

MODULO PRESENTAZIONE PROPOSTE PROGETTUALI 2019

Acronimo: RADAR

Titolo: REINVIGORATE DEMOCRACY IN TIME OF CRISIS: HOW TO FACE NEW CHALLENGES THROUGH SOCIAL, ECONOMIC AND POLITICAL INNOVATION

Riassunto: (*massimo 800 parole*)

Current democracies face many challenges. Numerous recent political developments, like the emergence and increasing influence of populist parties in European countries or the success of the Brexit referendum, indicate an overall trend of disruption in traditional model of democracies in the international world order built upon them. An intriguing feature of this trend is that has been appearing in countries simultaneously, during a fairly short time period, spreading more or less like a contagion. There are obviously common causes, like the 2008 financial crisis that destabilized traditional parties or external pressure of migration that proved to be not only a serious humanitarian but also a heavy political challenge to the establishment. Decreases in election turnout, increase in electoral volatility, changing the political orientation of societies to the right side of the political scene, rise of nationalism and paternalism (although still in the reality of globalization and deepening integration), growing weakness of the traditional circuits of political representation, decline in the ability of political command, together with the accentuated evanescence of legislative expression and qualitative deterioration undergone by statutes enacted by Parliaments are the processes which are influencing and weakening the established norms and values.

It's clear that «citizens' capacity to know, choose, and influence in the political arena is central to the quality of democracy» (Q. Mayne, B. Geißel, *Don't Good Democracies Need "Good" Citizens? Citizen Dispositions and the Study of Democratic Quality*, Politics and Governance, 2018). It seems equally clear that the issue cannot be resolved only at the supranational level, but that it is necessary to increase the democratic quality of the States: «It is the democratizing of States that produces a democratic world order» (R. Bellamy, *Constitutionalism and Democracy*, 2006).

The essence of European identity and culture is its defence of democracy and democratic values. These are imperative for a society where pluralism and tolerance prevail, and where citizens can vote with the security that they are not being misled. Along with the rule of law and fundamental rights, democracy is part of "who we are" and defines our National States and our EU.

In this context, **RADAR overall aim is to develop specific original and innovative solutions to tackle some of the main challenges that modern democracies have to face.** This objective will be pursued promoting **interdisciplinary research** involving a plurality of disciplines and perspectives. The project will focus on the contribution that Constitutional law, European Union law, Public Law, Legal History, Philosophy of Law, Comparative law and Economics together can offer for the innovative management of some of the crucial new social, economic and political challenges connected to the democratic crisis.

Starting from the national context, therefore, the research team will identify, examine and propose regulatory solutions, exegetical tools and good practices that could face some of the main new socio-economic and political challenges to reinvigorate democracy. Promoting democracy means promoting an inclusive, cohesive and more safe society.

The project is strictly connected with some of the objectives of Excellence Department project, expressed in the following question: "What contribution does legal science offer or could/should offer to the innovation of contemporary society in the face of technological, economic but also social and cultural challenges, which have become more global than ever?". The theme of the

democratic crisis represents a crucial point in contemporaneity, that requires rethinking of traditional models and scientifically validated innovations.

The project is expected to produce a positive impact on the development of the high qualification teaching programme of the Department: in particular, the public initiatives of the research interdisciplinary network (workshops and conference) will involve all the Phd students, in the ambit of the training activities. Those of them who are studying subjects related to the topic of Radar will be actively involved in the research in the ways described in detail below (see List of activities).

Parole chiave: Democratic crisis – Rule of law – European Union – State – Political representation
- Constitution-making process

Nome del Responsabile Scientifico:

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Elenco dei partecipanti:

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Piano finanziario stimato

Tipologia di spesa	Importo in Euro	Descrizione
Invito di esperti e relatori	3.000	Travel and accommodation expenses for experts involved in interdisciplinary seminars and final interdisciplinary conference
Pubblicazioni	----	
Trasferte (trasporto e soggiorno)	1.000	Travel expenses for data acquisition and research activities
Partecipazione a / organizzazione di eventi (conferenze, seminari, ecc.)	6.000	Organization of interdisciplinary workshops and final interdisciplinary Conference
Altro (da specificare)	----	
TOTALE	10.000	

Indice

1: Qualità scientifica e/o tecnica

1.1 Idea e obiettivi (massimo 5000 caratteri, spazi bianchi esclusi)

Spiegare l'idea del progetto. Quali sono le principali idee che hanno portato a proporre questo progetto? Descrivere in dettaglio gli obiettivi scientifici. Gli obiettivi devono essere raggiungibili in seno al progetto, non attraverso un ulteriore e successivo sviluppo. Essi debbono essere misurabili e verificabili, anche attraverso gli obiettivi intermedi che saranno indicati al paragrafo 1.3.

This proposal aims at re-invigorating the democratic model by enhancing dialogue between different scientific perspectives, with the scope to find innovative solutions to some of the crucial socio-economic and political challenges connected to the democratic crisis. Starting from the exploration of the main research outcomes reached in different scientific ambits, the dialogue intends to elaborate co-creatively innovative solutions to be recommended for decision-makers.

During the last years, an increasing number of worrying symptoms has raised concerns for the health of democracy. Among the most significant, we can certainly mention the increasing low turnout at elections and the weakening of the democratic processes, whose inclusive potential is being currently affected by migrations.

Nevertheless, to fully understand what is going on, it seems appropriate to focus our attention not only on the signs of the crisis, but also on its ongoing transformation.

The most recent trend is linked to **the use of digital platforms**, with the specific aim of fostering the democratic participation of citizens. Certainly, information technologies and social media make possible to establish a direct communication between politicians and citizens in a way that allows citizens to express directly their visions within the decision-making process and to oversee the functioning of politics, while politicians are enabled to bypass the traditional communication channels with voters (eg press, associations, party structures, etc.). But there is also a downside, as it has been observed: “The tools of democratic innovation (such as e-democracy, particularly a truly deliberative e-democracy) can reinforce democratic participation; however, they often do the opposite, becoming effective enhancers (directly or indirectly) of populist tendencies” (E. De Blasio, M. Sorice, *Populisms among technology, e-democracy and the depoliticisation process*, *Revista Internacional de Sociología*, 2018).

A second significant trend is the one regarding **the ‘intrusive role’ played by privileged elites, lobbies, and big corporations** in decision-making processes (C. Crouch, *Coping with Post-democracy*, 2000). Contrary to the previous trend, in this case, we are witnessing growing marginalisation of public opinion, which results in the disenchantment of the citizens, thus affecting their participation in the democratic game.

A third trend concerns **the amendments in the legislation of some European member States which endanger the rule of law** (A. von Bogdandy, P. Sonnevend, (eds.), *Constitutional Crisis in the European Constitutional Area - Theory, Law and Politics in Hungary and Romania*, 2015; C. Hillion, *Overseeing the rule of law in the European Union. Legal mandate and means*, *European Policy Analysis*, 2016). In this respect, the most relevant issue at stake is the impartiality of public authorities, with all the consequences that this could have on the protection of fundamental rights.

Another important trend is represented by **the effects of the economic globalisation on representative democracy** (A. Przeworski, *Democracy and the Limits of Self-Government*, 2010). Even the great economic crisis had severe effects on the quality of the democratic processes, as it was made clear by the controversial Greek case.

In this scenario, the real sense of insecurity felt by many have given rise to a growing disaffection with mainstream politics and institutions at all levels. This often manifests itself through indifference and mistrust towards the action of public authorities. And it also creates a vacuum too easily filled by populist and nationalist rhetoric. Populist arguments hence easily fuel such frustrations – especially in times of economic difficulty and of growing inequality. The public debate is largely dominated by national interests and politics are shaped by how the European States play their self-interests against one another. There are therefore many challenges that the democratic model must face, as the European Commission indicates in “Democratic change – Making the EU more transparent and democratically accountable” (https://ec.europa.eu/commission/priorities/democratic-change_en). These challenges can be summarized in some crucial issues, i.e.: the altering capacity of parties, parliaments and executives to represent citizens; changes in voting behavior, such as growing abstention, increasing volatility and preference for extreme political discourses and their potential to sap the foundations of democracy; the role of tools of direct democracy models, also in relation to traditional and social media; political processes that may lead to a weakening of the institutions and laws that guarantee checks and balances, civil liberties, human rights and the rule of law; the political and sociological roots of current populist movements and parties also in a historical perspective; the role of supranational institutions and the ways in which they affect democracies; the role of identities, including European identity, for democratic governance; gender aspects implicated; the interaction between corporations and democratic institutions, including various forms of lobbying; the ways high levels of inequality impact political engagement and disenfranchisement; the opportunities for participation and openness generated by new technologies.

RADAR will consider some of those aspects in the long-term dynamics with reference to modern democracies, both in the national (comprehensive of the local dimension) and supranational context. Those aspects will be addressed with an inter- and trans-disciplinary approach that includes theoretical, normative and empirical perspectives.

1.2 Progresso dello stato dell’arte (massimo 10.000 caratteri, spazi bianchi esclusi)

Descrivere lo stato dell’arte nel settore di ricerca cui il progetto si riferisce e il progresso cui la proposta progettuale condurrebbe.

At present, research concerning democratic crisis phenomena is concentrated mainly on the decline of classical and post-classical models of democracy in the globalized context.

The path that is proposed, although starting from the analysis of the main research outcomes reached in different scientific ambits, aims to identify, through an interdisciplinary research, some innovative solutions, in terms of regulations, good practices, and new models.

The routes of this progression in the scientific sectors involved are the following.

In the Constitutional perspective, if we look at the main players of the democratic game, we can notice that Parliaments among Europe are going through a difficult phase. On one hand, they face the rising predominance of Governments and, on the other hand, they experience difficulties in representing effectively the citizens, who show growing disaffection. First of all, we can point out the electoral legislation that tend to select representatives much more on the basis of their party membership, rather than of their effective capacity to respond to need of the citizens. In addition, a consistent number of crucial decisions for common good has been transferred from the national level to the supranational level, creating the impression that national parliaments are no more sovereign. On the contrary, Executives are becoming even more central in all the decision-making processes. It is not without reason that scholars have discussed about the democracy of the Executive. Despite their growing relevance, many European executives show an impaired capacity of representing citizens. Parties have undergone a radical transformation in two different directions: first, they are increasingly

‘personal’, in the sense that they are expression of their leaders’ will. Second, they are increasingly ‘digital’, in the sense that they use technology platforms in order to take the fundamental decisions. Through this second development the parties seem to recover margins of representative capacity, but there are well-founded concerns that digitalisation could also result in a stronger personalisation, at the expenses of the internal debates. On the contrary, traditional parties are facing a long-term crisis. The roots are well-known: selection mechanisms of party structures that create what is perceived as an elitist oligarchy and lack of transparency.

The recent and fast growth in the use of digital technologies among citizens and civil society organizations offers the chance of expanding citizens’ voice in society and participation in politics. This new paradigm also offers the possibility to create a new political space for activism stimulating more government accountability. It is therefore evident that these communication technologies are significantly complementing citizens’ political participation. All these new forms of political and social activism are intrinsically linked to the growing power of technology and are common in Western liberal democracies, as well as developing countries. Technological developments in communication have brought revolutionary opportunities and changes in the landscape regarding how people obtain, process and exchange information. The rapidly evolving media revolution has generated a number of new regulatory initiatives designed to reduce systemic risks associated with this means of communication, ranging from risks to children, to privacy, to intellectual property rights, to nationals’ security, which might more indirectly, and often unintentionally, enhance or curtail freedom of expression. Networked digital communications are now considered crucial components of a democratic system because they are a vehicle for moving “information, knowledge, and culture”, which are key elements to develop “human freedom and human development”. Social media constitute also an important part of the digital citizenship discussion. It is necessary to understand whether and how models of direct democracy, also connected with new technologies, can increase the democratic quality, combining with the representative system.

The legal-historical approach will consist in constructing, also in a comparative perspective, a critical analytical point of view on the importance of the concept of crisis with respect to the public-law categories (more recently I. Stolzi, *Immagini della crisi e ruolo delle fonti: un’ipotesi di lettura*, in *Parlamento e Storia d’Italia. II Procedure e politiche*, edited by V. Casamassima e A. Frangioni, Pisa, 2016, pp. 253-262; C. Paixão, C. Paiva Carvalho, *O conceito de crise constitucional: esboço, delimitação e sua aplicação à história do Brasil República*, in *Historia do direito entre rupturas, crises e discontinuidades*, edited by A. Wehling et. Alii, Belo Horizonte, 2018, pp. 184-204) and on some relevant issues such as regimes of constitution-making processes and of living constitutions, constituent power, political representation, fundamental rights.

In order to avoid a merely retrotopic view (S. Baumann, *Retrotopia*, Cambridge, 2017), on the "crisis" which seems to affect the expansive trajectory of the experience of the constitutional State (M. Fioravanti, *Passato, presente e futuro dello stato costituzionale odierno*, in *Nomos. Le attualità del diritto*, 2/2018; P. Dobner, M. Loughlin (Eds.), *The Twilight of Constitutional Law: Demise or Transmutation?* Oxford, 2009), the questions that we have to address to history can no longer aim to describe the emergence and performativity of ideas, concepts and devices of modern constitutionalism or even just to propose a genealogy of them. On the contrary those questions should look to the situational value (H. Rosa, *Social Acceleration: A New Theory of Modernity*. New York, 2013; T. Ball, J. Farr, R. Hanson, (ed.). *Political innovation and conceptual change*. Cambridge: Cambridge University Press, 1995) to the original limits of the ideas of concepts and devices; in other words, they should clarify their constraints involved in their theoretical sustainability (M. Meccarelli, *The Assumed Space: Pre-reflective Spatiality and Doctrinal Configurations in Juridical Experience*, in *Rechtsgeschichte/Legal history*, 23, 2015, pp. 241 – 252). In this way, the legal historical perspective will aim to contribute to better highlight the potential of our conceptual arsenal in order to address present issues.

The current crisis of democracy is consistent with the thesis of its failed promises (Bobbio), which rests on the holding of its theoretical premises. Philosophy of law can contribute to this research by investigating the history of such premises and testing their coherence, to see if the crisis derives from an inadequate realization or rather from a lack of congruence among them. The revolutionary constitutions of 18. Century highlighted the connection of sovereignty, rights, representation: the first element comes from the instance of the second, in order to realize it. To this end, the will of a multitude of free and equal subjects must take shape through the modern representation of Hobbesian contractualism, which overcomes the imperative mandate (held within the framework of social rank's interests) and gives form to a general will of individuals equal by nature (Sieyès puts it in the concrete form of the election). Since the representative power can replace the general will with its private one, the public opinion emerges as a critical watch, but it is exposed to populist manipulations (Habermas). Resting on dualistic preconditions such as singular/general will, those who obey/those who give laws, the representative system risks to depoliticize the individual freedom (Constant) and to cause a participation gap. Rousseau's direct democracy tries to avoid such split, recognizing both the roles in the individual, but it fails to develop coherently his proposal, empowering an unelected and not representative great legislator to give form to the general will and even to establish it. Recent projects of direct and participatory 'digital' democracy reveal the same inconsistency, charging figures devoid of any public legitimacy with the aim to shape a public will. The criticalities of both paths (representative-direct) in contemporaneity are at the heart of the debate between Schmitt (critical of the plebiscitary character of democracy and of its equality as identity) and Kelsen (advocate of its procedural and representative nature), whose analysis could make important suggestions to sketch a dynamic interaction among representation, deliberation and decision, facing the main risks for the present constitutional democracies.

From the point of view of European Union law, the democratic principle is one of the fundamental principles of European law. Unfortunately, despite it occupies the highest position in the sources of law, it is often neglected. This happens because of a structural weakness of the institutional mechanisms (by way of example: although the European Parliament has considerably extended its powers with the Lisbon Treaty, it still does not have the power to control the Council). From another perspective, during the international financial crisis, the intergovernmental coordination mechanisms were strengthened, to the detriment of those more properly communitarian. In addition, some instruments of direct democracy, such as the power to propose a proactive referendum, have proved to be a substantial failure, given that the Commission proved to be somewhat deaf to the solicitations that came directly from the population. In such a context, it must be investigated how the democratic principle still constitutes a fundamental principle and how critical situations can be resolved.

The comparative method will be used to illustrate how different jurisdictions have responded to the threats and opportunities posed by the emergence of crisis situations. Through the comparative method, the research will identify those practices that more than others are able to stimulate the discussion and the circulation of similar legal approaches between different legal systems, thus promoting exchanges, dialogues and contaminations between legislators, judges and legal scholars. In order to support the "circulation of models" the investigation provides a mixture of civil and common law elements.

It would be rather simplistic to study the phenomenon of the democratic systems crisis without considering the economic context, which is essential for understanding the causes and identifying the tools for managing the complexity. From an economic perspective, the impact of the 2008 crisis on the level and trend of economic development is analyzed, considering the consequences on electoral choices and preferences of citizens within Europe. As highlighted by Morlino and Quaranta (2016) "every economic recession, with the decrease of public and private resources, triggers three major reactions: (1) A deteriorating rule of law; (2) A greater attention to the achievements of governments by their citizens; (3) A detachment from institutional representative channels, resulting in the

emergence of alternative protest forms”. The different reaction of countries to the economic crisis, the industrial policies developed and the reaction in terms of democracy has to be considered (Diamond, 2011).

1.3 Metodologia S/T e relativo piano di lavoro (massimo 10.000 caratteri)

Presentare un piano di lavoro dettagliato, suddiviso in attività che debbono seguire le fasi logiche di implementazione del progetto e includere la valutazione del progresso delle attività e dei risultati.

Presentare il piano di lavoro come segue:

i. Descrivere la strategia complessiva del piano di lavoro;

ii. Mostrare l’inizio e la durata delle differenti attività e delle loro articolazioni;

iii. Fornire una descrizione del lavoro, suddivisa in attività:

elenco delle attività (usare tabella 1.3a);

elenco dei risultati (usare tabella 1.3b);

elenco degli obiettivi intermedi (usare tabella 1.3c);

descrizione di ogni attività (usare tabella 1.3d).

Overall strategy

The research strategy takes as its starting point the main research outcomes reached on the thematic profiles identified as crucial in the democratic crisis in the different scientific ambits involved in the project. Identified the criticality and potential of the current visions and practices on the selected topics, the multidisciplinary team will develop some innovative paths, practices, and institutes to be widespread in the scientific community (through publications in category A, Scopus Wos indexed or open access online scientific journal). The results of the research will be also presented to the decision makers, starting from the local level.

Work plan

a) Identification of specific crucial prior issues to be explored with regards to the points indicated; analysis of the main research outcomes reached in different scientific fields with reference to the causes of the crisis of democratic systems and to the solution paths proposed in the scientific ambits involved in the project - 8 months

a.0) kick-off research team meeting – month 1

a.1) Data survey and restricted research group meetings for cross-sectional data analysis – month 3

a.2) Intermediate interdisciplinary workshop on partial results that will involve different scientific disciplines in the area “12” and at least one scholar from an area different than “12” – month 8

b) Identification of specific regulatory instruments, strategies and best practices already present in the system (also at an empirical level) for the implementation of a strategy that enhance democracy and trust in public institutions (including the analysis of practices at local and national level) verification of adequacy, criticalities and potential with respect to objectives described) - 4 months

b.1) Meeting of the research team members for transversal analysis of results, selection of reform paths of greater interest and design of the detailed lines of work for the next phase of the project – month 12

c) Elaboration of possible reform paths in the areas of greatest interest identified, included some innovative practices, supported by adequate theoretical framework, in reinvigorating democracy through participation and engagement; elaboration of reform proposals articulated in a concrete regulatory design on the topics of greater relevance - 12 months

c.1) research and scientific processing activities, including the production of papers, articles and dissemination materials – months 13-21

c.2) Organization of a final interdisciplinary conference on the solutions developed involving at least all the scientific disciplinary sectors represented by the research team members and scholar(s) from an area different than “12” – month 22

c.2) Organization of public engagement meetings – months 23-24

Tabella 1.3 a: Elenco delle attività

Attività n.	Titolo della attività	Aree disciplinari e settoriali scientifici disciplinari degli studiosi partecipanti	Coinvolgimento del Corso di dottorato in scienze giuridiche (indicare Sì o No)	Mese di inizio	Mese di fine
1	Kick off research team meeting	All the research team members	No	1	1
2	Survey and analysis of relevant theories, legislation, case-law, literature	All the scientific disciplinary sectors represented by the research team members	Yes. Only students who are studying subjects related to the topic and interested in the participation	Phd 2	7
3	Restricted research group meetings for cross-sectional data analysis	All the scientific disciplinary sectors represented by the research team members	Yes. Only students who are studying subjects related to the topic and interested in the participation	Phd 3	3
4	Preparation of intermediate interdisciplinary workshop on partial results. Production of paper and slides to be published in the web site of Law and innovation laboratory	The workshop will involve different scientific disciplines in the area “12” and at least one scholar from an area	Yes. All the students will participate to the workshop. Phd students who are studying subjects related to the topic and previously involved in the activities of the	Phd 7	8

		different than “12”	project could present papers.		
5	Identification of criticality and potential of the current visions and practices	All the scientific disciplinary sectors represented by the research team members	Yes. Only Phd students who are studying subjects related to the topic interested in the participation	9	12
6	Meeting of the research team members for transversal analysis of results, selection of reform paths of greater interest and design of the detailed lines of work for the next phase of the project	All the scientific disciplinary sectors represented by the research team members	Yes. Only Phd students who are studying subjects related to the topic and interested in the participation	12	12
7	Scientific elaboration of possible reform paths, included some innovative solutions, supported by adequate theoretical framework (also in form of recommendations for decision makers). Production of papers, articles, dissemination materials	All the scientific disciplinary sectors represented by the research team members	Yes. Only Phd students who are studying subjects related to the topic interested in the participation	13	21
8	Final interdisciplinary conference on the solutions developed	All the scientific disciplinary sectors represented by the research team members and scholar(s) from an area different than “12”	Yes. All the Phd students will participate. Phd students who are studying subjects related to the topic and previously involved in the activities of the project could present papers.	22	22

9	Public engagement meetings involving decision makers and young people	All the scientific disciplinary sectors represented by the research team members	Yes. All the Phd students will participate. Phd students who are studying the subjects related to the topic and previously involved in the activities of the project could present papers.	23	24
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Tabella 1.3 b: Elenco dei risultati

Risultato n.*	Nome del risultato	Attività n.	Natura**	Livello di disseminazione***	Data di consegna****
1	Interdisciplinary workshop	1	Educational and scientific	Public	Month 8
2	Materials (such as slides and paper) to be published in the website of Law and innovation laboratory	2 products at least	educational and scientific	Public	Month 8
3	Scientific articles (Scopus indexed, open access, or “fascia A”)	3 at least	Scientific	Public	Month 21
4	Dissemination material to be published in the website of Law and innovation laboratory	2 products at least	educational	Public	Month 21
5	Final interdisciplinary conference on the elaborated solutions	1	Educational and scientific	Public	Months 22
6	Public engagement meetings	2	Educational	Public and target especially for decision makers and young people	Month 24

Al fine di tenere i dati sotto controllo, i risultati di peso minore dovrebbero essere raggruppati in cosiddetti “sottorisultati” a seconda dello specifico ambito di riferimento di un singolo risultato di maggiore entità.

*La numerazione dei risultati deve seguire l’ordine cronologico delle date di consegna.

***Indicare il livello di disseminazione:

Pubblico

Ristretto ad un gruppo specificato dal Responsabile Scientifico

Confidenziale, solo per membri dello staff di progetto

**** Da indicare in mesi dalla data di inizio di progetto (mese 1). Si consiglia che i risultati abbiano date di consegna coincidenti con un resoconto periodico.

Tabella 1.3 c: Elenco degli obiettivi intermedi

Gli obiettivi intermedi sono “momenti di controllo”, in cui si rende necessario prendere delle decisioni relative alla fase successiva del progetto. Per esempio, si può avere un obiettivo intermedio quando si ottiene un risultato importante, il cui raggiungimento è necessario per passare alla successiva fase di lavoro. Un altro esempio potrebbe essere il momento in cui il partenariato deve decidere quale tra diverse tecnologie adottare per l’ulteriore sviluppo delle attività.

Obiettivo intermedio n.	Nome dell’obiettivo intermedio	Attività interessate	Data prevista*	Mezzi di verifica**
1	Restricted research group meetings for cross-sectional data analysis	Data and tools analysis	Month 3	Data exchange among the research team members
2	Interdisciplinary workshop	Presentation of partial results and perspectives of research	Month 8	Presentation of partial results
3	Meeting of the research team members	Transversal analysis of results, selection of reform paths of greater interest and design of the detailed lines of work for the next phase of the project	Month 12	Data exchange among research team members

* Indicata in mesi dalla data di inizio del progetto (Mese 1)

** Illustrare come si darà conferma che l’obiettivo intermedio è stata raggiunto. Per esempio: un prototipo di laboratorio completato e perfettamente funzionante; un software realizzato e convalidato da un gruppo di utenti; un sondaggio sul campo completato e convalidato qualità dei dati.

a) - 8 months

- a.0) kick-off research team meeting – month 1
- a.1) Data survey and restricted research group meetings for cross-sectional data analysis – month 3
- a.2) Intermediate interdisciplinary workshop on partial results that will involve different scientific disciplines in the area “12” and at least one scholar from an area different than “12” – month 8
- b) Identification of specific regulatory instruments, strategies and best practices already present in the system (also at an empirical level) for the implementation of a strategy that enhance democracy and trust in public institutions (including the analysis of practices at local and national level) verification of adequacy, criticalities and potential with respect to objectives described) - 4 months
- b.1) Meeting of the research team members for transversal analysis of results, selection of reform paths of greater interest and design of the detailed lines of work for the next phase of the project – month 12
- c) Elaboration of possible reform paths in the areas of greatest interest identified, included some innovative practices, supported by adequate theoretical framework, in reinvigorating democracy through participation and engagement; elaboration of reform proposals articulated in a concrete regulatory design on the topics of greater relevance - 12 months
- c.1) research and scientific processing activities, including the production of papers, articles and dissemination materials – months 13-21
- c.2) Organization of a final interdisciplinary conference on the solutions developed involving at least all the scientific disciplinary sectors represented by the research team members and scholar(s) from an area different than “12” – month 22
- c.2) Organization of public engagement meetings – months 23-24

Tabella 1.3 d: Descrizione delle attività

Per ogni attività:

Attività 1

Obiettivi: Identification of crucial prior issues and analysis of the main research outcomes

Descrizione del lavoro e ruolo dei partecipanti: the research team members will individuate the specific crucial prior issues to be explored in the project; about them they will carry on analysis of the main research outcomes reached in the different scientific fields with reference to the causes of the crisis of democratic systems and to the solution paths proposed in the scientific ambits involved in the project.

Risultati: Data survey; cross-sectional data analysis; intermediate interdisciplinary workshop
Production of paper/slides to be published in the web site of Law and innovation laboratory

Attività 2

Obiettivi: Identification of strengths and weaknesses of the current visions, legal framework and practices

Descrizione del lavoro e ruolo dei partecipanti: the research team members will analyse strengths and weaknesses of the current theories, approaches, and regulations in the different scientific ambits involved.

Risultati: transversal analysis of results, selection of reform paths of greater interest and design of the detailed lines of work for the next phase

Attività 3:

Obiettivi: Identification of possible reform paths

Descrizione del lavoro e ruolo dei partecipanti: The research team members will identify possible reform paths in the field of the areas of greatest interest identified in reinvigorating the democratic models; identify innovative legal instruments in the areas of research interest; draw up reform proposals and articulate a concrete regulatory design on the issues identified as crucial.

Risultati: Elaboration of recommendations for decision makers; production of papers, scientific articles, dissemination materials

Attività 4

Obiettivi: Public engagement

Descrizione del lavoro e ruolo dei partecipanti: With public engagement the project participants intend to share research activities and benefits with local communities. All participants will be engaged in a two-way process, involving interaction and listening, with the goal to generate mutual benefits for both local communities and research.

Risultati: realization of at least two meetings involving local communities and institutions, such as municipalities and Marche Region (decision makers). In the meetings, in the form of living labs, will be involved also young people to be co-drivers of the change.

Attività 5

Obiettivi: dissemination of results

Descrizione del lavoro e ruolo dei partecipanti: the project team will produce informative material aimed at supporting the involvement of the public and will exploit them by exploiting the web; the team will hold meetings with young people, considered a particularly alienated category from democratic political processes, both in the university and in the schools.

Risultati: production of informative materials; meetings on the results targeted for young people

1.4 Destinazione editoriale dei risultati della ricerca:

Indicare quale tipo di destinazione si intende dare ai risultati della ricerca specificando come si prevede di soddisfare la condizione di pubblicare in riviste di fascia A e/o Scopus o Wos e/o online open access:

Scientific essays and articles will have editorial placement in publications A-band (“Riviste di fascia A”) or open access or scopus indexed journals. However, materials intended for Law and innovation laboratory must be published in open access.

2. Implementazione (massimo 7000 caratteri, spazi bianchi e tabelle escluse)

2.1 Responsabile Scientifico

Fornire un profilo scientifico del Responsabile scientifico con attinenza al progetto. Il Responsabile scientifico non deve essere coordinatore di progetti finanziati nel bando 2018.

Giovanni Di Cosimo is Full Professor of Constitutional Law at the Department of Law, University of Macerata, since 2009. He took part to many research projects. In particular, since 1999, he took part in seven scientific research of national interest (so-called *PRIN*), five times as scientific director of the local research unit.

He is author of more than 140 scientific publications on the subjects of democracy, parties, sources of law, fundamental rights, regionalism. He is Member of the Editorial Board of the following Italian scientific reviews: “Osservatorio sulle fonti” (since 2008), “Le Regioni” (since 2015), and “Diritto costituzionale. Rivista quadrimestrale” (since 2018). Currently, he is Chairman of the board of the regional body for the right to education of the Marche Region (since 2018); Member of the Assembly Committee for legislation and control of the Marche Regional Council (since 2019).

2.2 Gruppo di ricerca nel suo complesso

Per ogni membro dello staff di ricerca fornire una breve descrizione della precedente esperienza attinente alle attività assegnate.

Descrivere come i partecipanti nel loro complesso costituiscono un gruppo capace di raggiungere gli obiettivi di progetto. Descrivere come essi sono adatti a svolgere le attività loro assegnate e come si impegnano ad implementarle.

Mostrare la complementarietà tra i partecipanti. Spiegare come la composizione del gruppo di ricerca è ben bilanciata in relazione agli obiettivi del progetto. Se appropriato, descrivere il coinvolgimento di imprese per assicurare lo sfruttamento dei risultati e come sia stata data attenzione all’opportunità di coinvolgere le PMI. Evidenziare il tratto della interdisciplinarietà.

Chiara Bergonzini is Researcher in Constitutional Law at the University of Macerata (Italy). She holds a Ph.D. in Constitutional law and in 2017 obtained the National Scientific Qualification as Associate Professor in the same field. Her research activity concerns Constitutional Law and in particular Parliamentary Law and Public Law and Economics. She is an expert in public budgets and financial procedures, themes on which she published a monograph and several essays. Her interdisciplinary vocation often leads her to explore ‘borderline’ themes, such as the Indicators of Equitable and Sustainable Wellbeing. She is currently focusing her studies on how Parliament could utilise the ICT, a theme on which she published one of the first papers in Italy. She especially focuses on the use of digital platforms by Parliamentary Committees to establish direct communication between politicians and citizens within the decision-making process.

Angela Cossiri, Phd, is tenured researcher in Public Law and Adjunct professor in the Department of Law in the University of Macerata since 2009. She obtained the National Scientific Qualification as Associate Professor in constitutional law. She worked as an "expert" in the European Policies Department of the Presidency of the Council of Ministers, presiding over technical tables and participating in study commissions. Her actual line of scientific research concerns the political representation in the national and supranational contexts (*Partiti e rappresentanza politica nella dimensione interna e sovranazionale*, FrancoAngeli, 2018).

Gianluca Contaldi is Full Professor of EU Law. He received his degree cum laude in Law in 1991 at the University of Rome, and a PhD in International Law at the University of Milan in 1996. Since 2006 he has been a Full Professor in EU Law and Private International Law. From 2007 until 2010 he was the Italian responsible for the TRESS project concerning the coordination of social security systems of Community workers. He was in the past a consultant of the Ministry of Foreign Affairs for the twinning project concerning the accession of the Czech Republic to the EU. He is the author of many papers and different books in the field of EU Law, International Law and Private International Law. He has wide expertise in the field of economic cooperation. In such ambit of research, he published many papers, among which: *La politica economica e monetaria dell'Unione europea* (EU Economic and Monetary Policy); *La discrezionalità della Banca centrale europea alla luce del caso OMT* (The Discretionary Power of the ECB in the light of the OMT Case); *Il diritto europeo dell'economia* (EU Economic Law). In 2018 he was visiting Professor at the University of Paris Nanterre.

Massimiliano Gregorio is Associate Professor of Legal History at Florence University (Italy). His main research interests are history of constitutional thought and history of constitutionalism between 19th and 20th Centuries in Europe. Main recently research topics: Political Party, Representation, Nation.

Stefano Guerra is Honorary Fellow in Philosophy of Law and General Theory of Law at the Department of Law of the University of Macerata, and a member of the Excellence in Research Task Force (UniMC), of Marie Curie Alumni Association, and of Italian Society of Philosophy of Law. He holds a Ph.D in Legal Sciences (*curriculum*: Theory and history of fundamental rights), honored with the highest grade *Excellent with the recommendation for publication*. Previously, in 2014-2015, he was a guest researcher at *Freie Universität Berlin, Humboldt-Universität zu Berlin*, and *Albert-Ludwigs-University of Freiburg*; in 2016, he was Marie Curie Research Fellow in Munich for the European project "GRAGE - Grey and Green in Europe: elderly living in the urban areas". His main research interests, with an interdisciplinary approach, focus on Weimar crisis and some of his legal philosophers (Schmitt, Kelsen, and Smend), constitutionalism, guardian of the constitution, fundamental and human rights, crisis of modern democratic systems. Currently, he is performing research on the protection of the Health fundamental right of migrants. He is a lawyer since 2015.

Nicola Lucchi is Serra Hunter Associate Professor of Comparative law at the Universitat Pompeu Frabra of Barcelona. Before joining UPF, he was Universitetslektor, Docent (tenured Associate Professor) at the Jönköping University International Business School in Sweden. Previously, he was EU Marie Curie post-doc Fellow Researcher at the Université catholique de Louvain - Institut pour la recherche interdisciplinaire en sciences juridiques and research associate (assegnista di ricerca) at the University of Ferrara, Italy. Nicola's research interests focus on the interaction between law and innovation. His current research agenda centers on the impact of scientific and technological developments on fundamental legal rights.

Arianna Maceratini is Researcher in Philosophy of Law at the Department of Law of the University of Macerata (Italy) and an adjunct professor of Legal Informatics in the Degree course of Sciences of Legal Services at the University of Macerata. Her main research interest are Niklas Luhman's systems theory, Jürgen Habermas's discourse theory, the role of the legal system in Zygmunt Bauman's liquid modernity, the transformations of the legal system in the era of the digital communication.

Massimo Meccarelli is Full Professor of Legal History at the University of Macerata (Italy), and affiliate researcher of the Max Planck Institute for European Legal History (Frankfurt am Main). He was visiting professor at the Universidad Autónoma de Madrid in Madrid and at the Johann Wolfgang Goethe-Universität in Frankfurt am Main. His main research interests are history of legal thought and history of justice; most recently research topics: fundamental and human rights, law and diversity, law in transitional time, legal spaces.

Giacomo Menegus is Postdoctoral Fellow in Constitutional Law at the University of Macerata. He holds a PhD in EU Law and national legal systems (University of Ferrara). His research interests focus mainly on constitutional justice and local government (with a focus on local *referenda*). He was visiting doctoral fellow at Heidelberg Universität (2016-2017). He is a member of the Editorial Staff of *Diritto costituzionale. Rivista quadrimestrale* and *Le Regioni*.

Ferdinando Morresi, is Honorary Fellow in Philosophy of Law at the University of Macerata and gives lectures on Weber and Schmitt, focusing his studies and publications on the legality/legitimacy problem. He holds a Ph. D. (2007-University of Macerata) and Post-Doctoral Fellow (2008/2010 - University of Macerata). In 2009 he took part in a research project financed by EU dedicated to the integration/immigration policy. He is a lawyer since 2007.

Cristiano Paixão is Professor of Legal History and Constitutional Law at the University of Brasilia, Brazil. He has been visiting professor at the University of Seville. He received her LLM from Federal University of Santa Catarina and JSD from Federal University of Minas Gerais. He made postdoctoral studies at Scuola Normale Superiore di Pisa and at École des Hautes Etudes en Sciences Sociales (Paris). He has been a member of the Amnesty Commission (Ministry of Justice), and co-director of the University of Brasília Truth

Commission. His main research interests are constitutional history, law and literature studies, and legal transitions.

Carlo Sabbatini is Associate Professor of Philosophy of Law at the University of Macerata. His main field of research is the legal thought of classical German philosophy with particular reference to Kant, Fichte, and Hegel; subsequently, he extended his area of interest to the relationship between law and morality and to the problems of tolerance and freedom of expression in the modern and contemporary age.

Francesca Spigarelli is Associate Professor of Applied economics at the University of Macerata. His main field of research is the use of industrial policies to promote economic development, with specific attention to the European and Chinese contexts.

The group is composed of experts in different scientific ambits relevant for the project objectives, equipped with polyhedral skills, useful both for carrying out the planned research and for processing and dissemination of results. The consolidated experience in the various sectors ensures the ability of the members to carry out an in-depth analysis of the problems faced and to elaborate the results to reach scientifically innovative results. The multiple experiences in research groups, both national and international, involve the matured ability to carry out group work, including interdisciplinary ones. Participation in experiences of normative planning of national relevance attests the aptitude to carry out the work of drafting reform proposals.

3. Impatto (massimo 3000 caratteri, spazi bianchi e tabelle esclusi)

3.1 Impatto previsto rispetto alla implementazione del Dipartimento di eccellenza

Illustrare la rilevanza della ricerca proposta rispetto al progetto del Dipartimento di eccellenza:

The project idea that is proposed is immediately related to a theme in the project of the excellence department, expressed in the following question: "What contribution does legal science offer or could/should offer to the innovation of contemporary society in the face of technological, economic but also social and cultural challenges, which have become more global than ever?". The theme of the democratic crisis represents a crucial point in contemporaneity, that requires rethinking of traditional models and scientifically validated innovations. The role of different legal disciplines is crucial to support and shape innovation in this field, thus contributing to social and economic development. As written in the project of the department of excellence, "these concepts are particularly valued in the notion of social innovation provided by the European Commission: in the document of the General Directorate for Growth" Social Innovation Prize to create solutions for today's challenges "(2012).

The study described here, therefore, constitutes the immediate implementation of this research and moves the Department towards the creation of cohesive groups dedicated to deepening and scientific innovation. In this perspective, the project focuses on the contribution that law offers to the issue of societal challenges, that is to say, the social challenges that Europe, and modern societies in general, are called to face, also in coherence with the research framework program (call: "governance for the future").

The activities that will be carried out will also contribute in terms of impact to the program of the department of excellence, in terms of cultural development of the territory and citizens, public engagement and involvement of policy-makers and legislative bodies, leveraging on methods already

tested and adopted in the University to encourage mutual listening and interaction between the department, stakeholders, decision-makers and civil society, especially young people.

3.2 Disseminazione e/o sfruttamento dei risultati di progetto

Descrivere le misure proposte per la disseminazione e/o lo sfruttamento dei risultati del progetto e come queste aumenteranno l'impatto del progetto.

The dissemination of the results will take place primarily through the production of scientific articles that will be published in A-Band ("Riviste di fascia A"), open access or scopus indexed scientific Journal. Furthermore, the dissemination of the results of the research will be carried out through the publication of scientific and information materials on the website Law and innovation laboratory. Dissemination will also be based on events targeted for young people, university and Phd students; interdisciplinary seminars; a final public interdisciplinary conference on the reform proposals elaborated; public engagement meetings targeted also for decision-makers of different levels (to be invited), starting from local municipalities and Marche Region.

3.3 Produzione di materiale scientifico e divulgativo per il sito web del "Laboratorio di innovazione"

Nell'ambito delle attività del Dipartimento di eccellenza si prevede la creazione di un Laboratorio di innovazione virtuale in cui far confluire tutte le iniziative del Dipartimento di Eccellenza. Il Laboratorio è aperto al tessuto imprenditoriale ed alla società civile ed è valorizzato da una piattaforma "Open Science & Open Innovation".

Illustrare in che modo il progetto potrà contribuire alla offerta di informazioni nel sito web del Laboratorio del Dipartimento di eccellenza

The team will produce the following materials for the platform of the Law and Innovation Laboratory: paper and slides regarding the intermediate workshop; dissemination materials (at least two products) on the final results of the research. See also precedent description.