casey: The structural sources of post-communist regime trajectories (Post-Soviet Affairs 2018)

Class 4 (May 18) Ukraine and the EU accession processes

Instructors: Roman Petrov, Dmitriy Kochenov, Oleksiy Kononov

Readings: Guillaume Van der Loo, Peter Van Elsuwege, Roman Petrov, “The EU-Ukraine Association Agreement: Assessment of an Innovative Legal Instrument” European University Institute Working Papers (Department of Law), 2014/09

Guillaume Van der Loo, Peter Van Elsuwege, Association Agreement after Ukraine`s EU membership application: Still fit for purpose (Discussion Paper, March 14, 2022), available at https://www.epc.eu/content/PDF/2022/Ukraine_DP.pdf

Recommended: Short online course on the Association Agreement between the EU and Ukraine (in Ukrainian). Will be useful for students without legal background: https://eu-agreement.ed-era.com/

Class 5 (May 25) What can the EU do? Political and legal contexts of EU sanctions and reconstruction assistance

Instructors: Dmitriy Kochenov, Christian Marxsen, Dániel Dózsa, Iryna Solonenko


Recommended:


Iryna Solonenko: How Western populism weakens democracy in Ukraine (LSE europpblog 2017)

THEMATIC BLOCK 2: DEMOCRACY - IN THEORY AND ON THE GROUND

Class 6 (May 30) Democracy and its peoples – the challenges of multicultural / multiethnic societies and migration

Instructors: Oxana Shevel, Viktoria Sereda

Readings: Milada Vachudova: Ethnopopulism and democratic backsliding in Central Europe (East European Politics 2020)

Class 7 (June 1) Ideals and typologies of democracy after the transition

Instructors: András Bozóki, Martin Krygier, Dmytro Vovk

Readings: Yasha Mounk: The end of history revisited (Journal of Democracy, 2020)


Recommended: Taras Kuzio: Populism in Ukraine and Europe: Similar but also different (Center for Global Politics 2018) 16-31

Nadia Urbinati: Political theory of populism (Annual Review of Political Science 2019)

Sheri Berman: The causes of populism in the West (Annual Review of Political Science 2021)

Denys Gorbach: Middle class populism in Ukraine: Looking for the ‘real people’ (OpenDemocracy 2020)

Kurt Weyland: Populism’s threat to democracy (Perspectives on Politics 2020)

David Landau: Personalism and the trajectories of populist constitutions (Annual Review of Law and Society 2020), parts 2-4

Class 8 (June 8) From democratic backsliding to illiberal democracy

Instructors: Lenka Bustikova, Monika Florczak-Wątor, Olena Boryslavska
Readings: David Andersen: Review: Comparative Democratization and Democratic Backsliding: The Case for a Historical-Institutional Approach (Comparative Politics 2019)

Lenka Bustikova - Petra Guasti: Illiberal Turn or Swerve in Central Europe? (Politics and Governance 2017)

Renáta Uitz: Constitutional practices in times “after liberty” [In: Routledge Handbook of Illiberalism, eds. A Sajó, R Uitz and S Holmes]

THEMATIC BLOCK 3: HUMAN RIGHTS & TRANSITIONAL JUSTICE

Class 9 (June 15): Ideals to norms: the evolution of the international and European Human Rights regimes

Instructors: Vladimir Petrovic, András Sajó (tbc), Ganna Yudkivska (tbc)

Readings:

Class 10 (June 22) Defending human rights defenders

Instructors: Adam Bodnar, Marta Bucholz, Eszter Polgari

Class 11 (June 23) Guardians of the rule of law: Venice Commission + ECtHR

Instructors: Angelika Nussberger, Taras Pashuk,


CDL-AD (2011) 003rev-e Main reference documents of the Venice Commission

Compilations of studies and opinions [background / for non-lawyers]:


Chat Chamber interview w Judge Nussberger: https://www.youtube.com/watch?v=TLb5tabmlb0
12. Class 12 (June 29) Responding to war and mass violence - international criminal law and the European Human Rights perspectives

Instructors: Mykola Gnatovsky

Readings:

List of Professors:

- Adam Bodnar, Professor, Department of Law, SWPS University Warsaw
- Olena Boryslavska, Professor at the Constitutional Law Department of the Ivan Franko National University of Lviv, editor-in-chief of the Ukrainian Journal of Constitutional Law
- András Bozóki, CEU Professor, Department of Political Science
- László Bruszt, Professor, CEU Department of Political Science, Co-Director of CEU DI
- Marta Bucholc (tbc), Associate Professor, Faculty of Sociology, University of Warsaw
- Lenka Bustikova, Associate Professor in the School of Politics and Global Studies at Arizona State University
- Dániel Dózsa, PhD Candidate, Leiden Law School
- Zsolt Enyedi, CEU Professor, Department of Political Science
- Monika Florczak-Wątor, Professor at the Constitutional Law Department of the Jagiellonian University, Head of the Center for Interdisciplinary Constitutional Studies
- Mykola Gnatovsky, Professor of International Law, Taras Shevchenko National University of Kyiv, Adviser to the Minister of Foreign Affairs of Ukraine, President of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (2015-2021)
- Dmitriy Kochenov (tbc), Professor, CEU Democracy Institute, Senior Research Fellow, Leader of Research Group "Rule of Law"
- Oleksiy Kononov, CEU alumnus in Legal Studies
- Martin Krygier (tbc), Professor, University of New South Wales
- Christian Marxsen, Senior Research Fellow at the Max-Planck-Institute for Comparative Public and Public International Law in Heidelberg, Max Planck Research Group Leader "Shades of Illegality in International Peace and Security Law (SHADES)"
- Angelika Nussberger, Professor, Chair of Constitutional Law, Public International Law and Comparative Law Department of the Cologne University, Director of the Institute for Eastern European Law and Comparative Law, German Member of the Venice Commission
- Mary Ellen O’Connell (tbc), Robert and Marion Short Professor of Law, Research Professor of International Dispute Resolution at the Kroc Institute for International Peace Studies, University of Notre Dame
- Mitchell A. Orenstein, Professor of Russian and East European Studies, University of Pennsylvania
- Taras Pashuk, PhD, Lawyer at the Secretariat of the European Commission for Democracy through Law, Lecturer at the Faculty of Law of the Ivan Franko National University of Lviv
Roman Petrov, Professor, Head of International Law Department, Jean Monnet Chair in EU Law and Head of Jean Monnet Centre of Excellence at the National University “Kyiv Mohyla Academy”

Vladimir Petrovic, Lecturer, Boston University and Researcher, Institute of Contemporary History, Belgrade

Eszter Polgari, CEU, Assistant Professor at the Department of Legal Studies of the Central European University

András Sajó (tbc), CEU University Professor, CEU Democracy Institute, Senior Research Fellow

Viktoria Sereda, Research Fellow, Imre Kertész Kolleg, University of Jena

Oxana Shevel, Associate Professor of Political Science at Tufts, President of the American Association for Ukrainian Studies (AAUS)

Iryna Solonenko (tbc), DAAD/OSF scholar at the European University Viadrina, Frankfurt/Oder, Associate Fellow of the Robert Bosch Center for Central and Eastern Europe at the German Council on Foreign Relations

Nazarii Stetsyk, Associate Professor, Faculty of Law, Ivan Franko National University of Lviv

Renáta Uitz, CEU Professor, Legal Studies, Co-Director of CEU Democracy Institute

Dmytro Vovk, Associate Professor at the Yaroslav Mudryi National Law University in Kharkiv and the Ukrainian Catholic University, Director of the Center for the Rule of Law and Religion Studies

Sophia Wilson, Associate Professor at the Department of Political Science at Southern Illinois University Edwardsville

Ganna Yudkivska (tbc), Judge at the European Court of Human Rights, Associate Professor of European and International law at the Bar Academy of Ukraine