ERC Advanced Grant 2022 - Research proposal

Integration through rights in a European Society? - A new theory on the role of law for integration within and beyond a fractured EU.

RIGHTS-TO-UNITE

Professor Dr Dagmar Schiek; University College Dublin
60 months (2024-2028)
Awarded 2023, CORDIS PAGE

This file distributes the application for an ERC Advanced Grant, with a few edits and shortening as indicated, inspired by the publication of an ERC consolidator grant application on SSRN, which helped writing this. I also profited from numerous colleagues being prepared to read raw drafts and giving frank feedback, as well as conducting mock interviews. Literature and legislation (p. 9) were current at submission April 2022.

Abstract

Among the many crises of the European Union (EU), the fracturing of its promise to integrate the emerging European society peacefully through law represents a fundamental one. At the time of writing, martial conflict and pressure through economic sanctions are once again relied upon to assuage conflict in the EU's neighbourhood, while the authority of EU law has been challenged by several Constitutional Courts, most recently by the Romanian and the Polish supreme courts in December and September 2021. The question thus is: **can the EU still rely on the integrative capacity of its law?**

RIGHTS-TO-UNITE addresses this question by **placing citizens' practical usage of substantive EU-derived rights at its centre**. It conceptualises **rights as claims** between citizens as well as between citizens and states and the EU itself. **European integration** is **defined as a process** combining citizen into a **coherent, though diverse, society**. This approach captures **whether and if so, how integration through rights can succeed in a multipolar society** constituted by European Union law, both **in the EU and its neighbourhood,** while also specifying conditions which are supportive and averse to achieving integration of the emerging European society.

After theorising conditions for EU-derived rights to integrate the emerging European society in the EU and its neighbourhood, qualitative comparative research is deployed to identify to what extent EU derived rights are part of Europe's living law in the EU and beyond. The qualitative research develops an **innovative methodology comprising interactive vignettes visualising scenarios** in which EU economic, social, and digital rights could be relevant. This **enables cross-cultural exploration of citizens' everyday experience** with EU derived rights. In a final step the results are **synthesised in a socio-legal theory of integration through rights for the context of the EU and its neighbourhood**.

Section a: state of the art and objectives

a.1. Context

RIGHTS-TO-UNITE is situated in the context of wavering support for EU integration internally, decline of the EU's external power, and fracturing of the EU's promise to integrate European societies peacefully.

After a constant increase of optimism on the EU's future up to the Spring 2021 Eurobarometer (66%), the trend is reversed in Winter 2021 with a fall of 4% (62%). (European Commission, 2021, p. 14; 2022a, p. 13). The socio-demographic Eurobarometer for the European Parliament reveals that a minority of EU citizens are convinced that EU membership of their country increases their standard of living, a score that fell from 24% to 21% from 2021 to 2022. (European Parliament, D-G Communication, 2022) Citizens' doubt of the EU's ability to promote their quality of life constitutes a normative problem for an EU, whose main aims remain promoting peace, the EU's values, and the wellbeing of its citizens (Article 3 (1) TEU).

The "**polycrisis**" (Juncker, 2016), viewed as origin of waning internal support, (Brack & Gürkan, 2020; Schwaiger, 2016) comprises **economic decline** after the global crisis of 2008, (Schiek, 2013) **lack of mastering increases of migration** from 2015, (Raineri & Strazzari, 2021) and **illiberal authoritarianism** within the EU, in particular Eastern Member States. (Anders & Lorenz, 2020; Stoyanova, 2021) That same polycrisis also feeds a **perceived decline in the EU's external power** (Grimmel & Strasheim, 2021; Webber, 2016), even though its regulatory power may be unabated (Hadjiyianni, 2021). While on a global scale a continuum between internal and external integration may be unrealistic, that continuum can be assumed in the EU's neighbourhood, an area where the EU pursues "integration without membership" (Maiani, et al., 2009) imposing its values and partially also its laws. (Lavenex & Schimmelfennig, 2010) The UK's withdrawal (Schimmelfennig & Winzen, 2020, pp. 173-192) and the emergent crisis in relations to Russia underscore this point, spurring legal research into external relations. (Lorenzmeier, et al., 2021; Cardwell & Wessel, 2020).

Both **the EU's internal (and external) "polycrisis"** are likely **based on** a **lack of normative power** or **persuasion of substantive value**s. (Longo, 2020) Yet, conventionally solutions are sought through institutional change, for example through fair election and accountability of legislators (Lord, 2020; Schmidt, 2020), court integrity and efficient rights enforcement at national level, (Pech & Scheppele, 2017), or democratic legitimacy of authority at EU level (Fasone, et al., 2020; Lord, et al., 2022). While these institutional drivers of European integration are important, the proposed changes will not regain the momentum of the EU's integration project. Accordingly, **RIGHTS-TO-UNITE focuses on** the **substantive preconditions of integration** and contends that these are inextricably **linked to the success of the EU as a community of law, resulting in the proposal to pursue integration through rights.**

a.2. Overarching objective

The overarching objective is to develop a new socio legal theory of European Integration, and to establish its validity through qualitative research, which then forms the basis for potentially positive scenarios of European integration

We will theorise the conditions for EU-derived rights to integrate the emerging European society in the EU and its neighbourhood, and subsequently deploy qualitative research in order to identify to what extent EU-derived rights are part of Europe's living law. RIGHTS-TO-UNITE conceptualises European integration as based on economic and social interaction, and places citizens' practical usage of substantive EU-derived rights at its centre. My previous analysis of EU (legal) integration focused on the transnational dimension of socio-economic interaction (Schiek, 2012; 2017). With RIGHTS-TO-UNITE**,** I will analyse the (dis)integrative potential of EU-derived rights not only for those actively crossing borders, but also for those who use EU-derived rights locally**,** *thus moving beyond the traditional assumption that EU law gives "all (to) Ulysses and nothing (to) Penelope*" (Dautricourt & Thomas, 2009). The project **explores three areas of integration through rights: (1) liberal (economic) rights; (2) social rights; and (3) digital rights**, for example on rights to provide services across borders or obtain motor insurance at fair standards (1), to be protected from discrimination or overly long working hours (2) or rights to data protection and participation in digital markets (3). While the first two build on classical dimensions of rights-based citizenship for nation states, (Marshall, 1950) digital rights constitute a new dimension resonating with the next level of development for market-based societies and economies globally. (→ b. 3 (1)) The focus on substantive rights related to socio-economic integration chimes with the way the legal dimension of EU integration increasingly shapes private law justice, (Micklitz, 2018) as well as with the EU's overall aim to enable citizens to combine into the European society envisaged by Article 2 TEU. (Schiek, 2012, pp. 8-12, 73-74).

RIGHTS-TO-UNITE adds to the **constructivist turn** in European integration theory (Risse, 2019) through validating its theoretical approach by qualitative research on perceptions of practical usage of EU-derived rights**.** Constructivism has informed legal research particularly around EU citizenship (Kostakopoulou, 2005; Steinfeld, 2022). RIGHTS-TO-UNITE will **redirect** this to **new substantive fields**, drawing on materialist

theories of societal constitutionalism (Numhauser-Henning, 2013; Sousa Santos, 2014) by grounding perception of rights usages in experiences diversified by models of capitalism and socio-economic integration.

The research also recognises that **EU legal integration has moved beyond the EU** itself, and into neighbouring states through a series of agreements with or without the prospect of accession. While the EU Commission, for example, only refers to the Eastern and Southern neighbourhood consisting of states desiring closer alignment with the EU, the UK's secession from the EU has highlighted the continuing relevance of close neighbours rejecting the EU integration project in the West and the North as well. For this reason RIGHTS-TO-UNITE compares the workings of EU law itself and the law of the EU's agreements with its neighbours, by conducting qualitative research in EU Member States Czechia, Greece, Ireland, and Sweden, and neighbouring states Georgia, Norway, North Macedonia, and the United Kingdom (→ b. 3 (2)). *This novel approach redefines the concept of EU integration to encompass neighbourhood states endeavouring closer integration and rejecting such perspectives, and also discards the outdated division between research within the EU and in its neighbourhood.*

RIGHTS-TO-UNITE develops an **innovative methodology of socio-legal comparison**, aiming to gauging the impact of different intensity of rights, ranging from directly effective rights to those lacking any degree of justiciability, and to verify its hypotheses through qualitative research involving expert interviews as well as citizens' meetings as focus groups, developing and using stories of practical usage of EU derived rights illustrated by visually animated vignettes.

This complex method requires a **large multilingual team operating in different countries**. I am ideally placed to lead this team due to my experience in qualitative research comparing several countries, (Schiek, et al., 2007; Schiek, et al., 2015; Schiek, 2017a) which included mentoring a complex qualitative research project in Balkan states, (Kotevska, 2016) and the supervision of PhD projects using expert and layperson interviews. (Gideon, 2017; Kotevska, 2020; Rice, 2020) My research into the "Brexit" process and consultative/mentoring projects in Georgia and Ukraine have given me the contacts and experience which allows me to lead a team generating a novel perspective on what European integration through rights can (and cannot) achieve.

a.3. Innovation beyond the state of the art

RIGHTS-TO-UNITE transcends the state of the art by building on five clusters of literature, addressed in turn: (1) integration through law scholarship, (2) conventional reduction of rights to human or transnational rights, (3) analysing modes of governance and differentiated integration, (4) theorising potential disintegration through rights, (5) institution-focused conceptions of EU law as the law of society.

(1) From integration through law to integration through rights

The notion of integration through rights alludes to the integration through law scholarship. Its original project compared US federalism and integration in the framework of the European Economic Community (EEC). combining analysis of early ECJ Case law on supremacy and direct effects of Community law with a political science analysis of European integration. (Cappelletti, et al., 1986). The empowerment of citizens through their new role as attorneys of EU law had a central role, (Weiler, 2014, p. 96), leading to criticism as an instrumental approach (Azoulai, 2016, p. 451). Current integration through law research (Augenstein, 2012; Augenstein & Hendry, 2009) focuses on the interactions of institutional actors, whether between judiciaries (Kelemen & Pech, 2019; Komárek, 2017) or polities (Fabbrini, 2015). New and old integration through law research has been challenged by the contention that integration through law is not a societal reality, alleging that the narrative of judicial activity furthering European integration results from the exceptional brokering capacity of the EU's legal field, consisting of practicing, academic, and institutional lawyers at EU and national levels (Vauchez, 2015). More recently, Caunes relies on integration through law to enhance the practical impact of legal researchers with a law-in-context approach on the future of the EU (2020).

RIGHTS-TO-UNITE mirrors the integration through law approach by emphasising how EU law enables citizens to rely on EU-derived rights at national and EU levels. It transcends its research in two points:

- it establishes the relevance of rights as a specific form of interaction between citizens and researches the contribution of EU-derived rights for transnational and local interaction and
- it offers a detailed socio-legal analysis of the contradictory processes by which EU-derived rights are used and recognised by citizens in interactions with each other and with multi-polar political authority.

(2) From a reduction of rights to human or transnational rights to an inclusive notion

Research on rights in the EU is conventionally limited in its focus either on human (or fundamental) rights and or on rights for those citizens or economic actors who participate in transnational or cross-border interaction.

The term "Europe of Rights" refers to the European Convention of Human Rights and Fundamental Freedoms (ECHR) as the continent's main human rights body, both from legal (García Roca & Santolaya, 2012) and political science perspectives (Keller & Stone Sweet, 2008). Since the EU's Eastern enlargement, parallel constitutionalization by the EU and the ECHR appeared inextricably interlinked (Sadurski, 2012). More

recently, Morano Foadi and Andreakis use "integration through rights" as a subcategory for integration through law when referring to EU human or fundamental rights (2020, p. 10); and Marie-Pierre Granger (2018) refers to "integration through rights" in her analysis of human rights protection as an opportunity structure promoting the EU's federalisation. Elise Muir focuses on the changed roles of institutional actors resulting from increasing relevance of fundamental rights within EU law (Muir, 2021).

European integration research in law and sociology has widely explored EU citizenship rights in relation to cross-border movement. Early literature on economic integration recognised the economic freedoms as functional equivalent of constitutional rights (Stein, 1981; Petersmann, 2008, pp. 776-777)[1], while contemporary scholarship focuses on the relationship between economic freedoms and fundamental rights as distinct concepts (e.g. (Harding, 2018)). In exploring law and politics of EU citizenship, legal scholarship focuses on rights generated or enhanced by that citizenship (Cambien, et al., 2020; Kostakopoulou & Thym, 2022; Wesemann, 2021), with a focus on rights derived from transnational interaction and the enabling of such interaction through citizenship rights (Kostakopoulou, 2013). Similarly, sociological Europeanisation research asks whether transnational socio-economic interactions further EU integration (Alder-Nissen, 2016; Buttler, 2016; Israel, et al., 2016; Recchi, et al., 2019). Even if analysing the potential of political and legal institutions of citizenship for systemic integration, the focus remains on transnational activities. (Gerhards & Lengfeld, 2015, pp. 37-40; Kuhn, 2014) Walby's complex system theory (Walby, 2007) on the basis of "societalization" beyond nation states has the potential to encompass transnational as well as local experience, though it relegates the role of law to an element in projects which may disrupt societalization. (Walby, 2020)

RIGHTS-TO-UNITE builds on this research and transcends its limitation through:

- a broad concept of EU-derived rights which encompasses rights garnered by EU harmonising legislation aimed at shaping horizontal relationships, often governed by civil law in Member States
- giving equal attention to transnational and local use of EU-derived rights.

(3) From governance and differentiated integration to embracing the EU and its whole neighbourhood

Research on EU rights currently does not link with research on different modes of governance nor with research on differentiated integration within the EU and its neighbourhood.

Research on "new governance" in the EU has bourgeoned from the 2000s. The contested term "governance" is defined as dispersion of public authority (Dawson, 2017), or as aiming to gain cooperation of parties (including private actors) to enhance efficiency of top-down governance. (Scott, 2018) As a pragmatic notion, governance constitutes spectrum with judicially enforceable rights on the one end and not legally binding instruments ("soft law") on the other end. (Schiek, 2012, pp. 133-135) The lack of enforceability of "soft law" leads Dawson to question whether "new governance" should be applied to rights (2017, pp. 16-18). However, within the EU, "implementation [of rights DS] through judicial politics" has long been viewed as less efficient than desirable (Hofmann, 2018). Attempts to address this through informal mechanisms such as the Internal Market Problem Solving Network (SOLVIT) have not fully succeeded. (Kokolia, 2018). This commands a nuanced approach to "soft law." Instruments without binding provisions such as the European Pillar of Social Rights[2] are scolded as an exercise in deception. (Bonciu, 2018; Lörcher & Schömann, 2016; Kilpatrick & De Witte, 2019; Sabato & Corti, 2019). The recent proposal for a European Declaration on Digital Rights and Principles. (European Commission, 2022b; 2022c) might trigger similar critique. Yet, its lack of enforceable rights may reflect that the environment for digital rights, including the Internet, was created, and is regulated by private actors beyond the control of public entities. (Viellechner, 2020, pp. 365-371; Zalnieriute, 2019). Even for the area of human rights, exclusive focus on traditionally enforceable rights is branded as outdated (Frost, 2021). Private regulation (De Cock Buning & Senden, 2020) and reflexive governance (Scott, 2018) may not only be a precursor of hard law, but also ensure its efficiency.

The links between the EU governance debate to the post-1993 phenomenon of differentiated integration within and beyond the EU has been explored in the EUIDEA project.[3] Differentiated integration under EUIDEA encompasses differentiation of intensity of obligation within the EU as well as differentiation through collaborations of some EU Member States with EU neighbourhood states. (Lavenex & Križić, 2022) Possibly inspired by "Brexit", Wachowiak and Zuleeg (2022) expand that categorisation to encompass the EU's cooperation with its neighbourhood, convincingly pointing to commonalities in structure and procedure in the EU's negotiations with the UK and other states in its neighbourhood. This reconfirms political science research, which for some time has used the concept of differentiated integration to comprise the EU's relationship with its neighbourhood, (Gstöhl, 2015; Schimmelfennig, 2018; Schimmelfennig & Winzen, 2020) although Wachowiak and Zuleeg do not explicitly include the UK in the EU's neighbourhood. Similarly, legal scholars investigate EU citizenship rights for UK citizens (More, 2020) as well as citizens' rights in Switzerland the

[1] On the enhanced role of individuals in international organisations induced by the EU's exemplary position see (Klabbers, 2019).
[2] The EPSR derives from an interinstitutional declaration, which is not legally binding in itself (OJ C 428, 13.12.2017, p. 10–15).
[3] Funded from 5/2019-4/2022 under the HORIZON 2020 programme. Grant agreement ID: 822622, webpage https://euidea.eu/

European Economic Area (EEA) (Tobler, 2020) under EU perspectives, again without subsuming the EEA under the notion of EU neighbourhood.
RIGHTS-TO-UNITE takes these approaches further by combining those two perspectives through:

- researching integration through rights not only in EU Member States but also in the neighbourhood, comprising not only the Eastern and Southern EU neighbourhood, but also its Northern and Western periphery and
- using five different degrees of intensity of rights: (1) directly effective hard law enforceable before national courts, (2) supranational harmonisation through directives which need to be implemented in Member States, (3) international law agreements with neighbouring states leading to justiciable obligations, (4) non-binding legal instruments within and beyond the EU, and (5) agreements between private actors aiming at complementing or replacing harmonisation within or beyond the EU.

(4) From theorising potential disintegration through rights to a social actor concept of rights

The literature on the potential disintegrative capacity of EU-derived rights and rights guarantees in general is either overly focused on judicial enforcement or on liberal (economic) rights.
The EU is criticised for its legalistic approach to integration, by which individual litigation and **judicialization** become central, with the resultant empowerment of private actors capable of litigating (Kelemen, 2011), a judicialization of politics (Blauberger, et al., 2018; Schmidt, 2018), and a threat to solidaristic interactions due to the individualistic design of rights (Somek, 2011). Conversely**,** these traits are viewed as the basis for empowering dynamics of direct effect and supremacy of EU law, which create legal and political opportunity structures **(**Conant, et al., 2018) that have been particularly successful in anti-discrimination law (Cichowski, 2007; Givens, 2014). EU-derived rights are seen as **disrupting** integration at national levels, **due to cultural differences** in social policy (Bruzelius, 2020) **or divergence** of opportunity structures by region and class (Stan, et al., 2020), or because they are generally biased in favour of neo-liberal or ordo-liberal policies. Since the most litigated EU-derived rights are those enshrined in the Treaties as economic and citizenship rights, their practical usage is viewed as creating "asymmetric constitutionalism" in the wake of a "free market paradigm" (Goldmann, 2018). The ECJ's framing of economic freedoms as individually enforceable rights through supremacy and direct effect is portrayed as **"**over-constitutionalization" (Höpner & Schmidt, 2022), a term coined by Dieter Grimm (Grimm, 2016). Based on Scharpf's approach to federalism as a source of decision traps (1988), now a formidable critique of the EU (2009; 2017), legal researchers demand to scale down effects of economic freedom through reducing their scope of application through interpretation (Garben, 2017; Höpner, 2008) or opening them up to legislative change (Grimm, 2016).
Neo-Marxist approaches doubt the **integrating capacity of rights more generally**: state-directed (human) rights, co-emergent with contemporaneous bourgeois society and capitalist organisation of markets, **are rejected** because they **separate private spheres from political arenas**. Re-conceptualisation of rights as counter-rights or instruments to combat oppression (Boonen, 2019; Menke, 2020), and the recognition of their transsubjective dimensions (Teubner, 2020, p. 388) address this. The last concept is based on the idea of law as a system which can only indirectly communicate with other societal systems. (Luhmann, 1995; Teubner, 1989) Similarly, non-Marxist approaches that classify **law as communication** (Bruhn Jensen, 2021; Hoecke, 2002) or a basis for societal deliberation (Habermas, 1998) can result in the demand to diminish the practical effect of rights through rephrasing them as an obligation to deliberate (Gerstenberg, 2020).
RIGHTS-TO-UNITE goes beyond this literature by:

- developing a socio-legal theory on the conditions of effective use and adequate conception of rights guarantees, while also highlighting risks of disintegration through rights,
- recognising the transsubjective dimension of rights through an interactive citizen-centred concept,
- moving the critique of EU-derived rights as neo-liberal beyond an institutional focus towards a social actor perspective, exploring in how far practical usage of those rights can improve citizens' lives.

(5) From institution-focused conceptions of EU law as the law of society to a citizen-centred approach

The primary focus of current approaches aiming to reconceptualise European law from societal perspectives remains on states and institutions, even where it analyses the structures of society.
Armin von Bogdandy (2022) redrafts EU law as integrating "societies" consisting of the community of Member States and EU institutions, thus obliterating citizens' interaction on markets and within societies. Jiři Přibáň (2022) develops a sociological perspective on EU legal integration through the prism of legal pluralism, questioning a state-centric approach to European constitutionalism, explicitly recognising the self-constituting power of society, and promoting collective self-identification as a basis for developing a European public sphere. Matej Avbelj (2018; Davies & Avbelj, 2018) shares Přibáň's commitment to pluralism, adding deliberate democracy to the conceptualisation of the interrelation between EU law and transnational law, but also

deliberative democracy. Pavlos Eliftheriadis (2020) new theory of EU law redefines it as public international law in a traditional sense, reducing direct effects of EU law as a "mechanism of legal accountability of member states to one another and the EU institutions," (p. 163) and the EU's liberal constitution does nothing to create transnational law. This cosmopolitanism remains intrinsically state-centric, obfuscating legal obligations of Member States to implement this body of law.

RIGHTS-TO-UNITE is differentiated from this literature by:

- a new definition of the role of rights in European integration theory, capturing the process of integration through rights from a citizens' and socio-economic actor perspective,
- focusing on the way in which EU-derived rights create interaction between citizens, and accordingly develop the potential of integration of societies and economies through rights.

a.4. Theoretical ambition

RIGHTS-TO-UNITE assumes that rights are capable of engendering socio-economic integration, because they have the potential to enable and shape interactions between citizens as human beings. Identifying the conditions under which rights can achieve this as well as those under which rights disrupt societal integration processes is the central aim of its theoretical enquiry and qualitative comparison.

(1) a unique notion of EU-derived rights, drawing on societal constitutionalism

In contrast to institution- or state- centred legal research, RIGHTS-TO-UNITE focuses on the interactions between citizens enabled by EU-derived rights.

Its positive vision of law, encompassing general principles (natural law), legislation, and regulation, conceptualises rights as potentially enabling interaction, and thus integration of the emerging European society. As a **socio-legal theory,** this idea **draws on** the concept of **societalization** as a gradual process of engendering society. (Walby, 2020) While legal instruments or rights are not central to this theory, RIGHTS-TO-UNITE submits that if the EU is to survive as a community of law, rights to be enjoyed by its citizens must be considered for their capacity to contribute to integrating the emerging European society. This view contrasts with traditional approaches which perceive law or any regulation as limitation of or intrusion into societal processes. The concept of enabling law highlights the interactive dimensions of law and justice, thus incorporating the **i**dea of law as interaction developed by Van der Burg, (2014) who views law as social practice**,** capturing the tendency to create norms through human interaction as the basis of law. RIGHTS-TO-UNITE transcends this approach: the concept of enabling law resonates with interactive dimensions of law and justice but **requires that law be distinguished from interaction**. Right**s** could neither enable societalization, if they merely constituted defences of individual spaces, nor if they constituted interaction. Identifying the substantive preconditions of European socio-economic integration through rights we presuppose that rights lead to interaction.

That focus on interaction between citizens necessitates conceptualising rights as claims**,** with corresponding obligations of other citizens. Such claims can be based on interaction culminating in a (contractual) promise, or from factual interaction generating harm which elicits a claim for remedying that harm. Such interactive notions of rights move beyond traditional liberal constitutionalism, which views rights as claims against public entities such as states or their conglomerates (e.g., the EU). Citizens' rights (claims) against public entities are derived from a complex set of interactions between citizens themselves: the entity is created by interaction between citizens, possibly with a streak of domination, and then it grants rights enabling citizens' activities. This latter category of rights encompasses human or fundamental rights, which are construed as protecting against public entities such as states or the EU as well as against powerful societal actors.

The concept of integration through rights resonates with early transactional integration theories (Deutsch, 1971) in that it assumes that usage of rights may generate societalization through interaction, though this assumption can clearly be falsified (Mau & Mewes, 2012). This also chimes with ideas of societal constitutionalism as far as these are not limiting law to a communicative device (Golia & Teubner, 2021). RIGHTS-TO-UNITE is based on the hypothesis that rights can impact on real situations of citizens. This has more in common with materialist conceptions of law, in whose conception law mirrors and changes social practice (Numhauser-Henning, 2013; Sousa Santos, 2014; Tuori, 2015). Its **novel approach adds** a **societal perspective on European integration and its law** (Schiek, 2011, pp. 21-24; Schiek, 2012, pp. 8-11, 73-74), aiming to capture the relevance of rights and their practical usage for integrating economies and societies into a coherent, though diverse, European society**.**

RIGHTS-TO-UNITE is innovative in linking rights enabling citizens' interaction with ideas on the integrative capacity of (constitutional) law, many of which originated in the Weimar republic. Rudolf Smend (1928) viewed integration of societies around conservative values as a core function of constitutions. Hermann Heller (1928) demanded that constitutions contribute to social equalisation as a precondition for integrated societies. The EU's constitutionalization, along with other transnational processes, has the potential to transcended national constitutional discourse. Yet, authors such as Grimm doubt the integrative capacity of the EU rights,

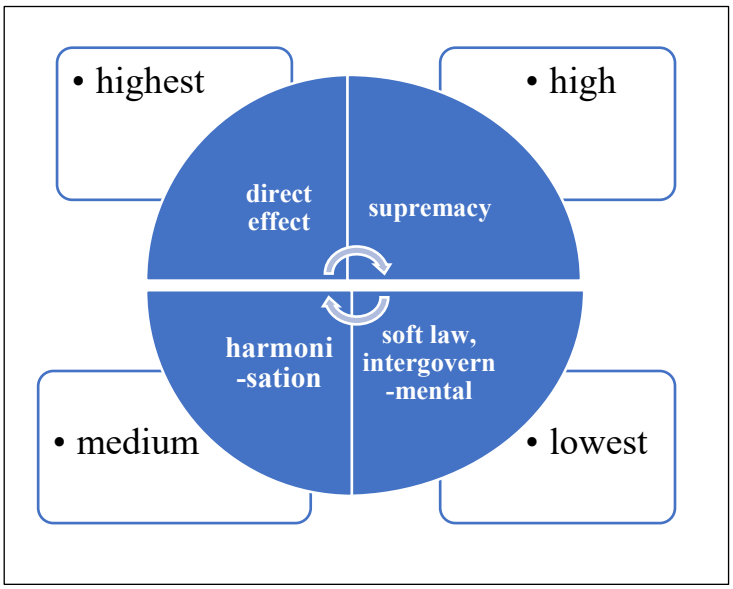
due to a lack of homogeneity of its citizens. (2005) A more optimistic view could be derived from a pluralist concept of integration (Lietzmann, 2002), which embraced the option of a diverse society.

The EU attests that directly enforceable rights do not necessarily depend on the nation state. While it lacks a formal constitution, its predecessors relied on functionally constitutional rights[4] long before adopting the Charter of Fundamental Rights for the European Union (CFREU) as legally binding human rights catalogue in 2009 (Article 6 TEU). Functionally constitutional rights derive from directly effective Treaty provisions promoting market integration as well as from EU citizenship provisions, which together with implementing legislation created rights supporting transnational activities of citizens. However, EU-derived rights go far beyond rights enabling transnational interaction. The extensive body of EU legislation implementing the harmonisation-of-law-agenda mainly focuses on generating rights governing interaction for citizens as business, employees, and consumers[5]. These rights and their practical usage are not limited to transnational situations. Accordingly, EU-derived rights also benefit those who do not move across borders, even though they may be perceived as national or even local creations.

The envisaged c**ritical investigation of the integrative potential of EU-derived rights opens a new dimension of understanding whether and how** the EU as a transnational entity only partially assuming state functions contributes to integrating society.

(2) analysing EU-derived rights for the EU and its neighbourhood by levels of intensity (governance)

RIGHTS-TO-UNITE addresses this question across the variable geometry of European integration as a form of differentiated integration. Its perspective is the socio-legal question whether the practical usage of rights contributes to societalization. From this perspective, the diversity of modes of governance also represents differentiated integration: the level of legal integration descends with the degree of strictness of governance, both within the EU based on Treaties, legislation and policy documents, and its neighbourhood, based on association agreements and specific instruments. In researching the question whether the practical usability of EU-derived rights furthers societal integration (or societalization) RIGHTS-TO-UNITE opens a complex matrix for the comparative research, which promises novel and unprecedented results.



Within the EU itself, there are different degrees of intensity of integration through rights. The highest degree of legal intensity consists of directly effective provisions of the Treaties, legislative instruments such as regulations, and according to recent case law of the CJEU also some provisions of the Charta of Fundamental Rights for the European Union (CFREU). When approximating laws through harmonisation, EU directives provide for scope of implementation by Member States, and only gain direct effect in combination with specifying CFREU provisions. Non-binding instruments such as opinions bestow the lowest level of legal effect, as do agreements between private actors or unilateral self-regulation.

EU integration relies on association agreements in its neighbourhood, since 2009 based on Article 8 TEU (and Article 217 TFEU). While Article 8 TEU does not specify any regional limitation, the EU itself refers only to its Eastern and Southern Neighbourhood.[6] This limited perspective supresses the reality, recently highlighted through "Brexit", that there are neighbours to the North and the West of the EU too, warranting a contextual analysis of all those association agreements, whether aiming at membership or not (Van Elsuwege & Chamon, 2019): Georgia, Moldavia, and Ukraine as Eastern Neighbourhood Countries have recently formally applied for membership, turning their association agreements with the EU into pre-accession agreements. Association agreements with the Eastern neighbours, just like pre-accession agreements with post-Yugoslavian states such as North Macedonia, maintain obligations to approximate national laws to a wide variety of EU laws, thus containing a harmonisation mode as well. Occasionally those agreements are interpreted as having direct effect in the relevant countries (Petrov, 2021). The EU's new Western neighbour, the UK, aspires distancing itself

[4] On the functional constitutionality of parts of EU law see already (Schiek, 2012, pp. 64-74), a similar notion of constitutionality is used by Dani and Menendez (Dani & Menéndez, 2021, pp. 11-13)

[5] See in a similar vain (Groussot & Zemonska, 2017)

[6] See, for example, the EU Commission's web page on neighbourhood policy https://ec.europa.eu/neighbourhood-enlargement/european-neighbourhood-policy_en

from the EU, although Northern Ireland remains linked to the EU through a more efficient governance regime than Great Britain, established by the Prptocol Ireland/Northern Ireland to the EU/UK Withdrawal Agreement[7]. The Trade and Cooperation Agreement between the EU and the UK is merely intergovernmental, leaving enforcement to arbitration and retaliation, while the Protocol on Ireland /Northern Ireland, designed for permanent application as part of the Agreement on the UK's withdrawal from the EU, comprises elements of supranational law with direct effect. (Schiek, 2021) In the EU's Northern neighbourhood, the European Economic Area (EEA), constitutes an example of an association agreement creating close alignment with the EU internal market and its citizenship regime under a special judicial authority, though lacking direct effect, but sharing the EU concept of supremacy. These are examples of how international organisations beyond the EU can become legally relevant for individuals (Klabbers, 2019), especially if linked to European integration.

Section b Methodology

b. 1 Summary of research questions

To help frame the methodology section, the project objectives and theoretical ambition are articulated as four key research questions

RQ 1: How can law enable societal interaction? What is the specific character of interacting through practical usage of rights? Are there conceptions, constellations, and mechanisms to enforce rights which are prone to integrate or disintegrate societies?

RQ 2: What are the preconditions for the functionality of integration through rights in a multi-polar entity such as the EU? Can similar functions be fulfilled in the EU's neighbourhood based on agreements such as the EEA Agreement and the agreements on the relationship with the UK?

RQ 3: Can we demonstrate citizens' interaction through the practical use of rights in qualitative and comparative research? Four empirical questions emerge:

a) Will judicial enforcement, enforcement through other formal channels such as ombuds or SOLVIT, and informal use of rights in political or grassroots campaigning render different results?

b) Does success of practical use of rights differ between rights whose direct effect is not contested, rights deriving from EU harmonisation and rights deriving from instruments not creating formal legal obligations?

c) How is the practical use of rights impacted through the continuum between supranationalism and intergovernmentalism represented by EU law on the one hand and the law of the UK–EU trade and cooperation agreement on the other hand?

d) How will rights have to be reconceptualised to adjust to the reality of the digital economy and society?

RQ 4: Under what conditions will practical usage of rights contribute to integrating European society, and what conditions are averse to those integration processes?

b.2. Theory-building – doctrinal analysis and interdisciplinary approaches

The development of a new theory of EU legal integration based on integration through rights must combine legal research with an **exploration of European integration theory** (Wiener, et al., 2019). The **notion of legal research for the EU** is complex (Cardwell & Granger, 2020; Gestel, et al., 2017; Gestel & Micklitz, 2014; Neergaard & Nielsen, 2012; 2013). Answering the questions of what rights can contribute to integrating societies generally (RQ1) and more specifically a society constituted by the law of a multi-polar political entity (RQ2), doctrinal legal research does have a role to play**,** although a societal notion of law renders a methodology for judges and administrators – the typical continental perspective (Riesenhuber, 2021, pp. 1-7) –insufficient. Establishing the content of EU-derived rights will be an interpretative activity**,** starting with a doctrinal analysis of EU Treaties, legislation, and case law as well as national implementation of EU legislation (where necessary) and reception of EU legal concepts. This will include a systematising exercise (Smits, 2017) as well as a prediction of how courts or the legislator will read a certain right (Nielsen, 2010), on a firm comparative grounding (Gestel & Micklitz, 2014). In addition to legislation and case law, academic commentary will be analysed. Legal doctrinal research will not be a free-standing endeavour. **RQ1 and RQ2 require engagement with theories of law from sociological, philosophical, and political perspectives**. The evaluation of literature on integration through rights in the disciplines of legal studies, sociology, political science, and political economy will specifically expose the development of literature over the 10 years to 2023 in the countries under comparison. The national literature analysis will be integrated in a general literature analysis, with a view to establishing specific national approaches. Analysis of primary and secondary sources will allow us to reconstruct, systematise, and advance existing research. Theory review and concept exploration will lay the groundwork for establishing the theoretical framework of the qualitative research.

b.3. Qualitative research

The project not only develops a novel approach to legal integration in Europe through EU-derived rights, but

[7] Protocol on Ireland/Northern Ireland as part of the Agreement on the Withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community [OJ L 29, 31.1.2020, p. 7–187], as adapted by decisions of the Joint Committee. An updated consolidated version of the Withdrawal Agreement is available on EURLEX (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A02020W%2FTXT-20230704)

also endeavours to explore the viability of that approach through qualitative research. In order to gauge the practical usage of EU-derived rights, comparative socio-legal research is employed.

(1) three areas of integration through rights

To conduct this qualitative research, it is necessary to define case studies for exploration. The definition of those case studies derives from a categorisation of rights developed in TH Marshall's conception of citizenship for Britain (Marshall, 1950), progressing from protecting life, limb, and liberties, to providing political rights necessary to establish a democracy, and culminating in social rights freeing the "non-possessing" classes from constant worry about housing and basic income to engage in democracy. RIGHTS-TO-UNITE encompasses human or constitutional rights as well as rights based on legislation, agreement, and other transnational legal frames such as Treaties and association or trade agreements.

RIGHTS-TO-UNITE selects (1) liberal/economic rights, (2) social rights, and (3) digital rights as its three case studies. Anti-discrimination rights cut across two case studies: they are liberal in that their demands can be satisfied by treating everyone equally bad, but in practice they have considerable distributive effects if combating discrimination as a social phenomenon successfully, and are thus considered as social rights, especially in states where genuine social rights are less well developed. RIGHTS-TO-UNITE goes beyond that classical dichotomy in considering digital rights as well. We assume that digitalisation of society and economy, accelerated in the last two years of a global pandemic, constitutes a change as fundamental as industrialisation and enlightenment. Nevertheless, digital rights partially constitute a modification of liberal / economic rights and social rights. For example, the digitalisation of working practice has led to an EU-level social partner framework agreement on digitalisation, (Mangan, 2021). These instruments establish social rights and digital rights at the same time. Examples for freestanding digital rights comprise platform access and data protection. The investigation will differentiate in accordance with the degree to which these rights are legally binding. While all EU law enjoys supremacy, direct effect and enforceability are reserved to Treaty provisions and regulations, while EU Directives traditionally do not have direct effect, but still enjoy supremacy.[8] Further, non-binding "soft law" and governance have been in ascendance since the 1990s (Saurugger & Terpan, 2021), leading to contradictory developments (→ a.3.(3)). There are mechanisms that render targets in the area of economic coordination as factually efficient, while directives may at times leave so much detail to Member States that identifying EU-derived rights based on them may be difficult. Finally, creation of rights is not the privilege of public entities such as the EU; effective rights guarantees may also derive from (transnational) agreements between private actors – the social partner framework agreement mentioned above constitutes an example. The anticipated approach, shown below, will be evaluated, and specified (WP2).

Three by three dimensions of integration through rights			
Intensity of governance	**Liberal/economic rights**	**Social rights**	**Digital rights**
Direct effect uncontested	Economic freedoms, citizenship rights (focus on free movement, services, equal treatment)	Treaty/ CFREU rights on gender pay equality, limits of working time, transnational coordination of social security	General Data Protection Regulation, Digital Market Act and Digital Service Act (pending at time of submission)
	CFREU provisions/ Directives on anti-discrimination law		
Harmonisation with legal obligation to implement	Directives on Citizens' Rights, Services in the internal market, fair access to motor insurance	Directives on working conditions, e.g., collective redundancies, transparent and predictable working conditions	e-commerce-directive, Directive improving platform work (draft at submission date,)
not legally binding instruments by EU institutions	Council recommendation on a coordinated approach to enable safe free movement during COVID-19	Recovery and Resilience Plans under Reg (EU) 2021/241), Directive on minimum wage (pending)	Guidelines on application of EU competition law to platform workers (draft at submission date)
EU level agreements with normative aspiration	To be identified	Social Partner Framework Agreement on Digitalisation (Business Europe; Syndicat [ETUC]; CEEP; SMEUnited, 2020)	

In researching the EU's neighbourhood, RIGHTS-TO-UNITE covers the European Economic Area Agreement (in relation to Norway), the Association Agreements with Georgia and North Macedonia, and the Trade and

[8] From 2015, the Court of Justice has progressively recognised the direct horizontal effect of such provisions of directives which implement rights comprised by the Charter of Fundamental Rights for the European Union (CFREU), e.g., for anti-discrimination law, working time law and data protection law. There is so far some discussion whether this case law provides direct horizontal effect for the charter itself or the directives implementing its provisions, but in any case, it introduces a middle category between directly effective provisions and directives. See on this (Frantziou, 2020)

Cooperation Agreement with the UK as well as the Protocol Ireland/Northern Ireland (annexed to the Agreement on the Withdrawal of the UK from the EU). All the agreements contain rules on movement of persons and provision of services, the adoption or maintenance of anti-discrimination laws, and employment rights directives, and provisions concerning data protection. Even if current drafts such as the Digital Market and Digital Services Act are not implemented immediately or at all, an approximate match is viable by focusing on anti-discrimination and free movement rights as well as data protection.

(2) socio-legal comparison

The qualitative research will compare the practice of EU-derived rights, with in-depth research in **four EU Member States** (Czechia, Greece, Ireland, and Sweden) and **four EU neighbourhood countries** (Georgia, North Macedonia, Norway, and the UK, with special attention to Northern Ireland).

Choice of comparator countries. [abbreviated]

The choice is based on five key criteria: country size, economic strength (approximated by GINI index), socio-economic regimes, key elements of legal system, and proximity to EU membership for neighbourhood countries. While similarity of country size is aspired, the selection aims to provide for differences in the other four criteria, which allows for effective assessment of the impact of socio-economic conditions and proximity to EU membership on the practical usage of EU-derived rights.

The choice to compare small- to medium-sized countries derives from the heightened advantage of EU membership if compared with larger countries, leading to a clearer perception of EU-derived rights in the population. While seven countries have between 1.8 (North Macedonia) and 10.8 (Greece) million inhabitants with a large variety of territory,[9] the UK has a considerably larger population (over 63 million people). This discrepancy is unavoidable if we include the EU's Western neighbourhood, which only comprises the UK. It is mitigated by focusing the research on Northern Ireland, with nearly the same population as North Macedonia.[10] Northern Ireland is also of special interest due to its ambiguous status in relation to the EU Internal Market.

	GINI index	Socio-economic regime	Legal system	Proximity to EU membership
Czechia	Relatively equal/	Social democratic with economic weaknesses	Civil law	Member State, partially critique in population
Georgia	More unequal /	Southern, added difficulty of incomplete transition	Civil law	Insecure
North Macedonia	Medium level equality		Civil Law	Candidate status
Greece	Medium level equality	Southern (demand led economy, strong employment protection, weak social state)	Civil law	Member State, with population partially critical after economic crisis
Ireland	Medium level equality	Liberal, open economy, low social protection	Common Law	Member State, strong support in population
Northern Ireland / UK	More unequal		Common Law	Seceded, NI aligned to EU market for goods
Norway	Relatively equal	Social democratic, exogenous competitiveness, strong social protection	Nordic Model	Linked through European Economic Area
Sweden	Relatively equal		Nordic Model	Member State, reluctant to commit to €

Socio-legal comparison method.

RIGHTS-TO-UNITE's **comparison is multidimensional:** it compares the modes of EU integration across three fields (1), the respective implementation across 4 EU Member States and 4 EU neighbourhood countries, (2), and also the diversity of academic reflection in those countries, which are not usually at the centre of EU related research (3). In scoping the potential for integration through rights in the three areas depicted above (→ b.3 (1)), comparison of the implementation and enforcement of identified EU instruments indifferent countries (4) requires identifying implementing acts, and their practical workings, from (socio)legal literature as well as through analysis of government documents, legislation, and EU Commission implementation reports, case law, and legislation at EU and national levels. This will comprise adjudication as elements of regulatory

[9] https://ec.europa.eu/CensusHub2/ - Eurostat Census Hub for EU states and the UK, http://database.geostat.ge/pyramid/index.php?lang=en – National Statistics office of Georgia; https://popis2021.stat.gov.mk/default.aspx# - State Statistical Office of North Macedonia, see also Annex 2

[10] 1.8 million people according to Eurostat.

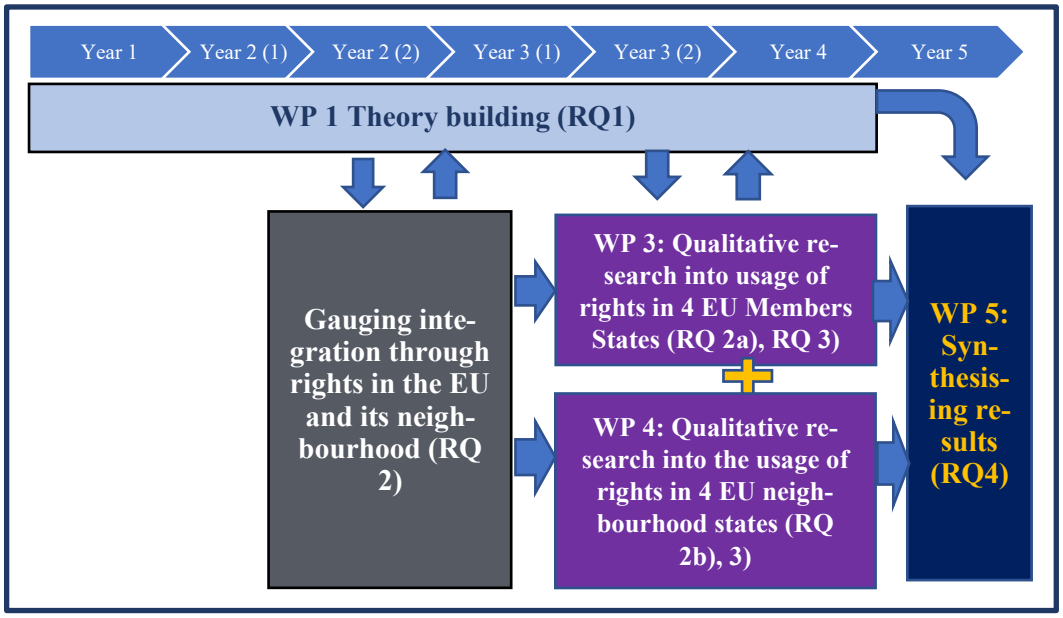
regimes, alongside informal instruments which may still be accepted as legitimate in practice. Following the structure of a **critically functionalist legal comparison** (Peters & Schwenke, 2000; Schiek, 2010; Arthurs, 2012; Michaels, 2019, pp. 487-489), information derived from desk-based research is used to establish interview schedules and representations for qualitative empirical research.

Qualitative empirical research – iterative four steps.

Perceptions and ideally also experiences of experts and laypersons in the comparator countries will be evaluated in **four steps**. **First**, expert interviews in the comparator countries with a variety of stakeholders (→ WP3 and WP4), will identify whether and to what extent the EU instruments have been or will be implemented in national law or practice, what barriers and enablers the experts perceive, and how practical the intended effects are considered to be. The interviews follow a mixed design of narrative and topical interviews, which encourages interviewees to develop their own assessment, while also yielding expert opinion on pre-defined topics (Scheibelhofer, 2008). In the **second step**, this information will be used to compose scenarios as a basis for focus groups conducted as citizens' meetings. Comparative legal researchers following the common core method (Grande, 2019, pp. 147-149; Siems, 2022, pp. 37-45) use scenarios to elicit the identification of rules, the sources on which they are based, and how these are interpreted and applied. Social science researchers refer to "vignettes" as descriptions of real-life situations which can be used for qualitative interviews with the aim of gauging values, beliefs, expectations, and perceptions (Hughs & Huby, 2004; Jenkins, et al., 2010; Aujla, 2020) The aim is to represent everyday experiences of citizens of EU-derived rights, both in transnational and local interactions. In order to communicate across linguistic and cultural diversity, textual vignettes will be complemented by visual representations **(third step)**. The vignettes will be used in a **fourth step** to gauge whether non-expert members of the public realise they are using EU-derived rights, whether they find relying on those rights easy, and which methods of relying on rights are realistic. Focus groups (Carey & Asbury, 2012) will be conducted as citizens' meetings (Palsberg, et al., 2019) mimicking citizens' assemblies (Gary, et al., 2020), a method which allows gauging perception of complex issues. These assemblies are larger than focus groups and will require two researchers to be present to moderate and record, both technologically and by note-taking.

b.4. Project team, Workflow through five work packages

The project team comprises two postdoctoral researchers (PDR), specialising in theoretical and comparative socio-legal research (PDR 1) and qualitative comparative research (PDR 2), and six **PhD researchers**. Within the project team, language and cultural competence for all the countries to be compared must be ensured, while all must be able to work academically in English. PhD researchers will be actively involved in research over work packages 1-5. They will receive **bespoke training for the demanding qualitative research, led by the PI** and involving service provision as well**.** The advisory board will provide annual reflection of the quality of theoretical and qualitative research, while research organisations in Georgia and North Macedonia and university partners in Czechia and Greece will provide services in organising citizens' meetings and facilitating expert interviews. (→ b.6) For Ireland, Norway, Sweden and the UK, the project team will organise the qualitative research. For this purpose, an additional research assistant will be employed for one year (year 3 month ten to year 4 month 9) who will with some facilitation by advisory board members in those countries collaborate with PDR2 and PhD researchers with Swedish and Norwegian language capacities to conduct the qualitative research in those four countries. The project will comprise five work packages (WPs), delivered over five years. The formation and testing of a new theoretical model require the ongoing sharing of findings between work packages, as visualised above.



Work package one

Objectives, team effort

WP1 develops a comprehensive theoretical framework of integration through rights. The PDR 1 will work closely with the PI, with input from the advisory board and collaborator organisations for task 1.2., which also is the first area of activity for the PhD researchers from the start of year 2.

Tasks

Task 1.1 (until year 1 month 6 approximately): A synthesis of literature will provide a critical analysis of the definition of rights and their integrative or disintegrative potential in general. Literature is drawn from different academic disciplines, including philosophy, political science, political sociology, sociology [of law], and legal theory. **Task 1.2 (year 1 month 7 to year 2 month 3 approximately).** Subsequently, the critical analysis will be expanded to the EU and the EEA Agreement, the association agreements with Georgia and North Macedonia, and the Trade and Cooperation Agreement with the UK, as well as the Protocol on Ireland/Northern Ireland. Analysing primary sources initially, the analysis will capture the way in which rights can be practically used by identifying mechanisms of judicial enforcement (including through collective claimants such as associations, interest groups, and NGOs) and enforcement through special agencies (including at EU level). A review of literature on usage of rights through informal mechanisms complements the picture. Cooperation with members of the advisory board and collaborator organisations will be utilised to identify literature from all comparator countries to be included from year 2, drawing on the language skills of PhD researchers. This serves to counteract the ignorance of sources published in larger languages. **Task 1.3 (year 2 month 4-6)**: WP 1 initially culminates in a theoretical concept paper which will be subjected to peer review during a smaller project conference in year 2. **Task 1.4 (ongoing until year 4):** After each task completed in WPs 2-4, the team will revisit and adapt the theoretical model as ap-propriate, in order to prepare successful completion of WP 5 and the project overall.

Expected results (ER) ER1.1: An analysis of the ways in which rights are defined across the 4 EU states and at the wider EU level; ER1.2: An analysis of the integrative and disintegrative potential of rights in each state and across the EU.

Work package two

Objectives, team effort

WP 2 **o**perationalises the results of WP1 for further analysis in comparative qualitative research in WPs 3 and 4 by identifying legal instruments for qualitative analysis as well as providing a doctrinal analysis of these, both for EU law and the law in the neighbourhood. This WP will be led by the PI, and requires collaboration of PDR 1, PDR 2, and PhD researchers (recruited during the first year of the action).

Tasks

Task 2.1. (year 2 month 7-9): The theoretical model of WP1 will be utilised to evaluate the three areas under comparison and to identify specific clusters of Treaty and Charter rights, legislation, and autonomous agreements (see table above) to be analysed in WPs 3 and 4 which best represent liberal/economic rights, social rights, and digital rights. The rights to be compared should combine long-established and recent rights. Long-established rights are likely to be better embedded in national laws, while legislation and other instruments relating to current events offers the opportunity to grasp research participants' attention. Both enable us to gauge perceptions of the EU's capacity to provide adequate regulation, as well as the role rights and their practical use play in engagement with and perception of the EU. **Task 2.2 (year 2 month 10- year 3 month 6)** In order to provide a critical analysis in the context of citizens' rights and national implementation can be delivered, the content of legislation, soft-law instruments, and autonomous agreements will be teased out by analysing primary legal sources such as Treaty provisions, the Charter of Fundamental Rights for the European Union (CFREU), EU legislation, autonomous agreements as relevant and aiming to create enforceable rights, and case-law on all these. The results will be enriched by evaluating analyses of other disciplines of European Studies (political science, [political] sociology, economics, and regulatory theory). As in WP1, sources as well as literature from the countries under comparison will be evaluated. At the end of this task, a catalogue of questions for qualitative analysis will be established to feed into WP3.

Task 2.3 (Year 2 months 7-9) In parallel to task 2.1, the team of 3 PhD students for non-EU countries as well as PDR 1 will evaluate the association agreements under consideration together with derived instruments in order to identify the relevant provisions in those

Expected Results **ER2.1**: Identified EU level legal provisions (Treaty norms, legislation, soft-law, and autonomous agreements) for qualitative evaluation within three areas based on the theoretical frame developed in WP1; **ER2.2**: A doctrinal analysis, critically reflected in literature in neighbouring disciplines, of the content and implementation of these clusters of regulation; **ER2.3**: Identified legal provisions (articles of agreements with neighbourhood states, legislation implementing the same, soft-law, and autonomous agreements) for qualitative evaluation within three areas based on the theoretical frame developed in WP1 within the EU's neighbourhood.

agreements and derived legislation EEA Law, the UK/EU Trade and Cooperation Agreement, the Protocol on Ireland/Northern Ireland as part of the EU/UK Withdrawal Agreement, and the Deep and Comprehensive Trade Agreement (Association Agreement) with Georgia and North Macedonia. **Task 2.4 (Year 2 month 10 – year 3 month 6)** will provide the critical analysis of these instruments and their national implementation by reference to primary sources and academic literature.

Work package three

Objectives, team effort, tasks

WP3 delivers the four-step comparative qualitative research in the four selected EU Member States, requiring collaboration of the PI, PDR 2, 3 PhD researchers, one RA, input by the advisory board, and service provision.

Tasks

Task 3.1 (year 3 month 4-9) Semi-structured expert interviews explore how the main questions resulting from WP2 are assessed by experts in four different EU Member States under investigation. 12-15 experts per country will be identified, including legislators (members of parliament), judicial interviewees drawn from civil and administrative courts as far as these are relevant for interpreting relevant EU law, including quasi-judicial institutions such as the Irish Workplace Relation Commission, and non-governmental organisations engaged in practical use of EU derived rights. If recruitment of judicial interviewees is not successful, practicing lawyers will be turned to instead. Recruiting participants can be started in parallel to task 2.2, though the interviews can only be conducted when the results of this task are available. The goal of the semi-structured expert interviews is to provide country-specific perception of EU-derived rights and to inform the material used in the citizens' meetings. The questions in the structured portion of the interviews will focus on the demonstrative cases of EU-derived rights and aim to delineate understandings of EU-derived rights within the context of integrative forces. Care will be taken to maintain validity between interviews, with specific regard to ancillary questions in support of the constructed list. These interviews will be conducted online by PhD researchers and PDR2 with at least eight respondents per country. **Task 3.2 (year 3 month 10-12)** The data will be used to develop scenarios, consisting of stories with variable paths on how EU-derived rights can be used. To overcome language barriers these narratives are complemented by visual representations generated by graphic capturers on the basis of attending meetings with researchers. Service contracts with these graphic capturers will ensure the future use of the results in other contexts. (→ b,3. (2)) **Task 3.3 (year 4 months 1-6)** Focus groups will take place as citizens' meetings, intended to have 40-60 participants per country split into 3 groups. Each group will address one of the three areas of integration. Tables will spread participant demographics evenly and care will be taken to assure anonymity. Each group will be accompanied by a moderator and data collector. Citizens' meetings will take place over one day, with groups shown vignettes with time for discussion after each. In total between 9 and 11 narratives will be shown, with a mix of direct response scenarios and focused deliberation scenarios. Data will be stored securely and deleted after use. **Task 3.4 (year 4 months 7-12)**: While results of the expert interviews will have been established for preparation of the citizens' meetings, an intensive phase of collating the combined data and arranging it for evaluation, using thematic and framework analysis, will follow (Srivastava & Thomson, 2009)). Recruiting participants aims to be inclusive of different characteristics such as age, socio-economic status, gender, ethnicity. Informed consent on the basis of universally accessible information sheets on the project will be obtained in line with UCD principles of good research practice outlined in the Code of Research Conduct. Transcripts will be hosted securely and destroyed after project end.

Expected Results **ER3.1**: Identified perceptions by national experts of content and practical usage of EU-derived rights; **ER3.2**: Contextual narratives (vignettes) for qualitative work, including visual representation; **ER3.3**: Identified perceptions of practical usage of EU-derived rights by laypersons (citizens' meetings)

Work package four

Objectives, team effort, tasks

WP4 compares four countries in the EU neighbourhood (Georgia, North Macedonia, Norway, United Kingdom). It requires collaboration of the PI, PDR 2 and 3 PhD researchers, as well as collaborating organisations and the advisory board. While the tasks are mainly the same as for WP 3, WP4 faces potentially contextual challenges not encountered in WP3, and as a result of the tumultuous political landscape, contingency plans are in effect to perform the citizens' meetings digitally through web-assisted group interviews. Otherwise, the same methodology as outlined for WP3 will be used, and the same ethical principles applied.

Expected Results **ER4.1**: Identified perceptions by national experts of content and practical usage of EU-derived rights; **ER4.2**: Contextual narratives (vignettes) for qualitative work, including visual representation; **ER4.3**: Identified perceptions of practical usage of EU-derived rights by laypersons (citi-

Work Package 5

Objectives, team effort

The final work package answers the question which conditions enable integration through EU derived rights in the EU itself and its neighbourhood, and which conditions contribute to disintegration through rights. This requires the PI, leading with the research team and drawing on the expertise of the advisory board, to synthesise the initial theoretical frame with the qualitative empirical findings towards a new level theory of integration through EU derived rights in the EU and its neighbourhood.

Tasks

Task 5.1 (year 5 month 1-4) consists in writing up as working papers the conditions under which integration through rights can succeed in the EU and its neighbourhood. **Task 5.2 (year 1 month 5-9)** complements this through providing working papers on the conditions under which rights may engender disintegration. **Task 5.3 (last three months of the project)** consist of presenting the project results in a final conference. Methods in this work package are mainly desk based and involve theorising and drawing material together. Finally, the presentation of the overall new theoretical approach should not only be made in a final conference. Instead, the content for a final monograph and a final edited collection (next to PhD theses emerging from the project) should be drafted throughout the three phases of this work package.

Expected Results ***ER5.****1: A new theory of integration through rights*

b. 5 Outputs

RIGHTS-TO-UNITE will produce a **variety of academic deliverables**, which will be presented during project workshops as well as on international academic conferences. After presentation, these deliverables will be reworked into articles in peer reviewed journals or edited collections with high-ranking publishers. **WP 1** will result in during **three working papers** (D 1 – 3), suitable to be expanded to multi-authored articles publishable in refereed journals in European Studies with an interdisciplinary ambition (e.g., the Journal of Common Market Studies). WP 2 will generate **two substantial working papers** (D 4-5), with a focus on socio-legal analysis and suitable for publication in refereed journals with a legal focus (e.g., the Common Market Law Review). **WPs 3 and 4** will be suitable for producing **one substantial working paper each** (D 6-7), and there is also potential for reusing the vignettes with visual presentation as educational material or accompanying presentations of the project, even after its lifetime. RIGHTS-TO-UNITE will conduct a smaller conference after completion of WP 1 in year 2. The final conference will present the results of WPs 3, 4 and 5. Both will offer potential to solicit papers for one edited collection or a special issue of a refereed journal (D8). Finally, the theoretical model will be the basis for a **monograph** co-authored as appropriate by the PI and post-doctoral researcher (s) (D9). Further, as RIGHTS TO UNITE hosts six PhD researchers, their theses will also constitute project outputs, though these may only be published after its conclusion.

b.6 Advisory board and collaborating institutions

I am well suited to master the complexity and innovative character of the project as well as the large geographical scope due to having established collaborations in research and policy advice through all of the countries under comparison and with colleagues specialising in elements of the challenging methods applied. This is mirrored in the composition of the project advisory board as well as in collaboration with two research institutes in Georgia and North Macedonia. Academic advisory board members will assist in recruiting suitable PhD researchers with language capacity in English and one other language, and also offer reflection on the direction of research in **annual advisory board meetings** will be integrated in a project meeting. The **advisory board comprises**

- Prof JUDr. Kristina Koldinska, Ph.D. Charles University Prague (Czechia), expertise in labour law with an emphasis on European Union law, extensive experience in interdisciplinary comparative research,
- Prof Irine Kurdadze, Jean Monnet Chair for Understanding EU Policy for Equality, Director of the Institute of International Law at Tbilisi State University, Faculty of Law (Georgia), with excellent contacts to Non-Governmental Organisations and political parties in Georgia,
- Dr Triantafyllia (Lina) Papadopoulou, Associate Professor for European Constitutional Law at Aristotle University Thessaloniki (Greece), extensive experience in qualitative and comparative work,
- Dr Simonida Kacarska, Director European Policy Institute Skopje, (North Macedonia), political scientist, expansive experience in researching on the conditions of Europeanisation in candidate countries,
- Prof Tarjei Bekkedal, director for the Centre of European Law at Oslo University (Norway), specialising in EEA law as well as in EU law from a private law perspective,
- Prof em Ann Numhauser Henning, University of Lund (Sweden), expertise in socio-legal comparison and convenor of the NORMA project devising a materialist strand of societal constitutionalism,
- Prof Xavier Groussot, Chair in EU Law, University of Lund, extensive experience in EU-constitutional law and rights research
- Prof Niamh Nic Shuibhne, Chair in EU law, University of Edinburgh (UK, Great Britain), extensive expertise in research on EU citizenship,

- Prof John Garry, Professor for Political Science, Queen's University Belfast (UK, Northern Ireland), experience in conducting citizens assemblies as a research method, specialist on Northern Ireland.

Special **service provision in relation to qualitative research** in practice will be provided by advisory board members in Charles University Prague and Aristotle University Thessaloniki, while the Centre for Social Sciences in Tbilisi and the European Policy Institute in Skopje will host the citizens' meetings for Georgia and North Macedonia, respectively.

b.7. High gain [risk assessment eliminated from public version]

(…)

RIGHTS-TO-UNITE offers fundamental gains in four respects: **First**, and foremost, it develops a new interdisciplinary theory on the role of law for European integration through the socio-legal concept of integration through rights. This changes the field of European Integration theory in two respects: first, legal theory reclaims its place in the field, and second, the EU's substantive goal to improve life in Europe takes centre stage of a socio-legal theory for the first time. **Second**, RIGHTS-TO-UNITE creates a continuum between EU law in the EU and its neighbourhood, overcoming the outdated division between research on the EU's neighbourhood under the label EU external relations (law) and the EU's integrative powers on society within its borders. This ground-breaking approach sketches the role of rights for integrating the citizenry of the larger Europe, while providing a method and theory to link those fields in the future. **Third**, RIGHTS-TO-UNITE creates a unique methodology for combining qualitative research of citizens' perceptions with socio-legal comparison, which can be used all over EU studies. Without an interdisciplinary methodology honouring the input of legal research the gain of reclaiming the space for legal research in European integration studies would be short lived, after all. **Fourth**, careful combination of theoretical modelling, doctrinal precision, and qualitative research ensures this project generates constructive proposals for the future of the EU's role in societies, which can serve as a basis for policy guidance for enhancing the practical usability of EU-derived rights. The sample fields are sufficiently encompassing to allow the construction of blueprints for other fields of law and policy. My experience in policy advice will ensure that this aspect of the project is successful.

Overall, RIGHTS-TO-UNITE opens up new ways of researching European integration as societalization through rights, integrating research within Member States and the EU's neighbourhood in all four directions of the compass. The team of nine researchers, recruited from small- and medium-sized state across the EU and diverse in terms of gender, abilities, and ethnicities, constitutes the core of a new research community. Its anticipated collaboration beyond the lifetime of the project is likely to grow an equally diverse community on EU integration through rights from multiple perspectives.

Bibliography

Alder-Nissen, R., 2016. Towards a Practice Turn in EU Studies: The Everyday of European Integration. *Journal of Common Market Studies,* 54(1), pp. 87-103.

Amable, B., 2016. Institutional Complementarities in the dynamic comparartive analysis of capitalisms. *Journal of Institutional Economics,* 12(1), pp. 79-103.

Anders, L. H. & Lorenz, A. eds., 2020. *Illiberal Trends and Ant-EU Politics in East Central Europe.* New York & London: Palgrave.

Arthurs, H., 2012. Cross-National Legal Learning: The Uses of Comparative Labour Knowledge, Law and Policy'. In: *Rethinking Workplace Regulation.* s.l.:Russel Sage foundation, pp. 353-36.

Asatiani, M. & Verulava, T., 2017. Georgian Welfare state : Preliminary study based on Epsing-Andersen's Typology. *Economics and Sociology,* 10(4), pp. 21-128.

Augenstein, D., 2012. *"Integration through law" revisited: The making of the European polity.* Farnham: Ashgate.

Augenstein, D. & Hendry, J., 2009. The Fertile Dilemma of Law: Legal Integration and Legal Cultures in the European Union. *Tilburg Institute of Comparative and Transnational Law Working Paper.*

Aujla, W., 2020. Using a Vignette in Qualitative Research to Explore Police Perspectives of a Sensitive Topic: "Honor"-Based Crimes and Forced Marriages. *International Journal of Qualitative Methods,* 19(1), pp. 1-10.

Avbelj, M., 2018. *The European Union under Transnational Law.* Oxford: Hart.

Azoulai, L., 2016. Integration Through Law and Us. *I•CON ,* 14(2), pp. 449-463.

Blauberger, M. et al., 2018. The ECJ Judges read the morning papers. Explaining the turnaround of European citizenship jurisprudence. *Journal of European Public Policy,* 25(10), pp. 1422-1441.

Bohle, D., 2018. European Integration, Capitalist Diversity and Crises Trajectories on Europe'e Eastern Periphery. *New Political Economy,* 23(2), pp. 239-253.

Bonciu, F., 2018. The European Pillar of Social Rights: Too Little, Too Late.. *Romanian Journal of European Affairs,* Issue 1, pp. 60-70.

Boonen, C., 2019. Limits to the Politics of Subjective Rights: Reading Marx After Lefort. *Law and Critique,* 30(1), pp. 179-199.

Brack, N. & Gürkan, S. eds., 2020. *Theorising the Crises of the European Union.* New York & London: Routledge.

Bruhn Jensen, K., 2021. *A Theory of Communication and Justice.* London & New York: Routledge.

Bruzelius, C., 2020. How EU Juridification shapes Constitutional Social Rights. *Journal of Common Market Studies,* 58(6), pp. `1488-1503.

Business Europe; Syndicat [ETUC]; CEEP; SMEUnited, 2020. *European Social Partners Framework Agreement Digitalisation.* Brussels: s.n.

Buttler, F., 2016. Does the Europeanization of daily life increase the life-satisfaction of Europeans?. In: M. Heidenreich, ed. *Exploring Inequalities in Europe.* Cheltenham: Edward Elgar, pp. 195-219.

Cambien, N., Kochenov, D. & Muir, E. eds., 2020. *European Citizenship under Stress: Social Justice, Citizenship and Other Challenges.* Leiden: Brill.

Cappelletti, M., Secombe, M. & Weiler, J., 1986. Integration Through Law: Europe and the American Federal Experience. A General Introduction. In: M. Cappeletti, M. Secombe & J. Weiler, eds. *Integration Through Law, Volume One, Methods, Tools and Institutions.* Berlin & New York: De Gruyter, pp. 3-36.

Cardwell, P. & Granger, M.-P. eds., 2020. *Research Handbook on the Politics of EU Law.* Cheltenham: Edward Elgar.

Cardwell, P. J. & Wessel, R. A., 2020. EU external relations and international law : divergence on questions of 'territory'?. In: E. Fahey, ed. *Framing Convergence with the Global Legal Order.* Oxford: Hart Publishing, pp. 143-161.

Carey, M. A. & Asbury, J.-E., 2012. *Focus Group Research.* New York: Routledge.

Caunes, K., 2020. What the European Law Journal stands for. *European Law Journal,* 26(1), pp. 2-8.

Cichowski, R., 2007. *The European Court and Civil Society: Litigation, Mobilization and Governance.* Cambridge: Cambridge University Press.

Conant, L., Hofman, A., Soennecken, D. & Vanhala, L., 2018. Mobilising European Law. *Journal of European Public Policy,* 25(9), pp. 1376-1389.

Dani, M. & Menéndez, A. J., 2021. *European constitutional imagination: A Whig interpretation of the process of European integration?.* Copenhagen: iCourts - Centre of Excellence for International Courts.

Dautricourt, C. & Thomas, S., 2009. Reverse discrimination and free movement of persons under Community law: All for Ulysses, nothing for Penelope?. *European Law Journal,* 34(3), pp. 433-454.

Davies, G. & Avbelj, M. eds., 2018. *Research Handbook on Legal Pluralism and EU Law.* Cheltenham: Edward Elgar.

Dawson, M., 2017. *The Governance of EU Fundamental Rights.* Cambridge: Cambridge University Press.

De Cock Buning, M. & Senden, L., 2020. Introduction: EU Private Regulation and Enforcement - Mapping its Contextual, Conceptual, Constitutional and Citizens' Dimensions. In: M. De Cock Buning & L. Senden, eds. *Private Regulation and Enforcement in the EU: Finding the Right Balance from a Citizens' Perspective.* New York & Oxford: Bloomsbury Publishing (Hart Publishing), pp. 6-38.

Deutsch, K. W., 1971. *The Analysis of International Relations.* Englewood Cliffs NJ: Prentice Hall.

Diez Medrano, J., 2020. National Identity and the Citizens' Europe. In: F. Duina & F. Merand, eds. *Europe's Malaise.* Bingley: Emerald Publishing, pp. 67-83.

Drahokoupil, J. & Myant, M., 2016. Dependent Capitalism and employment relations in East Central Europe. In: V. Delteil & V. Kirov, eds. *Labour and Social Transformation in Central and Eastern Europe. Europeanization and Beyond.* New York: Routledge , pp. 63-79.

Eleftheriadis, P., 2020. *A Union of Peoples.* Oxford: Oxford University Press.

Esping-Andersen, G., 1999. *Social foundations of postindustrial economies.* Oxford: Oxford University Press.

European Commission, 2022a. *Standard Eurobarometer 96, Winter 2021-22: Public Opinion in the European Union. First Results.* Luxembourg: European Union.

European Commission, 2022b. *European Declaration on Digital Rights and Principles for the Digital Decade.* Brussels: Euroepan Union.

European Commission, 2022c. *Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions COM (2022) 27 final.* Brussels: European Union.

European Parliament, D-G Communication, 2022. *Socio-demographic trendlines - EP Eurobarometer (2007-2022).* Brussels: European Parliament.

European Commission, 2021. *Standard Eurobarometer 95 Spring 2021 First Results.* Brussels: European Union.

Fabbrini, S., 2015. *Which European Union? Europe after the Euro Crisis.* Cambridge: Cambridge University Press.

Fasone, C., Gallo, D. & Wouters, J., 2020. Re-connecting Authority and Democratic Legitimacy in the EU: Introductory Remarks. *European Papers,* 5(1), pp. 175-189.

Ferrera, M., 2010. The Southern European Countries. In: F. Castles, et al. eds. *The Oxford Handbook of the Welfare State.* Oxford: Oxford University Press, pp. 616-629.

Frantziou, E., 2020. The Horizontal Effect of the Charter: Towards an Understanding of Horizontality as a Structural Constitutional Principle. *Cambridge Yearbook of European Legal Studies,* Volume 22, pp. 208-232.

Frost, N., 2021. Out with the 'Old', in with the 'New': Challenging Dominant Regulatory Approaches in the Field of Human Rights. *The European Journal of International Law,* 32(2), pp. 507-535.

Garben, S., 2017. The Constitutional (Im)balance between 'the Market' and 'the Social' in the European Union. *European Constitutional Law Review,* 13(1), pp. 23-61.

García Roca, J. & Santolaya, P. eds., 2012. *Europe of Rights: A Compendium on the European Convention of Human Rights.* 1st English edition, following two Spanish editions in 2005 and 2009 ed. Leiden: Brill.

Gary, J. O. B., Coakley, J., Pow, J. & Whitten, L., 2020 . Public attitudes to different possible models of a United Ireland: evidence from a citizens' assembly in Northern Ireland. *Irish Political Studies,* 35(3), pp. 422-450.

Gerhards, J. & Lengfeld, H., 2015. *European Citizenship and Social Integration in the European Union.* New York: Routledge.

Gerstenberg, O., 2020. Fundamental Rights and Democratic Sovereignty in the EU: The Role of the Charter of Fundamental Rights of the EU (CFREU) in Regulating the EuropeanSocial Market Economy. *Yearbook of European Law,* Volume 39, pp. 199-227.

Gestel, R. & Micklitz, H., 2014. Why methods matter in European legal scholarship. *European Law Journal,* 20(3), p. 292–316.

Gestel, R., Micklitz, H.-W. & Rubin, E. eds., 2017. *Rethinking Legal Scholarship. A Transatlantic Dialogue.* Cambridge: Cambridge University Press.

Gideon, A., 2017. *Higher Education Institutions in the EU: Between Competition and Public Service.* Cham: Springer Nature.

Givens, T., 2014. *Legislating Equality. The Politics of Antidiscrimination Policy in Europe.* Oxford: Oxford University Press.

Goldmann, M., 2018. *Hopes of Progress: European Integration in the History of International Law.* Heidelberg: Max Planck Institute for comparative public law and international law.

Golia, A. J. & Teubner, G., 2021. Societal Constitutionalism: Background, Theory and Debates. *ICL Journal (Vienna Journal on International Constitutional Law),* 15(4), pp. 357-411.

Grande, E., 2019. Development of Comparative Law in Italy. In: M. Reiman & R. Zimmermann, eds. *The Oxford Handbook of Comparative Law.* Oxford: Oxford University Press, pp. 131-156.

Granger, M.-P., 2018. Federalization through Rights in the EU. A Legal Opportunities Approach. *European Journal of Law Reform,* 20(2-3), pp. 35-55.

Grimm, D., 2005. Integration by Constitution. *I-CON,* 3(2-3), pp. 193-208.

Grimm, D., 2016. Europe's legitimacy problem and the courts. In: D. Chalmers, M. Jachtenfuchs & C. Joerges, eds. *The End of the Eurocrat's Dream.* Cambridge: Cambridge University Press, pp. 328-368.

Grimmel, A. & Strasheim, J., 2021. Introduction: Wheathering the Storm? The EU as a Global Peace and Security Actor in Troubled Times. *European Review of International Studies,* 8(1), pp. 313-326.

Groussot, X. & Zemonska, A., 2017. The Resilience of Rights and European Integration. In: A. Bakardjieva Engelbrekt & X. Groussot, eds. *The Future of Europe: Political and Legal Integration Post Brexit.* Oxford et al: Bloomsbury (Hart), pp. 116-138.

Gstöhl, S., 2015. Models of External Differentiation in the EU's Neighbourhood: An Expanding Economic Community. *Journal of European Public Policy,* 22(6), pp. 854-870.

Habermas, J., 1998. Paradigms of Law. In: M. Rosenfeld & A. Arato, eds. *Habermas on Law and Democracy: Critical Exchanges.* Berkeley: University of California Press, pp. 6-25.

Hadjiyianni, I., 2021. The European Union as a Global Regulatory Power. *Oxford Journal of Legal Studies,* 41(1), pp. 243-264.

Hall, P., 2018. Varieties of capitalism in light of the euro crisis. *Journal of European Public Policy,* 25(1), pp. 7-30.

Hall, P. & Soskice, D., 2001. *Varieties of Capitalism. The Institutional Foundations of Comparative Advantage.* Oxford: Oxford University Press.

Harding, C., 2018. Economic Freedom and economic rights: Direction, significance and ideology. *European Law Journal,* 24(1), pp. 21-35.

Heller, H., 1928. Politische Demokratie und Soziale Homogenietät (republished 1971). In: H. Heller, ed. *Gesammelte Schriften.* Leiden: Mohr, pp. 443-446.

Hoecke, M. v., 2002. *Law as Communication.* Oxford: Hart.

Hofmann, A., 2018. Is the Commission levelling the playing field? Rights enforcement in the European Union. *Journal fo European Integration,* 40(6), pp. 737-751.

Höpner, M., 2008. *Usurpation statt Delegation: Wie der EuGH die Binnenmarktintegration radikalisiert und warum er politischer Kontrolle bedarf (MPIfG Discussion Paper No. 08/12)..* Cologne: Max Planck Institut für Gesellschaftswissenschaften.

Höpner, M. & Schmidt, S. K., 2022. Can We Make the European Fundamental Freedoms Less Constraining?. *Cambridge Yearbook of European Law,* Volume 22, pp. 182-204.

Hughs, R. & Huby, M., 2004. The construction and interpretation of vignettes in social research. *Social Work & Social Sciences Review,* Volume 11, pp. 36-51.

Israel, S., Buttler, F., Ingensiep, C. & Reiman, C., 2016. Connected Europe(ans): does economic integration foster social interaction?. *Journal of Contemporary European Studies,* 26(1), pp. 1-19.

Jenkins, N. et al., 2010. Putting it into context: the use of vignettes in qualitative interviewing. *Qualitative Research,* 10(2), pp. 175-198.

Juncker, J.-C., 2016. *Speech at the annual general meeting of the Hellenic association of enterprises,* Athens: s.n.

Kelemen, D., 2011. *Eurolegalism. The Transformation of Law and Regulation in the European Union.* Cambridge (Massachusetts): Harvard University Press.

Kelemen, D. & Pech, L., 2019. The Uses and Abuses of Constitutional Pluralism: Undermining the Rule of Law in the Name of Constitutional Identity in Hungary and Poland. *Cambridge Yearbook of European Law,* Volume 21, pp. 59-74.

Keller, H. & Stone Sweet, A. eds., 2008. *A Europe of Rights: The Impact of the ECHR on National Legal Systems.* Oxford: Oxford University Press.

Kilpatrick, C. & De Witte, B., 2019. *A Tangible Human Face for Social Europe, Schuman Policy Paper 2019 02.* Florence: European University Institute.

Klabbers, J., 2019. The European Union in the Law of International Organizations: Misfit or Model?. In: R. Wessel & J. Odermatt, eds. *Research Handbook on the European Union and International Organizations.* Cheltenham: Edward Elgar, pp. 25-41.

Kokolia, E., 2018. Strengthening the Single Market Through Informal Dispute Resolution Mechanisms: The Case of SOLVIT. *Maastricht Journal of European and Comparative Law,* 25(1), pp. 108-117.

Komárek, J., 2017. National constitutional courts in the European constitutional democracy: A rejoinder. *European Journal of International Law,* 15(3), p. 815–825.

Kostakopoulou, D., 2005. Ideas, Norms and European Citizenship: Explaining Institutional Change. *Modern Law Review,* 68(2), pp. 233-267.

Kostakopoulou, D., 2013. Co-Creating European Union Citizenship: Institutional Process and Crescive Norms. *Cambridge Yearbook of European Union Law,* Volume 15, pp. 255 - 282.

Kostakopoulou, D. & Thym, D. eds., 2022. *Research Handbook on EU Citizenship Law and Policy.* Cheltenham: Edward Elgar.

Kotevska, B., ed., 2016. *The Art of Survival. Intersectionality in Social Protection in Macedonia and Bosnia and Herzegovina - Collection of Working Papers.* Skopje: European Policy Institute.

Kotevska, B., 2020. *Equality and non-discrimination in the post-Yugoslav space : intersectionality under law in Croatia, Macedonia and Slovenia.* Belfast: Queen's University Belfast.

Kuhn, T., 2014. *Experiencing European Identity. Transnational Lives and European Identity.* Oxford: Oxford University Press.

Lavenex, S. & Križić, I., 2022. Governance, Effectiveness and Legitimacy in Differentiated Integration: An Analytical Framework. *The International Spectator. Italian Journal for International Affairs,* 57(1), pp. 35-53.

Lavenex, S. & Schimmelfennig, F. eds., 2010. *EU External Governance. Projecting EU Rules Beyond Membership.* New York: Routledge.

Lietzmann, H. J., 2002. Europäische Verfassungspolitik. In: H. Vorländer, ed. *Integration durch Verfassung.* Wiesbaden: Westdeutscher Verlag, pp. 292-309.

Longo, M., 2020. Fractured Integration x Soft Power Debits: Contested Legitimacy in Europe. *Monach University Law Review,* 46(1), pp. 1-38.

Lörcher, K. & Schömann, I., 2016. *The European Pillar of Social Rights: Critical Legal Analysis.* Brussels: European Trade Union Institute.

Lord, C., 2020. Legitimacy Crisis in the European Union. In: N. Brack & S. Gürkan, eds. *Theorising the Crises of the European Union.* New York & London: Routledge, pp. 33-50.

Lord, C. et al. eds., 2022. *The Politics of Legitimation in the European Union - Legitimacy Recovered?.* New York & London: Routledge.

Lorenzmeier, S., Petrov, R. & Vedder, C. eds., 2021. *EU External Relations Law. Shared Competences and Shared Values in Agreements between the EU and Its Eastern Neighbours.* Cham: Springer Nature.

Luhmann, N., 1995. *Das Recht der Gesellschaft.* Frankfurt a M: Suhrkamp.

Maiani, F., Petrov, R. & Mouliarova, E. eds., 2009. *European Integration without Membership: Models, Experiences, Perspectives (EUI Working Paper MWP 2009/10).* Florence: European University Institute.

Mangan, D., 2021. Agreement to Discuss: The Social Partners Address the Digitisation of Work. *Industrial Law Journal,* 50(4), pp. 689-705.

Marshall, T. H., 1950. *Citizenship and Social Class.* Cambridge: Cambridge University Press.

Mau, S. & Mewes, J., 2012. Horizontal Europeanisation in Contextual Perspective: What Drives Cross Border Activities within the European Union?. *European Societies,* 14(1), pp. 7-34.

Menke, C., 2020. *Critique of Righs.* Oxford: Oxford University Press.

Michaels, R., 2019. The Functional Method of Comparative Law. In: M. Reimann & R. Zimmermann, eds. *The Oxford Handbook of Comparative Law.* 2nd ed. Oxford: Oxford University Press, pp. 452-509.

Micklitz, H.-W., 2018. *THe Politics of Justice in European Private Law.* Cambridge: Cambridge University Press.

Morano-Foadi, S. & Andreadakis, S., 2020. *Protection of Fundamental Rights in Europe.* Cham: Springer Nature.

More, G., 2020. From Union Citizen to Third- Country National: Brexit, the withdrawal agreement, no-deal preparation and Britons living in the Europena Union. In: N. Cambien, D. Kochenov & E. Muir, eds. *Citizenship under Stress: .* Leiden: Brill, pp. 457-481.

Muir, E., 2021. Reshuffling our understanding of fundamental rights law in Europe: an EU lawyer's research agenda. *European Human Rights Journal,* [2021](2), pp. 141-158.

Neergaard, U. & Nielsen, R. eds., 2012. *European Legal Method - in a Multi-Level EU Legal Order.* Copenhagen: DJOF.

Neergaard, U. & Nielsen, R. eds., 2013. *European Legal Method - towards a New European Legal Realism?.* Copenhagen: DJØF Publishing.

Nielsen, R., 2010. Legal Realism and EU Law. In: H. Koch, K. Hagel-Sørensen, U. Haltern & J. Weiler, eds. *Europe. The New Legal Realism.* Copenhagen: DJØV Publishing, pp. 545-563.

Numhauser-Henning, A., 2013. Understanding Law as Normative Patterns in a Normative Field. In: A. Numhauser-Henning & M. Rönnmar, eds. *Normative Patterns and Legal Developments in the Socil Dimension of the EU.* Oxford: Hart Publishing, pp. 27-52.

Palsberg, A. et al., 2019. *Briefing Report. Input for the Co-Creation Process (Citizens' values and opinions in relation to Precaution and Innovation),* s.l.: RECIPES Precaution Innovation Science.

Pech, L. & Scheppele, K., 2017. Illiberalism Within: Rule of Law Backsliding in the EU. *Cambridge Yearbook of European Legal Studies,* 19(1), pp. 3-47.

Peters, A. & Schwenke, H., 2000. 'Comparative Law beyond Post-Modernism. *International and Comparative Law Quarterly,* 49(2), pp. 800-834.

Petersmann, E.-U., 2008. Human Rights, International Economic Law and Constitutional Justice. *The European Journal of International Law,* 19(4), pp. 769-798.

Petrov, R., 2021. Challenges of he EU-Ukraine AA's Effective Implementation into the Legal Order of Ukraine. In: S. Lorenzmeier, R. Petrov & C. Vedder, eds. *EU External Relations Law.* Cham: Springer Nature, pp. 135-231.

Pinto, H. & Healy, A. C. A.-R., 2019. Varieties of Capitalism and Resilence Clusters : An Exploratory Approach to European Regions. *Regional Science Policy and Practice,* 11(2), pp. 913-933.

Přibáň, J., 2022. *Constitutional Imaginaries. A theory of European Societal Constitutionalism.* New York & London: Routledge.

Raineri, L. & Strazzari, F., 2021. Dissecting the EU response to the 'migration crisis'. In: R. MacGinty, S. Pogodda & O. Richmond, eds. *The EU and Crisis Response.* Manchester : Manchester University Press, pp. 201-226.

Recchi, E. et al., 2019. *Everyday Europe. Social transnationalism in an unsettled continent..* London: Polilty Press.

Rice, C., 2020. *Consociationalism and equality within the European Union: A socio-legal study of community identity and gender in Northern Ireland and Belgium.* Belfast: Queen's University Belfast.

Riesenhuber, K., ed., 2021. *European Legal Methodology.* 2nd ed. Antwerp: Intersentia.

Risse, T., 2019. Social Constructivism and European Integration Theory. In: A. Wiener, T. Börzel & T. Risse, eds. *European Integration Theory.* 3rd ed. Oxford: Oxford University Press, pp. 128-149.

Sabato, S. & Corti, F., 2019. 'The times they are a-changin'?' The European pillar of social rights from debates to reality check. In: B. Vanhercke, D. Ghailani & S. Sabato, eds. *Social Policy in the European Union: from debates to reality check.* Brussels: European Trade Union Institute , pp. 51-68.

Sadurski, W., 2012. *Constitutionalism and the Enlargement of Europe.* Oxford: Oxford University Press.

Saurugger, S. & Terpan, F., 2021. Normative transformations in the European Union: on hardening and softening law. *West European Politics,* 44(1), pp. 1-20.

Scharpf, F., 1988. Joint Decision Trap: Lessons from German Federalism and European Integration. *Public Administration,* 2(239-278), p. 66.

Scharpf, F., 2017. De-constitutionalisation and majority rule: A democratic vision for Europe. *European Law Journal,* 23(5), pp. 315-334.

Scharpf, F. W., 2009. Legitimacy in the multilevel European polity. *European Political Science Review,* 1(2), pp. 73-204.

Scheibelhofer, E., 2008. Combining Narration-Based Interviews with Topical Interviews: Methodological Reflections on Research Practices. *International Journal of Social Research Methodology,* 11(5), pp. 403-416.

Schiek, D., 2010. Comparative Law and European Harmonisation – a Match Made in Heaven or Uneasy Bedfellows?. *European Business Law Review,* 21(2), pp. 203-255.

Schiek, D., 2011. Re-embedding economic and social constitutionalism: normative perspectives for the EU. In: D. Schiek, U. Liebert & H. Schneider, eds. *European Economic and Social Constitutionalism after the Treaty of Lisbon.* Cambridge: Cambridge University Press, pp. 17-46.

Schiek, D., 2012. *Economic and Social Integration. The Challenge for EU Constitutional Law.* Cheltenham: Edward Elgar.

Schiek, D., ed., 2013. *The EU economic and social model in the global crisis: Interdisciplinary perspectives.* Farnham: Ashgate.

Schiek, D., 2017a. Comparing Labour Laws in the EU Internal Market: A Social Actor Perspective. *International Journal of Comparative Labour Law and Industrial Relations,* 33(1), pp. 171-194.

Schiek, D., 2017. Perspectives on Social Citizenship in the EU: From Status Positivus to Status Socialis Activus via Two Forms of Transnational Solidarity. In: *Citizenship and Federalism. The Role of Rights.* Cambridge: Cambridge University Press, pp. 341-370.

Schiek, D., 2021. Brexit and the Implementation of the Withdrawal Agreement. In: F. Fabbrini, ed. *The Law & Politics of Brexit. Volume 3: The Framework of New EU-UK Relationships.* Oxford: Oxford University Press.

Schiek, D., Bell, M. & Waddington, L., 2007. A Comparative Perspective on Non-Discrimination Law. In: D. Schiek, L. Waddington & M. Bell, eds. *Cases, Materials and Text on National, Supranational and International Non-Discrimination Law.* Oxford: Hart Publishing, pp. 1-32.

Schiek, D., Oliver, L., Forde, C. & Alberti, G., 2015. *EU Social and Labour Rights and EU Internal Market Law.* Brussels: European Parliament.

Schimmelfennig, F., 2018. Brexit: differentiated disintegration in the European Union. *Journal of European Public Policy,* 25(8), pp. 1154-1173.

Schimmelfennig, F. & Winzen, T., 2020. *Ever Looser Union? Differentiated European Integration.* Oxford: Oxford University Press.

Schmidt, S. K., 2018. *The European Court of Justice and the Policy Process. The Shadow of Case Law.* Oxford: Oxford University Press.

Schmidt, V., 2020. *Europe's Crisis of Legitimacy. Governing by Rules and Ruling by Numbers.* Oxford: Oxford University Press.

Schwaiger, C., 2016. *Exploring the EU's Legitimacy Crisis.* Cheltenham: Edward Elgar.

Scott, C., 2018. Integrating Regulatory Governance and Better Regulation as Reflexive Governance. In: S. Garben & I. Govaere, eds. *The EU Better Regulation Agenda A Critical Assessment.* Oxford: Hart, pp. 25-45.

Siems, M., 2022. *Comparative Law in Context.* 3rd edition ed. Cambridge: Cambridge University Press.

Smend, R., 1928. Verfassungslehre und Verfassungsrecht (republished 1968). In: R. Smend, ed. *Gesammelte Schriften.* Berlin: Duncker & Humblot, pp. 121-186.

Smits, J., 2017. What is legal doctrine?. In: R. Gestel, H. Micklitz & E. Rubin, eds. *Rethinking Legal Scholarship.* Cambridge: Cambridge University Press, pp. 305-340.

Somek, A., 2011. *Engineering Equality. An Essay on European Anti-Discrimination Law.* Oxford: Oxford University Press.

Sousa Santos, B., 2014. *Epistemologies of the South. Justice against Epistemicide.* New York: Routledge.

Srivastava, A. & Thomson, B., 2009. Framework analysis: a qualitative methodology for applied policy research. *Journal of Administration and Governance,* Volume 4, p. 8.

Stan, S., Erne, R. & Gannon, S., 2020. Bringing EU citizens together or pulling them apart? The European Health Insurance Card, east-west mobility and the failed promise of European social integration. *Journal fo European Social Policy,* Volume On line first, pp. 1-15.

Stein, E., 1981. Lawyers, Judges and the Making of a Transnational Constitution. *American Journal of International Law,* 75(1), pp. 1-27.

Steinfeld, M., 2022. *Fissures in EU Citizenship.* Cambridge: Cambridge University Press.

Stoyanova, V., 2021. *Ideology and Social Protest in Eastern Europe.* New York & London: Routledge.

Teubner, G., 1989. *Recht als autopoietisches System.* Frankfurt a.M.: Suhrkamp.

Teubner, G., 2020. Counter Rights. On the Trans-Subjective Potential of Subjective Righs. In: P. Kjaer, ed. *The Law of Political Economy. Transformation in the Function of Law.* Cambridge: Cambridge University Press, pp. 385-406.

Tobler, C., 2020. Free Movement of Persons in the EU versus the EEA: of Effects-Related Homogeneity and a Reversed Polydor Principle . In: N. Cambien, D. Kochenov & E. Muir, eds. *EU Citizenship under Stress: Social Justice, Brexit and Other Challenges.* Leiden: Brill, pp. 481-507.

Tuori, K., 2015. *European Constitutionalism.* Cambridge: Cambridge University Press.

Van der Burg, W., 2014. *The Dynamics of Law and Morality.* Oxon: Routledge.

Van Elsuwege, P. & Chamon, M., 2019. *The meaning of associaiton under EU Law.* Brussels: EU.

Vauchez, A., 2015. *Brokering Europe. Euro-Lawyers and the Making of a Transnational Polity.* Cambridge: Cambridge University Press.

Viellechner, K., 2020. The Transnational Dimension of Constitutional Rights. In: P. Kjaer, ed. *The Law of Political Economy.* Cambridge: Cambridge University Press, pp. 363-384.

von Bogdandy, A., 2022. *Strukturwandel des öffentlichen Rechts.* to be published in English by Oxford University Press ed. Frankfurt: Suhrkamp.

Vujačić, I. & Petrović-Vujačić, J., 2020. Incomplete Transition – Is there a "Mid-Transition Trap"?. *Zagreb International Review of Economics & Business,* 23(Special Conference Issue), pp. 57-71.

Wachowiak, J. & Zuleeg, F., 2022. Brexit and the Trade and Cooperation Agreement: Implications for Internal and External EU Differentiation. *The International Spectator: Italian Journal of International Affairs,* 57(1), pp. 142-159.

Walby, S., 2007. Complexity Theory, Systems Theory and Multiple Intersecting Social Inequalities. *Philosophy of Social Science,* 37(4), pp. 449-470.

Walby, S., 2020. Developing the Concept of Society. *Current Sociology,* 69(3), pp. 315-332.

Webber, D., 2016. Declining Power Europe: The Evolution of the European Union's WOrld Power in the Early 21st Century. *European Review of International Studies,* 3(1), pp. 31-52.

Weiler, J., 2014. Van Gend en Loos: The individual as subject and object and the dilemma of European legitimacy. *I•CON ,* 12(1), pp. 94-103.

Wesemann, A., 2021. *Citizenship in the European Union. Constitutionalism, Rights and Norms.* Cheltenham: Edward Elgar.

Wiener, A., Börzel, T. & Risse, T., 2019. *Political Theory of European Integration.* 3rd ed. Oxford: Oxford University Press.

Zalnieriute, M., 2019. From Human Rights Aspirations to Enforceable Obligations by Non-State Actors in the Digital Age: The Case of Internet Governance and ICANN. *Yale Journal for Law & Technology,* 21(2), pp. 278-336.

Table of Contents