

Judicial (in)dependence: political, social and legal support and resistance(s) in Hungary, Poland and Romania (JUSTICE)

Funding: PDR-FNRS, 2021-2023

Over the last decade, the foundations of the liberal order and the pillars of liberal democracy have been under considerable strain in different parts of the world, including the European Union (EU). They are in particular challenged by forms of autocratic constitutionalism/legalism (Scheppelle 2018), that is the introduction of new constitutions seeking to reduce the power of democratic institutions whose independence is protected by law. In the EU, since 2010, the attempts of the Hungarian, Polish and Romanian governments to change the rules of the democratic game by reducing the independence of their Supreme Courts/Constitutional Tribunals or by removing from office a significant number of judges have attracted considerable political attention and media coverage as these measures challenge the foundations of the EU as a union of liberal democracies. The COVID19 pandemic has provided the Hungarian and Polish governments with new pretexts to increase their power and to adopt controversial measures.

Against this backdrop, the project analyses the gradual transformation of judicial institutions in Hungary, Poland and Romania with a focus on support and resistance(s) to the attempts of the three executives to shift their political regimes from the liberal democratic model by centralizing power and limiting judicial independence.

The aim is to:

- 1) Analyse and explain the outcomes of institutional transformations in the three countries since 2010 onwards, with a focus on measures reducing the independence of the judiciary
- 2) Unpack the coalitions of actors that oppose or support such trends, by comparing their institutional and ideational power to generate/resist change.
- 3) Map and analyse networks between these actors and their activities to foster change or resistance.
- 4) Ultimately, the project seeks to provide ideational and institutional explanations that account for support and resistance to change both within institutions (e.g. courts; parliaments; executives) and across networks of different actors (political actors, judges, social actors/NGOs).

Academic coordinator: Ramona Coman
Post-doctoral researcher: Leonardo Puleo

