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Each year the EUI trains promising young academics from all over the world in a truly European environment

POST-DOC FELLOWS ISSUE

Inside

Passport to the Future: The Post-Doc Programmes

EUI President | **Yves Mény**

The first post-doctoral fellowships at the EUI were offered in the late 1980s, thanks to a financial contribution from the European Union. At the time, it was a fellowship scheme open to any academic. Some indeed did fit a post-doc profile but most of the fellows were actually rather senior academics, some of them close to retirement! A first step to redress this was taken when the Robert Schuman Centre decided to set an age limit and to reserve the fellowships to promising young academics from all over the world. This major change immediately attracted the interest of PhD students or lecturers at the beginning of their careers. Many of them had recently defended their PhD in the US (some were Americans, but most of them were Europeans or foreigners wishing to complete their training in a European environment).

There was no master plan behind this initiative, but instead the happy outcome of the decision to attract young scholars rather than to offer the fellowships in an indiscriminate way to academics at any stage of their career. These positive developments convinced the Institute that there was an important and crucial need which was barely recognised in Europe, contrary to the US where the 60,000 annual post-doc fellows superseded the 40,000 PhD diplomas awarded every year. Even more striking was the fact that two-thirds of the fellows studying in America were foreigners and that many of them would stay in the US because of this stimulating experience and thanks to the opportunities offered by the American academic market. On this side of the Atlantic, by contrast, the fellowships were very few (so few that no statistics are available) and there ▸▸

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Examining Normative Interaction at the EUI

Max Weber Fellow | **Stéphane Beaulac (Cantab.)**

Though a cliché, time certainy does fly! Can the Tuscan environment be responsible for a metaphysical acceleration of these six to twelve months that fellows' research stints usually last? I am just getting frustrated, no less, to see that my amazing stay at the European University Institute, which I had prepared for and dreamt of for quite some time, is coming to an end. It seems like yesterday that my colleague and (nevertheless) friend Luc Tremblay was briefing me about this élite research institution perched on the side of Florence's hills that provides such a wonderful working environment. You see, the truth of the matter is that for a North American, the EUI does not come naturally to mind when one thinks of a top place to pursue graduate studies or other research work. It's maybe one of Europe's best kept secrets, unintentionally for sure, but what a waste for all of us back home! For a reason that escapes me, I am one of the few—we're about five out of some sixty fellows, a declining trend Eija Heikkinen tells me—from the northern continent that shares its name with our town's airport. Let me be bold: this ought to change.

> "It is useful to distinguish between the point of view of international law, and the point of view of domestic legal actors"

Now, since I must provide some context to what follows from my research, both generally and my project at the EUI, forgive these self-indulgent highlights of my humble little story: I started my career in academia in 1998 at Dalhousie Law School in Halifax and, for the last seven years, I have been a lecturer at the Faculty of Law, University of Montreal, reading public international law and statutory interpretation. Our universities allow us a so-called sabbatical leave, typically after a half-a-dozen years of good service and promotion to the rank of associate professor. This is my situation: here on leave from my regular job, with wife Olga and children Sasha, Jacob and Stéphane Jr. (see photo, by Susan G.). By means of a brief professional genealogy, I have a legal background in both civil law and common law, the two legal traditions relevant to my country, and I was a law clerk at the Supreme Court of Canada for Claire L'Heureux-Dubé. Then I did the bulk of my graduate work in England, at the University of Cambridge, which I completed in 2002 with a PhD in public international law, under the supervision of Philip Allott. I examined a major theoretical issue, namely the powerful idea of sovereignty and its extraordinary effect on the shared consciousness of international society since its empirical inception with the Peace of Westphalia and its doctrinal articulation with the works of Jean Bodin and Emer de Vattel. The method is borrowed from linguistics and included some input from contemporary philosophers of language. A monograph based on my thesis was published by Martinus Nijhoff in 2004. All right, enough biography.

My current research agenda focuses on the interaction between international law and domestic legal systems, particularly the common law jurisdictions of Canada and the United States. The hypothesis at the centre of my inquiries is that there is more than one perspective when one considers the inter-permeability of legal norms. I argue that it is useful to distinguish between the point of view of international law, with its narratives and concerns, and the point of view of domestic legal actors, who speak a different language and are concerned with different values and objectives. I discussed these questions with colleagues at the Law Department of the EUI and realised that the dichotomy I am suggesting in the international law context is not dissimilar to the distinction found in European Union law—with respect to some basic legal features, such as the doctrine of supremacy of EC law —between the perspective of the Community, on the one hand, and that of the Member States (for example, Germany and Poland's constitutional courts), on the other. Even though many nuances and caveats must accompany such an analogy, this comparative view in my reflections on the subject will forever be associated with my research stay at the EUI. More recently, I have applied my analytical scheme to the specialised field of international human rights law, which included empirical studies of the ways in which international normativity is operationalised in domestic judicial decision-making. It led to a book co-authored with William A. Schabas, Director of the Irish Centre for Human Rights at the National University of Ireland in Galway, entitled *International Human Rights and Canadian Law—Legal Commitment, Implementation and the Charter*, published by Thomson Carswell in January 2007. This long-term enterprise was completed last fall, after arriving at the EUI, whose resources (library, electronic) were more than adequate to address finalising matters. Having said that, my main project for the year as a Max ▸▸

Weber Fellow, based at Villa La Fonte (and its gorgeous gardens!), relates to both to my previous work and to contemporary debates in international legal theory. The two horizons I have been keen to include in my analysis of the international-domestic interface are, first, the constitutional concept of the rule of law and, second, the notion of legal pluralism and its little cousin, constitutional pluralism. These heuristic insights have shed new light onto my main argument, which remains founded on the premise that, from a domestic point of view, the matrix within which the states operate and international affairs are conducted is based on the so-called Westphalian model, at the centre of which is the idée-force of sovereignty. The legal by-products of this model are the mutually self-excluding domains of constitutional law and international law, which in their own ways, however, both pursue rule of law values (legality, intelligibility, justiciability). In terms of normative interaction, given that the international legal realm is distinct and separate from the domestic legal spheres of sovereign states, the actualisation of international normativity through adjudication is also distinct and separate from the actualisation of domestic law through judicial decision-making. This is a clear case of legal pluralism, as I argued in a presentation given last winter in the framework of Neil Walker's seminar at the Law Department. For more information, one can find my recent writings on these issues in the Max Weber Programme Working Papers Series on the European University Institute website.

I want to conclude on a more personal note, by expressing my sincere thanks to some people who have contributed to a memorable stay at the European University Institute: to Neil and Jacques for *chiacchierate* over pizza, to the director of the Max Weber Programme, Ramon Marimon, who courageously stood firm in favour of innovation and against the forces of post-doctoral status quo, to our support staff and devoted porter (whose jovial "*tutto bene?*" I will never forget), as well as to the nicest people at the *mensa*, who are guilty as charged, I am afraid, for the few extra pounds of love handles I am bringing back to Canada. Cheers and I love you all. ■

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