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The European Union’s (EU) development toward a constitutional, or quasi-constitutional, polity is a central topic of current political and legal sciences. Whether the Union is (or should be) a simple international organization, a “sui generis” entity a “Staatenverbund,” or a full-fledged constitutional entity, is heavily debated (see Habermas 2012). Likewise, the EU’s eastward enlargement is on many scholars’ research agenda. The enlargement not only influenced the post-socialist transitions of the involved Central and Eastern European (CEE) countries, but also changed the structure and character of the EU (see Grabbe 2006 and Parízek 2012).

In contrast, the post-1989 development of the Council of Europe (CoE) has attracted less attention by the scholarly community (see Bond 2012). This is understandable, as the CoE is rather limited in the fields of economic and social policy, compared with the EU. However, the CoE has a much broader membership (currently 47 in comparison with the EU’s 28 member states) and is more influential than its counterpart with regard to the promotion and protection of human rights. The CoE underwent both an eastward enlargement and a structural development that could be interpreted as constitutionalization, which namely applied to the European Convention on Human Rights (ECHR) and its enforcement by the European Court of Human Rights (ECtHR).

The EU’s and the CoE’s enlargement and constitutionalization are the main topics of Wojciech Sadurski’s book (Sadurski 2012). The author not only examines the influences of the EU and the CoE on accession states, but also the influence of accession states on the EU and the CoE. As he correctly observes, the relationship between “the transition of former Communist states to democracy and the trend towards constitutionalization of the Council of Europe and the EU seems to be as obvious as it is under-analysed” (p. xxi). In addition, Sadurski’s study combines an analysis of the EU and the CoE to identify mutual connections and influences (see also Kolb 2013).
The book is guided by two main hypotheses. The first (and most innovative) addresses the impact of the enlargement on the CoE and the EU:

1. “[T]he fall of Communism in Europe and the resultant accession of newly democratized Central and Eastern European states to the CoE and the EU has provided a powerful impetus to the constitutionalization of both the ECHR system and of the EU: that it was a potent (even though rarely explicitly stated or even realized) agenda-setter for the development of both these entities into constitutional or quasi-constitutional regimes” (pp. xxi ff.).

The second assumption is much more conventional, albeit not undisputed:

2. “[J]oining […] the EU and the ECHR system […] has had a powerful effect on constitutional consolidation in the newly democratized states. It has provided both the incentive and models to emulate, the result of which was the adoption or consolidation of robust constitutional structures, in particular as far as the protection of individual rights is concerned” (p. xxiii).1

Sadurski undertakes an examination of both hypotheses in four consecutive, but interrelated, partial studies. In the first chapter of his book (pp. 1 ff.), he assumes that “the enlargement of the CoE was the trigger for a constitutionalization of the system” (p. 2, emphasis in original). In contrast to the EU, the CoE attempted to incorporate as many post-socialist states as possible already in the early 1990s to affect the human rights situation via the ECHR regime. The rapid accession of all CEE states (except Belarus) did then not only lead to an increase of cases before the ECHR, but also to an essential increase of cases that contained severe and systematic human rights violations. This strategy of “better to have a troublesome country in than out” (p. 12, emphasis in original) has been successful, since no other supra- or international human rights regime comes close to the scope, effectiveness, or efficiency of the ECHR.

This quantitative, as well as qualitative, growth of the CoE caused “a general transformation of the ECHR” (p. 13): First, in 1998, the member states altered the court into a full-time institution and forced all member states to allow

1 Whereas some scholars doubted the relevance of the EU’s influence on the consolidation of the CEE democracies (see Richter 2014), others have criticized the EU’s impact as only partly democratic, not least since the outbreak of the financial crisis in 2008 (see Wagner 2014).