

# EUropean (Dis)Integration and Law – with specific attention to gender perspectives and “Brexit”

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## Learning outcomes and skills

- Understanding the challenges of the withdrawal of a Member State as well as challenges by other Member States of the EU’s values for the project of EU integration, in particular integration through law
- Comprehensive knowledge of the legal framework for Member States’ withdrawal
- Understanding the legal framework for protecting the Union’s values
- Intense engagement with one of the following subtopics (assessment)
  - Integration and Disintegration – law and politics assessment of the option to withdraw from the European Union
  - The EU’s values and the rule of European Union Law
  - Disintegration at the EU’s Western Fringes – the UK’s withdrawal from the Union
  - Disintegration at the EU’s Western Fringes – the UK’s withdrawal and the island of Ireland
  - Disintegration by withdrawal – consequences for gender equality
  - Disintegration at the EU’s Eastern Fringes – challenges for the EU’s values by policy developments in Poland
  - Disintegration at the EU’s Eastern Fringes – challenges for the EU’s values by policy development in Hungary
  - Disintegration by challenges for the rule of law – consequences for gender equality]

## Suitable audience

Students of law, politics, European studies, who have some understanding of European Union law and/or politics (foundational knowledge of the EU institutions, legal system, politics and history)

## Teaching style and module plan

This module is taught discursively (“Seminar”), and should be progressively more student led. The 14 weeks of term are divided into a four week induction period, which consists of a combination of lecturer led input and seminar discussion, a 2 week reading period, during which students are offered individual or small group sessions for discussing how to address the assessment task, and two 4 week periods for each of the subthemes „Disintegration through withdrawal“ and „Disintegration through challenges for the EU’s values“. These periods consist of a mix of student presentation and lecturer led introductions and commentaries. Ideally, an electronic learning environment allows posting of draft papers for peer comment.

## Assessment

Assessment [Seminararbeit] is by essay (up to 6000 words) and presentation, both in English. A number of themes for LLB dissertations (Bachelorarbeiten) are available. Preferably these should be written in English, but students may opt for German as well. Presentation of work in progress in the

framework of the seminar gives students an opportunity to receive early feedback. Presentation is in English.

A number of themes for “Bachelorarbeiten” (bachelor dissertation) are also available. Preferably these should be written in English, but students may opt for German as well. Presentation of work in progress in the framework of the seminar gives students an opportunity to receive early feedback.

### **Indicative literature list**

Anthony, Gordon.(2016) 'Britain Alone': A View from Northern Ireland. In Andrea Biondi, & Patrick Birkinshaw (Eds.), *Britain Alone? The Implications and Consequences of UK Exit from the EU* (Wolters Kluwer). [accessible here:

[http://pure.qub.ac.uk/portal/files/58967752/Britain\\_Alone\\_A\\_View\\_From\\_Northern\\_Ireland.pdf](http://pure.qub.ac.uk/portal/files/58967752/Britain_Alone_A_View_From_Northern_Ireland.pdf) ]

Armstrong, Kenneth (2017) *BREXIT TIME. Leaving the EU- Why, How and When?* Cambridge University Press

Busby, Nicole & Rebecca Zahn, eds. (2017) *Studying EU Law after Brexit*, SULNE 2017 (open access at <https://sulne.files.wordpress.com/2017/11/studying-eu-law-during-and-after-brexite-1st-edition.pdf>)

da Costa Cabral, N., Gonçalves, J. & Cunha Rodrigues, N. eds. (2017) *After Brexit. Consequences for the European Union*. London: Palgrave Macmillan

Closa, Carlos & Kochenov, Dimitry, eds (2017) *Reinforcing Rule of Law Oversight in the European Union*, Cambridge University Press

Closa, Carlos, ed (2017) *Secession from a Member State and Withdrawal from the European Union*, Cambridge University Press

Connelly, Tony (2017) *Brexit and Ireland*, Penguin

Doherty, Brian; McCrudden, Christopher; McGowan, Lee; Phinnemore, David; Schiek, Dagmar; Temple Lang, John (2017) *Northern Ireland and Brexit: the European Economic Area Option* Brussels: EPC([http://epc.eu/pub\\_details.php?cat\\_id=17&pub\\_id=7576](http://epc.eu/pub_details.php?cat_id=17&pub_id=7576) )

Dougan, Michael, ed (2017) *The UK after Brexit*, Antwerp: Intersentia,

Fabbrini, Federico, ed (2017) *The Law and Politics of Brexit*, Oxford University Press

Foret, François; Calligaro, Oriane (eds) *European Values. Challenges and Opportunities for EU Governance*, New York: Routledge, 2018

Guerrina, Roberta and Masselot, Annick 'Walking into the Footprint of EU Law: Unpacking the Gendered Consequences of Brexit' (2017) *Social Policy & Society* (2018) 17:2, 319–330 [open access!]

Hayward, Jack; Wurzel, Rüdiger (eds) *European Disunion. Between Sovereignty and Solidarity*. Palgrave Macmillan 2012

Hozić, Aida & True, Jacqui, 'Brexit as a scandal: gender and global Trumpism' (2017) *Review of International Political Economy* 24 (2) 270-287

Jakab, András (ed), *The Enforcement of EU Law and Values*, Oxford University Press 2017

Kostakopoulou, Dora *What Fractures Political Unions? Failed Federations, Brexit and the Importance of Political Commitment* (European Law Review 2017, Vol. 42(3), pp. 339-352. – available here: [https://docs.wixstatic.com/ugd/38897e\\_50bdba0908234db6a65c783f061e5f45.pdf](https://docs.wixstatic.com/ugd/38897e_50bdba0908234db6a65c783f061e5f45.pdf) )

Martill, B. & Staiger, U. eds. (2018). *Brexit and Beyond. Rethinking the Futures of Europe*. London: University College London.

Nicolaides, Phedon. 'The day after' Exit – induced legal lacuna' *Maastricht J. Eur. & Comp. L.* 24 (2017): 158-

Outhwaite, William, ed (2017) *BREXIT. Sociological Responses*, Anthem Press

Peers, Steve & Harvey, Darren (2017) 'Brexit: the Legal Dimension in C. Barnard & S Peers eds) *European Union Law* (Oxford University Press 2<sup>nd</sup> ed), 815-836

Plomien, Ania (2018) 'EU social and gender policy beyond Brexit: towards the European Pillar of Social Rights.' *Social Policy and Society* 17 (2) 281-296

Schiek, Dagmar (2018) On the never-ending road to Brexit – perspectives for the European Union, *Northern Ireland Legal Quarterly*, Special Issue, Volume 69 (3), 221-395, <https://nilq.qub.ac.uk/index.php/nilq/issue/view/7> [the issue introduction and 2 articles are open access]

Schiek, Dagmar (2017) *Hard Brexit – solutions for the conundrum on the island of Ireland* ( SSRN) [https://papers.ssrn.com/sol3/papers.cfm?abstract\\_id=2949264](https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2949264)

Schmitter, Philippe, and Zoe Lefkofridi (2017) "Using neo-functionalism to understand the disintegration of Europe." In *Policy Change under New Democratic Capitalism*, edited by Hideko Magara, 171-200. New York: Routledge [shorter version as open access: [http://cadmus.eui.eu/bitstream/handle/1814/40332/Schmitter\\_Lefkofridi\\_2016.pdf?sequence=2](http://cadmus.eui.eu/bitstream/handle/1814/40332/Schmitter_Lefkofridi_2016.pdf?sequence=2) ]

Shutes, Isabel (2017) All EU migrants are not equal: the gendered consequences of Brexit. LSE European Politics and Policy (EUROPP) Blog (25 Jul 2017).

Tobler, Christa (2016) 'One of Many Challenges after 'Brexit': The Institutional Framework of an Alternative Agreement – Lessons from Switzerland and Elsewhere?' *Maastricht J Eur. & Comp. L.* 23 (4) 575-594

Tuitt, Patricia, (2017) The UK's General Strike Brexit and critiques of violence, (available from [www.patricia.tuitt.com](http://www.patricia.tuitt.com), [https://docs.wixstatic.com/ugd/433c70\\_e728bc82828443c38520bd14eda423c1.pdf](https://docs.wixstatic.com/ugd/433c70_e728bc82828443c38520bd14eda423c1.pdf))

Vollard, Hans (2014) 'Explaining European Disintegration' *Journal of Common Market Studies* 52 (5) 1142-1159

Witte, Bruno de et al eds.(2017) *Between Flexibility and Disintegration*, Edward Elgar 2017

## List of themes for “Seminararbeiten”

How does the option to withdraw from the EU relate to the European Union’s aim to “create an ever-closer union among the peoples of Europe (Article 1 TEU)?

Should it affect time honoured concepts such as direct effect and supremacy of EU law, which have been based on the creation of a Community with indefinite duration?

Theorising the EU’s disintegration – contribution of integration theories such as neo-federalism and neofunctionalism

How did the UK contribute to the EU’s gender equality law and policy, and how will its withdrawal most likely affect the field within the EU?

The future of free movement of persons after “Brexit” in the European Union – is there a gender dimension?

Protection of EU citizens in the UK through the draft withdrawal agreement – sufficient or lacking?

Protection of EU citizens in the UK after “Brexit” – does the draft withdrawal agreement have a “gender bias”?

The EU’s values and their protection (Article 7 TEU, and other routes) – the example of Poland

The EU’s values and their protection (Article 7 TEU, and other routes) – the example of Hungary

The EU’s rule of law crisis and gender equality – any relation at all?

[students are also encouraged to suggest their own themes within the scope of the seminar]