

## *Introduction*

*Serena Baldin and Giuseppe Ieraci*

This special issue of *Poliarchie/Polyarchies* presents some contributions towards the project “The Rule of Law in the new EU Member States” (EUinCEE; no. 620097-EPP-1-2020-1-IT-EPPJMO-MODULE), which has been coordinated by Serena Baldin at the University of Trieste (Italy) and co-funded by the European Union through the Erasmus+ Action Jean Monnet Modules. Serena Baldin, Davide Strazzari, Giuseppe Ieraci and Mattia Zulianello were directly involved in the project. This special issue also includes essays written by academics invited to the EUinCEE final conference held in Trieste in October 2022, dedicated to “The rule of law in post-socialist countries and the future of the European integration”.

The rule of law is listed among the founding values of the European Union (Article 2 of the Treaty of the European Union). It is also mentioned among the principles that should guide the Union’s action on the international scene (Article 21). However, the Treaty does not provide a definition of it. In a narrow sense, it includes the principle of the separation of powers and the principle of the independence of the judiciary. In the broader sense, accepted by the European Union, the rule of law also includes the guarantee of pluralism and freedom of the mass media, which are considered to be the guardians of democracy, and the apparatus of anti-corruption rules. The current crisis of the rule of law in the European Union is mainly due to the constitutional and legislative reforms adopted by some Member States which have gradually eroded the pillars of the democratic pluralist state.

The aim of this special issue is not to provide answers to the many concerns that have been raised over the years about the concept of the rule of law and its crisis in the European Union, but to enrich the debate on this topic. Its ultimate aim is to stimulate

further research in order to develop theories and promote comparative analyses capable of assessing the “state of health” of the rule of law in the EU Member States and the candidate countries.

Serena Baldin opens the special issue with an essay on the rule of law crisis in Hungary and Poland (*Acceptance and imposition of the EU values to reinforce democracy and rule of law in the Member States*). Her research aims to illustrate some dynamics of the imposition of European values on Member States as a phenomenon of the EU’s “soft” imposition of legal models. In her conclusions, she emphasises the importance of deepening studies on the constitutional pathways in post-socialist countries and the ways to mobilise civil society in support of EU values in order to strengthen democracy and the rule of law in the EU legal space.

The essay written by Davide Strazzari (*Rule of Law, mutual recognition and mutual trust: comparing the EU and the US experience*) focuses on the principles of mutual trust and mutual recognition, as they require a homogeneous level of protection of rights and an independent judiciary in the EU Member States. Mutual trust and mutual recognition are classic principles of horizontal federalism; therefore, the research aims to compare the EU legal framework with US constitutional clauses such as the extradition clause and the full faith and credit clause. The US experience shows that these provisions did not immediately lead to an affirmation of the interest of unity, and it took time for the states to effectively incorporate the rights enshrined at the federal level.

The third essay is authored by Giuseppe Ieraci (*Europeanism within the “bounds of reason”. Reflections on the prospects of democracy and of supranational political integration*). He questions whether the European Union can overcome its recent crises without a real political centre and without an effective common identity. Indeed, a fundamental issue is the construction of an effective centre of power in Europe, i.e. the possibility of a new supranational monopoly of violence, with its implementing and administrative levers.

As Mattia Zulianello points out in his essay on *Populist parties in Central and Eastern Europe: Regional trends in comparative perspective*, Central and Eastern European countries are a fertile ground for the success of the so-called valence populism. His research aims to examine the populist phenomenon, characterised by the widespread presence of right-wing populist parties, and to shed light on the controversial relationship between populism and Euroscepticism, as well as the underlying tension between populism and liberal democracy.

In his essay on *Rule of Law in Bulgaria: Semi-Permanent Transitory Experiences on the Edge between Normative Expectations, Pragmatic Imperatives and Constitutional Imaginaries*, Martin Belov traces the establishment of the principle of the rule of law in Bulgaria. After affirming that it is clearly anchored in written law and to some extent

successful in political practice, he stresses, however, that in the postmodern situation of the global, algorithmic and increasingly technocratic society of the XXI century, a deep, broad and profound debate is urgently needed that goes beyond discussions of judicial reform.

The essay authored by Chiara Pizi (*Serbia and Montenegro: challenges of Rule of Law against disinformation and hate speech*) aims to contribute to the literature on the EU enlargement process through the lens of one of the most critical profiles, namely legislation against hate speech. The aim is to analyse the state of the art in Serbia and Montenegro by reviewing the objectives achieved in terms of meeting the criteria for EU membership and alignment with the EU *acquis*. In her conclusions, the author suggests the need to strengthen the education and training of legal practitioners and authorities involved in the enforcement of professional journalistic standards.

In their essay on *Bosnia and Herzegovina on the European Path: The Dynamics of State Functionality and the Rule of Law Reform*, Samir Forić and Davor Trlin provide an account of the recent reforms in the rule of law area. With a particular focus on judicial reform, they provide a comprehensive picture of the forces at work shaping the country's progress on the European path and their respective rationales.