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***Period of mobility:*** 1 October 2006 – 30 June 2007

### *Doctoral Research*

#### ***The European Courts and Integration through Human Rights***

Integration through human rights is a phenomenon that is increasingly shaping the emergence of a political Europe. The highly contingent linkage between the European Court of Justice and the European Court of Human Rights is at the root of this process through which multiple social institutions get related to each other and encompassed by a common set of evolving supranational norms. More than thirty years ago, the paths of the European courts unexpectedly crossed when both were impelled to figure out a way to deal with a twofold discontinuity in the European system of human rights protection. As national governments have disagreed on setting up consequential control mechanisms for several decades, the European courts pre-empted “intergovernmental choice” and transformed the mechanisms of integration from an economic to a norm-driven dynamic. The aim of this research is twofold. Firstly, it seeks to demonstrate empirically that the European courts’ linkage has become a parameter of European governance. Human rights have changed the course of European integration as they have progressively been superimposed on most EU and national activities. The interaction between the two courts has helped to consolidate the supranational level of governance and European norms to take root at the national levels. One court could not have done this by itself. It is only as a result of the interaction between Europe’s two supranational courts that the protection of human rights and economic integration are no longer irreconcilable and that the EU’s rising power in non-economic policy areas is tightly framed by enforceable human rights standards. Most importantly, the European courts’ interaction unveils new mechanisms of regional integration. Secondly, the research investigates the underlying social mechanisms of inter-jurisdictional interactions. It explains why the European courts unexpectedly met. It demonstrates how the courts have been trying to solve Europe’s human rights puzzle by intruding into each other’s legal orders. Finally, it shows that, despite their rather turbulent relationship, the European courts and their judges have recently set up a *common* supranational diplomacy, which, in turn, has allowed them to build a transnational and pluralistic space of normative coherence.

### *Additional Research Activities*

The involvement in two ongoing research projects at the IEE is another purpose of the GARNET mobility fellowship.

#### ***Judicial Aspects of Resistance to European Integration.***

In the framework of the IEE’s research program “*Resistance to Europe: Social and Political Responses to the Process of European Integration*”, a further research will deal with the

judicial aspects of resistance to regionalisation processes. The general objective is to assess the effects of the judicialisation of resistance to integration on European politics. The research will deal with the recent evolution of (constitutional) adjudication in EU member states. Another aspect of this research will be an assessment of the role of some parts of the legal doctrine in “resisting to Europe”.

***The EU in Global Governance: New Forms of Interaction Between the Freedoms of Expression, Thought, Conscience and Religion.***

In Europe, freedom of expression is one of the most eminent fundamental rights. Yet, it is also subject to societal, as well as constitutional limitations, leading to constant hierarchical tensions between rights – and social actors. The aim of this research is to analyse how rather diffuse transnational phenomena, which operate in a fragmented and polycentric configuration of “imagined” and “interpretive transnational communities” have led to a renewed confrontation between the freedoms of expression, thought, conscience and religion. The recent “cartoon affair” has once more highlighted the problems that can arise from the interaction between rights. On the one hand, the objective is to locate the EU as an actor in global governance and to analyse how transnational processes shape European policy-making and integration. On the other hand, the research will dwell into the relationship between law, democracy and the nature of the European political regime as it is shaped by an increasing number of transnational actors.