How the epistemic communities reshape the rule of law.
The French model of judicial education and the post-communist judicial reforms[1]

Daniela Piana

Researcher at the University of Florence, Faculty of Political Science, Department of Political Science and Sociology

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Introduction

The concept of "judicial independence" plays a pivotal role in the policies of democratic promotion.[2] In this field, "judicial independence" is a principled idea related to the implementation of the rule of law,[3] although many institutional settings have been calculated to implement it in different domestic contexts.[4] In fact, a common set of principles and standards are shared by the international organizations and governmental agencies engaged in those policies. These principles should be respected in a fully constitutional, liberal democracy, which should guarantee the protection of the fundamental rights of its citizens, such as the right to a fair trial, and the right to be treated equally before the law. Nonetheless, the legal validity of the rules differs greatly: some are legally binding, since they are common to international laws, but many regulative provisions to this day are not legally binding.

Although the European Union does not have a real judicial policy – in the sense meant when we refer to the policies of the member States – it does have a set of rules concerning the implementation of the principle of rule of law, which also refers to judicial independence. These rules were widened and developed when the enlargement towards the Central and Eastern European Countries (hereinafter CEECs) began. Indeed, the strategy designed for the ex-communist countries, which were candidates to membership, was a strong boost for the reform of justice. The principle of judicial independence was elicited to justify this incitement.

This paper will consider the influence of international standards and rules, on the reforms of the judiciaries in the ex-communist countries, with a specific look at the reforms of the *judicial educational* systems. We are taking four countries as examples: Czech Republic, Hungary, Romania, and Bulgaria. We will show that when the international rules are not legally binding, the reforms are driven by a *national logic of action*. To account for it, two interconnecting variables have been considered: *a*) the national institutional legacies and *b*) the degree of interaction with the international communities. We will provide empirical evidence for the following two assumptions: *i*) the weaker the constitutional legacy, the more the international contacts are important; *ii*) the stronger the constitutional legacy, the more the international rules are filtered by the institutions that were created in the democratic transition. These last are indeed better informed and experienced to take full advantage of the opportunities provided by the pre-accession process. We adopt a mixed methodological approach, combining qualitative and quantitative analysis of data. We rely on a series of data that includes the projects of judicial cooperation financed by the European Union (twinning projects), a series of interviews with the crucial actors in the European and domestic institutions, and a survey conducted with certain legal experts working within the Council of Europe, taken as examples.[5] The official documents of the European institutions have also been analysed for the reconstruction of the international standards.

The European promotion of judicial independence [6]

The European policy to promote the democracy in the CEECs, connected the activities that had been achieved in that field by the international organizations, and by the US. Indeed, in the 1980s and the 1990s, several programs were adopted by the IOs – mainly the World Bank – and by the US governmental agencies – such as USAID.[7] They set up incentives to drive the developing countries towards a legal system in which the law is applied impartially (World Bank, 2004 and 2005).

Looking at this phenomenon, scholars in comparative politics have focused on the weight which the national and the international factors have had in the democratization process. While some have argued

in favour of a domestically driven democratization mechanism (O'Donnell, Schmitter and Whitehead, 1986), the importance of the international factors was increasingly included amongst the explanatory variables in the 1990s (see for instance, Pridham, 2000; Whitehead, 1996). Political conditioning is at the core of the policies aimed at promoting the «rule of law» of the so-called «first generation» (Ottaway and Carothers, 2000). It is considered the main leverage of democratization "from the outside" (Pevehouse, 2002). In the context of the European enlargement, this view was also tested to show to what extent the conditioning endorsed by the EU has successfully driven the national authorities to adopt democratic reforms (Schimmelfennig, Engert and Knobel, 2003; Schimmelfennig and Sedelmeier, 2004).

Nevertheless, the empirical researches have clearly shown that this logic is only partly responsible for the behavioural patterns endorsed by national policy-makers. In fact, they also depend on the policy frame they endorse. It would therefore seem that they act on the basis of the logic of appropriateness (March and Olsen, 1989). From this perspective, the mechanisms of *social learning* (Haas, 2004) and *argumentation* (Checkel, 2001), should be considered as explanatory factors in the process of democratization. In fact we can expect that they influence the normative and cognitive premises used by the policy makers to design reforms (Surel, 2001).

A different logic of action again, has been claimed to account for the process of democratic reforms. The national authorities can in fact rely on the experiences of other countries, through a mechanism of *lesson-drawing* (Dolowitz and Marsh, 2000; Rose, 1993).[8] The best practices adopted in other countries are imitated to the extent that the national policy makers know of them, and have access to them. Therefore, the international arenas increase the resources of the domestic policy makers if they provide them with a blueprint of reforms, and if the participation in the international communities is a way to influence "the international standards", to "articulate the international discourse", to "socialize legal experts and policy makers" (Stone, 1999).[9]

In the European pre-accession strategy all these mechanisms were applied, since the European institutions made pressure on CEECs in accordance with the different instruments of which they disposed, in terms of legal coercion and political authority (Börzel e Risse, 2004).[10] The European policy relies on the conditionality mechanism (Smith, 2001; Young, 2002), but it also exploits the opportunities of socialization (Checkel, 2001; Piana, 2005*c*) and the transfer[11] of best practices between older members and new incomers.

Generally speaking, the respect of the "rule of law" represents a fundamental condition to obtain membership. Indeed, the candidates are expected to be able to apply the law impartially and efficiently. It was expected of the candidates that their legal systems were to respect both the international conventions and the *acquis communautaire*.

In all those fields the European Union has largely benefited from the support of the Council of Europe. Several committees were created since the beginning of the process of enlargement, and the involvement of the Council of Europe – for instance the DG Legal Affairs – in the activities of the DG Justice and Home Affairs increased throughout the 1990s (European Council, 2005). In this last decade, a package of joint programs has been agreed on behalf of the European Union, by the European Commission and the Council of Europe.[12] The participation of the Council of Europe was also included in the monitoring and evaluation of the domestic reforms of the candidates.[13]

Thus, the Council of Europe has provided the European Commission with two types of resources. On one hand, it has set up the standards to assess the independence of the judiciary. They were defined by the representatives of the member States and by the legal experts involved in the activities of the Council. On the other hand, since any member State of the European Union is also a member of the Council of Europe, the Council of Europe has paved the way towards a legal coordination (Council of Europe, 2005) and to a harmonization of the national legal systems. The Council of Europe has also acted as frontrunner in the socialization of the legal experts. Indeed, the Committee of Ministries of Justice and of Ministries of Home Affairs are supported by working groups, networks and *ad hoc* commissions engaged in the discussion of opinions, recommendations, proposals of reforms, for each member of the Council of Europe. The judicial independence, the judicial training, the judicial administration are the topics on which most focus is placed, and discussions held.[14]

The European Commission has also supported the socialization and the exchange of best practices between the older members and the CEECs. A series of financial programs has been approved and increasingly expanded to support the projects of bilateral and multilateral cooperation among the public institutions of older members, and the public institutions of the CEECs (European Commission, 1998 and 2001). Among them, the Commission has put a strong emphasis on the opportunities created by the twinning projects, which have also concerned the transfer of praxis in judicial administration.

In literature, the overall impact of European inputs on the CEECs judicial reforms has not yet been fully explored. The democratization of Southern Europe and Latin America has received much more attention with regard to judicial policies (for a comparative perspective Russel and O'Brian, 2001). Following the thesis based on the classical work of Juan Linz (Linz, 1975)[15], the role played by the legacies of the political regime as concerns the isolation–mobilization of the judicial system was stressed. Comparative studies of the judicial reforms promulgated in the CEECs, have mainly accounted for the adoption of the judicial review (Herron and Randazzo, 2003) and the Constitutional Courts (Boulanger, 2003). The politics of the reforms were explained with a strategic view of the authorities in the transition stage (see Ginsburg, 2003). The international side of the coin is more centred on the theory proposed by policy makers and experts (Dietrich, 2000; Atkins, 2002). Nevertheless, the analytical grids adopted so far, still miss the real interaction between national and international actors. A bridge between the national situations and international pressure should be achieved to reach a better understanding of the mechanisms driving the logic of actions of the CEECs' judicial reforms.

Judicial education between the international standards and the communist legacy

The attention paid by the European Union and the Council of Europe to judicial reforms is largely justified by the communist legacies. Indeed in the CEECs, the judiciaries were mobilized and used to achieve political goals, instead of applying the law equally. Judges and prosecutors were appointed accordingly, on the basis of their political reliability rather than their professional skills.

This legacy suddenly appeared both to the IOs and to the democratic authorities as a major issue to be dealt with, in order to come to terms with the past and to build up a truly constitutional State. The socialization of judges and prosecutors began even before the pre-accession, once the communist regime had been dismantled. In the early 1990s, the Council of Europe started a process of screening the constitutions which were to be adopted in the new democracies. The Venice Committee controlled the constitutional charters, the rights inherent to the constitutions, and the patterns of constitutional justice endorsed by judges (Albi, 2003)[16]. Moreover, through the screening of GRECO (Groupe des pays éuropéens contre la corruption – Group of European Countries against Corruption), the Council of Europe has provided templates for reforming the national anti-corruption policies, which were also expected to deal with the corruption of the judiciary. In that field, the Council of Europe has progressively developed a set of recommendations dealing with the independence of judges that also touch upon judicial education (Oberto, 2003).[17]

Furthermore, several NGOs and professional associations have provided the standards for re-assessing the judicial systems with regard to their independence and institutional capacity.[18] Both were held to be deeply influenced by the legal expertise and the skills of judges, clerks and prosecutors.[19] Therefore the IOs and the international NGOs have paved the way to the implementation of judicial independence, which was requested by the European Union when the pre-accession negotiations began in 1997.[20] The pressure of such rules upon the national governments is therefore cognitive and also normative (Schimmelfenning, 2002, p. 12).[21]

In table 1 we show the four sub-sections of policy related to the implementation of judicial independence: judicial governance; the administrative capability of the judiciary; the civil and criminal procedures; judicial education. As can be seen at first glance, the epistemic communities are mostly linked to the Council of Europe (forth column). As we have clearly indicated in the table, the judicial education is a sub-section in which the mechanism of coercion does not apply. This fact makes sense of the causal relevance of transnational communication as a mechanism that facilitates the transfer of *models of judicial education*.

Since many standards are not legally binding, the concrete application strongly depends on transnational communication. For legal experts and policy-makers, the trans-national participation to those communities is a means of influencing the process of standard-setting, and to exchange arguments and information (Piana, 2005*b*; Risse, Ropp and Sikkink, 2002). This activity of networking is required to effectively interpret the cases in which the international standards should be applied at home (Kochenov, 2005).

TAB. 1. Actors involved in the definition of rules and standards concerning judicial independence for CEECs

Sub-section	Source of policy frame	Binding force of the rules included in the policy frame	Sources of policy instruments
Models of governance	Council of Europe	Not legally binding	Network of the High Judicial Council
Models of judicial administration	Council of Europe	Not legally binding	Commission for the evaluation of the efficiency of the judiciary (CEPEJ)
Civil and criminal procedures	European Union regulations and Council of Europe	Legally binding	Committee for Legal Cooperation
Judicial education	Council of Europe; European Commission	Not legally binding	Network of Lisbon; European Training Judiciary Network.

The implementation of the European standards in the sub-section of judicial education requires the socialization of legal experts to the legal culture which is behind the recommendations of the Council of Europe. Indeed, its position is based on a view of the judiciary that is clearly imbued into a civil legal tradition. It relies on a model of bureaucratic judiciary, in which the judges are appointed, promoted and directed in the same way as the staff of a centralized bureaucratic structure (Guarnieri and Pederzoli, 2002). Therefore, the judicial school is a crucial institution to achieve a truly independent judiciary.[22]

The recommendations drafted by the Council of Europe set the guide-lines for the pressure exercised by the European Union on the reforms of the judicial educational systems in the CEECs. But the socialization of judges and prosecutors is only one of the mechanisms used by the European Union to influence the CEECs. A further channel is represented by the bilateral projects of judicial cooperation. In fact, from 1997 to 2005, the training of judges and prosecutors was strongly supported by the European Union, and funded by the PHARE programme. To promote the exchange of information and international communication, the European Union introduced *twinning*, a political instrument adopted in 1997 within the strategy of streamlining pre-accession, as designed in *Agenda 2000* (European Commission, 1997). The twinning – which is a practise commonly used in the German administrative tradition[23] – relies on the appointment of experts within public administrations. These experts introduce experiences and patterns of problem-solving, successfully adopted in other public administrative agencies. In the pre-accession strategy, the European Commission decided to allocate 30% of the PHARE funds to the institutional building-up and diffusion of administrative capacities within the public administrations of the candidate countries (European Commission, 1998).[24]

The "twinning exercise" (Papadimitriou and Phinnemore, 2003) is organized in two stages: first, the beneficiary country issues a call for tender addressed to any potential administrative partner in the older member States; and secondly the administrations of the older member States submit a proposal to the European Commission, which checks that the selection of the partner and that the procedure for the implementation of the project is correct, and substantially coherent with the National Plan for the pre-accession strategy that each candidate had previously agreed with the European Commission.[25] The call for tender is usually designed according to both the offer of best practices available within the older member administrations, and the priorities agreed on with the Commission.

The twinning projects represent the bulk of a large–scale activity of international cooperation, based on bilateral exchanges between the older and the candidate members. In the process of enlargement, several experts moved from the western countries to the CEECs to spread know-how and to act as a bridge between their own country and the host administration located in the candidate countries.

Therefore, the twinning projects have represented a model for exporting patterns of behaviour, procedures, and rules. The calls for experts are so formulated that national public administrations of the candidates seek partners within the public administrations of the older members. The selection of the partners is done on the base of their capacity to deal with the specific problems faced by the candidate country. Once the winner has been notified by the Commission, the public administration of the older member appoints one or several experts who spend a short period in the public administration of the candidate, to transfer political instruments, solutions to problems, procedures, and patterns of human resource management (Piana, 2005*b*). Thus the basic idea of twinning is to focus the process of change on the *role played by the actors*: *actors* bridge the gap of knowledge in the candidates, who profit from the knowledge obtained in older members' administrations.

In this work we focus on the twinning projects financed by the European Union in the period from 1998 to 2004 in support of judicial reforms in the candidate countries, and consider the transfer of the French model of judicial education through the twinning with the CEECs institutions. Since the external pressure on transfer is not compulsory in this sub-section, the influence of the external factors cannot be explained on the basis of subordination. The socialization and lesson-drawing mechanisms are more suited to account for the path of interaction between international and national factors. We would argue that the degree of influence is linked to the inclusiveness of the networks of judicial cooperation. They indeed represent a scene in which the actors involved in setting the agenda at a national level are brought into line with the international standards. Therefore, we can expect that the stronger the participation in the activities of the community, the more the national system of judicial education is influenced by the models legitimate at an international level, as seems to be the case for the French model.

The legitimacy of the French model for the training of judges and prosecutors

The international visibility of judicial cooperation has been one of the main reasons for inciting the French government to invest in that field. In 1998 the Ministry of Justice (Garde des Sceaux), the associations of the bar, the clerks and notaries created a specialized administrative unit that became a leading actor in the judicial cooperation: ACOJURIS. The mission of ACOJURIS is to act within the field of judicial cooperation not only within the European legal area, but also with external countries.[26] French legal experts have represented a main channel for spreading a model of governance through the law. Some particular areas have been placed in the agenda of ACOJURIS: judicial ethics and the internet law are amongst them. More generally, ACOJURIS has taken advantage of the openings of the Council of Europe and the European Commission, as a truly political enterprise (Kindgon, 1984).[27] The cooperation projects consist in mobility projects from France towards the beneficiary or, vice-versa from the beneficiary towards France. The main outcome of this process is the establishment of consolidated relationships between French judges and the judges of the other countries. So, to conclude, ACOJURIS is the agency which has provided beneficiary countries with legal experts, which were socialized to the French legal culture and which belong to the network of transfer. In the judicial field, the French administration is internationally legitimate: its model is spread by experts who provide not only a model *per se*, but also a link to an influential international network (Checkel, 1999).

This premise makes sense of the force of attraction of the French model for the European incomers. When the pre-accession period began, the international network of Centres for judicial education represented one of the most promising instruments for linking the national systems to the international scenes. The multilateral meeting «The training of judges and public prosecutors in Europe» held in Lisbon in April 1995, aimed at promoting European co-operation in the field of training for judges and prosecutors. The participants supported the implementation of a European information exchange network between persons and bodies in charge of the training of judges and public prosecutors. The Lisbon Network took advantage of the support given by the Ecole Nationale de la Magistrature (hereinafter ENM), and today it is part of the network coordinated by the Council of Europe Directorate of Legal Affairs. The French foreign policy is very sensitive to the opportunities of multilateral coordination created by the European judicial cooperation. In October 2000, the French Presidency of the European Union proposed an initiative to formally create a European judicial training network which would improve mutual understanding of Member States' legal systems amongst judges and prosecutors, and increase the practical implementation of judicial cooperation within the European Union. This network, the European Network for Judicial Training, has obtained the support of the European Commission[28], which in 2005

gave a financial contribution for the administrative facilities of the building and the secretarial offices located in Brussels. The Network includes representatives from all the institutions in charge of the training of judges and prosecutors in the M.S. It acquired legal status in June 2003; it receives subsidies in the framework of the civil program and the AGIS program.[29] The network focuses its activities on criminal and civil matters. The aims of the network are: to further mutual knowledge of the legal and judicial systems; to improve the knowledge of European and international instruments; to exchange experiences and identify training needs; to encourage the coordination of judicial training programs planned by the Member States; to develop training curricula for members of the judiciary. The European Judicial Training Network was welcomed by the European Union because it fits perfectly with the call of the European Council for an increased judicial cooperation in the European legal area.[30] Once again, the role played by the ENM is a leading one. The ENM was one of the founding members of the European Judicial Training Network and is still one of the main promoters of judicial cooperation activities through the mutual exchange of knowledge and best practices.[31]

The members of these networks fully acknowledge the importance of the international scenes, as shown in table 2. The table summarizes the outcome of a survey concluded in 2005. The example considered was of the members of the Lisbon Network. We have conducted the survey in two stages, having proposed the survey to 18 out of 26 members. The example is representative of the members of the European networks addressing the judicial training – the Network of Lisbon and the EJTN.

TAB 2. Perceived importance of the international networks with regard to national judicial policies[32]

LEVEL/ISSUE	NATIONAL LEVEL	EUROPEAN LEVEL
General issue	7,2	8,2
Organization of training institutes	9,5	8,7
Training of legal professions	6,5	9,2
Training of magistrates	6,75	8,0
Contents of courses offered to judges during the judicial training	4,75	6
Ethical issues in justice	4,25	4
Training in non legal disciplines (management, statistics, ITC, etc)	2	2
Models to assess the performance of judges	2	2

As the table shows in the first two lines, the perceived importance of the international networks is high. This supports our view with regard to the fruitfulness that the national actors expect from the participation in the international network organized by the French institutions. Since the importance of the networks is a shared belief, the policy-makers have a high pay-off by attending the conference and the meeting. Indeed, they achieve a high degree of international legitimacy which they can exploit at home to argue in favour of the reforms of judicial education.[33] Moreover, the networks provide an international catalogue of seminars and courses, which represent a great benefit for the domestic judges and prosecutors of CEECs.

The networks also have a high degree of inclusiveness. Table 3 shows a relationship between the membership to an international network, and the participation in a project of judicial cooperation with the ENM. The ENM seem to play a role of *gatekeepers* to the scenes in which the models and the templates of judicial education are discussed and exchanged.

TAB 3. The degree of inclusiveness of the Lisbon network and the European Network of Judicial Training

Country	Judicial schools created in the CEECs	Is the national judicial school a member of a transnational network?	Has the ENM headed a project of judicial cooperation?[34]
Poland	No	No	Yes
Hungary	Yes	Yes	Yes
Czech Republic	Yes	Yes	Yes
Bulgaria	Yes	Yes	Yes
Romania	Yes	Yes	Yes
Estonia	Yes	No	Yes
Lithuania	Yes	Yes	Yes
Latvia	Yes	Yes	Yes
Slovak Republic	Yes	Yes	Yes
Slovenia	No	Yes	Yes

Source: www.enm.fr and www.coe.int

Not only do all the directors of the institutes created in the ex-communist countries belong to an international network, but the membership to the international network is also related to the judicial cooperation with the ENM.[35] This is also confirmed by the distribution of the twinning projects financed by the European Union. Of 67 twinning projects carried out in the field of judicial policies from 1998 to 2004, 30 concern the training of judges and prosecutors. 10 of them directly include the creation ex novo or the reform of the centre of judicial training (Piana, 2005*c*). Therefore, the membership of the European networks is not only a means to socialize the legal experts. It is also a channel to interact with a frontrunner in international judicial cooperation. The twinning projects with the ENM enforce the legitimacy of the national legal experts. For them the ENM is:

- a successful and internationally acknowledged institution;
- a public institution created in accordance with a bureaucratic view of the judiciary;
- an experienced institution in dealing with international judicial cooperation.

From this point of view, the bilateral cooperation established with the French legal elite, has a double-edged consequence for the national legal elite engaged in the sub-system policy of the candidate States:

- it opens the door to an internationally epistemic community;
- it provides the judiciary with a model that is legitimate before the international community.

Thus, the cooperation with the ENM seems to be the opportunity to enter into the "club" of legal experts who participate in the definition of the standards of a fully legitimate system of judicial education.

Apparently these premises allow us to argue in favour of a full diffusion of the French model of judicial education among the CEECs. This is not actually the case. In table 4 we have taken as example the series of twinnings carried out in the judicial field from 1998 to 2004, lead by the ENM. All include the transfer of courses and handbooks drafted with the support of the ENM. All anticipate the training of judges and prosecutors and the socialization of legal experts. They are trained *in loco* or in Paris, in the ENM building.[36]

TAB 4. Transfer of scientific and organisational aspects of French judicial education

Country	Transfer of the contents of judicial training	Transfer of the organization of judicial education
Poland	Partially	No
Hungary yes	Yes	No
Czech Republic	Yes	Yes
Slovak Republic	Yes	No
Slovenia	Yes	No
Latvia	Yes	Yes
Lithuania	Yes	No
Estonia	Yes	No
Bulgaria	Yes	Partially
Romania	Yes	Partially

Source: www.enm.fr

Nevertheless, the contents and the organization of judicial education are subject to a different path of influence. The creation of new judicial schools on the base of the French model is dealt by only two projects. On the contrary, the creation of seminars, courses, models of training are dealt with in all the projects. This difference should be held in account, because it reveals that the national policy makers have adopted a more complex logic of action than the previous facts would allow us to expect.

The national logic of action: political enterprises in four CEECs

A reliable and legitimate system of judicial education is required to achieve a fully independent judiciary (Guarnieri, 2004). This holds in any country in which a truly constitutional democracy has been set up. Nevertheless, the organization of the judicial education depends heavily on the legal tradition we focus on. In the countries with a civil law, the judiciary is organized in a hierarchical way. Judges are trained and appointed according to a bureaucratic system. Thereafter they are selected thru a public competition. Their impartiality is therefore strongly related to their capacity of applying the law correctly. This is the reason to link the judicial independence to the public provision of a *cursus* of judicial education.

Notwithstanding, even if this approach is shared within the civil law tradition, the organization of judicial education differs greatly when we look at the European countries. Only in some of them the Ministry of Justice is responsible for the training of judges and prosecutors, while in some others it is the High judicial council that is in charge of training. The French model is an instance of the first solution. The ENM is financed by the Ministry of Justice, which supports the activities of the ENM. The Council of Ministers appoints the director of the ENM, who is accountable, from the administrative point of view, directly to the Ministry of Justice (Maitrepierre, 2002).

Therefore, the French organizational model emerges as an adequate solution to train judges and prosecutors when the magistracy has a bureaucratic structure and when the judiciary is held to be accountable before the executive, rather than before the judiciary itself. Indeed, the ENM does not depend on the institutional will of the Conseil Superieur de la Magistrature.

Therefore, the French model is appropriate, if the normative and the cognitive premises of the French legal culture are accepted.

We should also make clear that this is not the model preferred by the Council of Europe. Although in the Recommendation issued in 1994, the organizational structure of judicial education was not clarified[37], in 2005 a more precise opinion of the Consultative Conference of European Judges specified that judicial education should be organized within an *ad hoc* centre of training, managed by the High Judicial Council. Therefore, the organizational structure should respect the design of a fully independently governed judiciary.[38]

Only if these premises are taken into consideration, the driving forces of the influence exercised by the international standards on the systems of judicial training can be reconstructed and accounted for. Indeed, if the international standards completely determined the CEECs reforms, the model prescribed by the Council of Europe would have been adopted. But we will see that this is not the case. Otherwise, if the lesson-drawing mechanism had driven the reforms, all the countries engaged in the projects of judicial cooperation would have adopted their partner's model in those projects they have carried out. Since all the CEECs also adopted the training methods provided by the French catalogue, as organized by the ENM, and entered into a real partnership with this institution, we could expect that they would also reshape their organizational model following the French template.

The practical evidence does not support this expectation. Looking at the empirical data more attentively, the distribution of the twinning seems not to entirely account for the reforms enacted by the CEECs from 1998 to 2004. In fact, all of them have reformed the organization of judicial education, empowering the old model or adopting a new one. To have a better understanding of these institutional choices, we propose a typology of four cases, structured along two dimensions: *the degree of constitutional legacies* imbued within the national history; the *role played by the ex-communist elite* in the transition.[39] As we can see in table 5, this analytical grid is based on the thesis developed by the scholars in comparative judicial systems, according to whom the legacies of the transition depend on the role played by the ex-communist elite within the first round of democratic reforms.

TAB. 5. Typology of cases of transition

Dimensions	Existence of developed constitutional legacies	Absence of constitutional legacies
Participation of the ex-communists in the transition (high continuity)	Hungary	Bulgaria
Exclusion of the ex-communists from the transition (rupture)	Czech Republic	Romania

As has been argued (Herron and Randazzo, 2003), the more important the role played by the ex-communists in the constitutional stage of the transition, the more the judiciary was isolated. Therefore, we can expect that the High Judicial Council is fully responsible for the governance of the judiciary – including judicial education, in the countries in which the existence of constitutional legacies is imbued in the national history and where the ex-communists to the transition have taken part in the transition A continuum from a maximum (Hungary) to a minimum (Bulgaria) of judiciary independence can be expected. This is in fact confirmed by the history of the democratic transition in those countries. The initial conditions, when the pre-accession strategy went under way, differ for these four countries along a path of different institutional building processes, begun at the end of the 1980s or at the beginning of the 1990s.

We will show to what extent these legacies influence the pattern of transfer of the French model of judicial education, looking at the actors empowered by the transition of judicial education. The four countries are the most similar cases, as concerns their contractual relationship with the European Union. All are candidates to membership, and all have been monitored by the European Commission as concerns their judicial policies and their system of judicial training. All have also been members of the Council of Europe since the beginning of their democratic transition.[40] They are also the most similar cases with regard to their relationship with the French institutions. All have been engaged in judicial cooperation projects with the ENM. Therefore we can hold that they are exposed to the influence of the French model and that they have had equal opportunities to exploit this model and to transfer best practices of judicial training from France. Thus, we can expect that the domestic factors *filter the external model* and have a strong impact on the final outcome of the reform processes.

a) *Czech Republic.*

Characteristic of the Czech Republic, in the transition to democracy, has been a deep rupture with the past. The magistracy had been thoroughly renewed, with a lustration strategy that extended until 2001 (Open Society Institute, 2002). On the other hand, the tradition of the regime before communism was

strongly assimilated in continental constitutionalism. The constitutional court had been created in 1920 following the kelsenian model, and then a democratic experience characterized this country at the beginning of the XX century. Moreover, during the communist regime the academy and the legal authorities maintained a strong relationship with the international circle. When communism was dismantled, not only the ex-communists did not take part in the reshaping of the State, but the academy and the intellectuals drove the transition towards a fully constitutional State (Priban, 2002). It would therefore seem that the country did not perceive judicial independence as a priority in the constitutional process. In fact the *High Judicial Council was not set up in the initial period of democratic transition*.[41] The judiciary was held to be accountable to the law, but equally balanced by the social categories, by the media and by the public, whose attention progressively turned towards the capability of the judiciary to deal with legal affairs (Priban, 2002). Societal accountability (O'Donnell, 2003) is held to be a guarantee for judicial independence much more than the independence of the judiciary, represented for instance by the High judicial council.

The administrative accountability is a very important issue, and the efficiency of the judiciary is the main objective pursued by the Ministry.[42] This was also the aim of the Judicial Act issued in 2001, in which the assessment of judges was redefined according to a grading which was more sensitive to their managerial capacity (Open Society Institute, 2002).[43] The prominent role of civil society and the media to gauge the prospective shortcomings of executive control on the judiciary is held to be sufficient to check and balance the power of the Ministry of Justice.[44] The presence of a strong Union of Judges, which is a member of the international network,[45] is held to be a true guarantee for the independence of the judges, which seems to be a more important issue than the independence of the judiciary as a whole (Open Society Institute, 2001).

In this context, the French legal experts have worked on the programmes of judicial education, while a judicial school was to be created *ex novo*.[46] The project of judicial cooperation between France and the Czech Republic was run with the cooperation of the Dutch Ministry of Foreign Affairs, which was a source of a more adequate organizational model of judicial education. Finally, the training in EU law and judicial ethics were organized along the blueprint proposed by the ENM, while the governance structure of the Czech Judicial Academy was created in 2001.[47] The Academy was built up thanks to the enterprise of the Union of Judges, and after a period of light pressure made by the European Commission and the International watchers (Open Society Institute, 2002).

b) *Hungary*.

The democratic transition in Hungary has followed exactly the opposite path to that of the Czech Republic. Indeed, the ex-communists were involved in the constitutional reforms and entered into the government when the first elections were held. The constitutional legacy even in this case has somehow remained strong. In particular, the bar and the legal experts maintained their prestige and influence during the communist period (Orkeny and Sheppele, 2002).[48]

During the transition, the constitutional court was created with a wide range of power, and in 1997 the *High Judicial Council was introduced as the main institution responsible for the recruitment, the selection and promotion of judges.* It issued a number of regulations, and played a prominent role in the agenda setting of judicial policy (Open Society Institute, 2002, p. 202). The High Judicial Council is also in charge of judicial education, which is a means to maintain the cohesion of the judicial body and the internal socialization of the magistracy. The High Judicial Council – which is a legacy of the transition (Open Society Institute, 2001) – has been explicitly chosen as the most legitimate candidate to govern the judicial school.

In Hungary, the French expertise of judicial education was transferred by means of two PHARE projects, in 2001 and in 2002, both concerned with the training of judges and clerks in the field of EU law. The programs of judicial education were borrowed and imitated, and the judges entered into an international epistemic community, since several visits to France were part of the PHARE projects. The outcomes of the projects are more nearly related to the competence and skills of judges in judicial topics – for instance EU law and judicial ethics – than to the organization of judicial education.

In that context, the French organizational model was not transferred, while the contents of judicial training were shaped along the lines drawn up during the projects headed by the French in Hungary.[49] Even though all the twinning projects were managed by the Ministry of Justice – as the European regulation requires – the presence of the High Judicial Council in the political sphere has prevented the introduction of a completely "French" model of education, which would weaken the power of the Council.

c) *Bulgaria*.

When the transition began, for many reasons judicial independence was at stake. First judges and prosecutors had not been lustrated and their relationship with the past regime was an issue in urgent need of redress (Melone, 1998). The influence of the Ministry of Justice was also a problem (Open Society Institute, 2001). The High Judicial Council was created to guarantee the independence of the judiciary and was barricaded within the constitutional provisions (art. 130). Nonetheless, judicial education is not included amongst its tasks. Indeed, after the breakdown of communism, a USAID fund and the enterprise of the Union of Judges have allowed the Magistrates Training Centre to be built up. It was, at the very beginning, a non-profit organization, which was planned to develop into a nationally governed institution.[50] According to the international watchers, the main shortcoming of the Center was the weakness of its structural resources – building, ICT, infrastructure, administrative staff. Indeed, the national agents were not strong enough to manage the Centre and to support it on their own.

The European Commission has strongly supported the independence of the Center, since the interference of the ministry was *de facto* allowed in the initial period (Open Society Institute, 2001, p. 95). As a result, the Judicial Act issued in 2001 by the government headed by King Simeon II also dealt with the training of the magistracy. The board of the Center stressed the need to have a management slightly more independent of the external fund.[51] The Center was re-shaped – from an organizational point of view – according to the international demand for an independent body, but also accounting for the domestic need to create a certain efficiency of the magistracy (Open Society Institute, 2002, p. 57). Therefore, the Ministry of Justice is still in charge of the budget and the management of the Centre, while the programs and training activities are managed by judges. In the administrative board the executive is represented, as is the judiciary. Therefore it seems that the organization of the judicial education was reshaped by a *bricolage*, with a balance of executive control on the budget and judiciary control on the scientific contents of the courses.

The twinning projects with the ENM were run under the call for tender of 2001 and the transfer has touched mainly upon the contents of the courses.[52]

d) *Romania*.

The Romanian transition to democracy has followed a discontinuous path. The violence and the high level of conflict in politics and society were not in a sufficiently acceptable condition to achieve a truly constitutional State. Indeed, as the international watchers and scholars have shown, in the late 1990s corruption still remained rife, and the absence of a deeply rooted constitutional tradition were the main problems that the democratic governments were obliged to tackle (Mungiu Pipiddi, 2004; Open Society Institute, 2001). The rupture with the past has entailed a strong commitment towards the creation of pro-constitutional institutions, such as a strong constitutional court. Nevertheless, the weak culture of legality that still affects the judicial behaviour prevents the complete achievement of the reforms.

Also the institutions that have been created to protect the rule of law and to promote judicial independence have behaved according to an old style of view of the judiciary. For example in 2003, the constitutional court blocked a reform that addressed the judiciary as a whole. While the reform relied on the international standards, the constitutional judges held it to be too challenging for the status quo.

According to our grid, in this country we can expect a strong influence of the epistemic communities. Actually, the socialization of judges has emerged as a crucial channel for innovating the judicial policy, for instance through the enterprise of the new Minister of Justice, Monica Macovei, who was one of the main actors in the international network, and an expert within the Council of Europe. The Ministry is currently

responsible for a proposal for judicial reform that touches several aspects of the judiciary, and attempts to transform it in accordance with the requirements of the European Commission.

After the breakdown of the authoritarian regime, judicial education was left in the hands of the court presidents, but the indirect influence of the executive was considerable. New judges and prosecutors were trained, either in the courts, according to rules decided by the court president, or within the framework of the National Institute for Magistrates. The Institute is directly subordinated to the Ministry of Justice and is led by a council of 11 members (judges, prosecutors, and civil servants of the Ministry of Justice) appointed by the Superior Council of Magistracy. The Minister of Justice appoints the director of the Institute and his deputies. The decisions of the Institute's council (including budget approval and staffing) must be vetted by the Minister of Justice.

The independence of the Institute from the executive is one of the objectives supported by the European Commission and also pursued by the reform proposed by the Ministry of Justice in 2004 (Dallara, 2005). The twinning projects financed in the framework of the pre-accession strategy address the organization of the Institute and its catalogue of courses. The international experts are very influent and the ENM participate in these projects. The search for international legitimacy is also confirmed by the fact that the Institute is one of the most active and enterprising players in international meetings and seminars. Romanian judges attend those meetings and also organize several conferences at home with the participation of experts coming from older member States.[53]

Nevertheless, the French influence has been exercised much more on the content of training than on the organization of the Institute, which is still managed by the executive. Indeed, the Centre is managed by the High Judicial Council, with regard to the programs of training, while the budget is under the control of the executive.

In table 6 we summarize the results of our analysis. As the table shows, the transfer of the French model of judicial education is driven by a mechanism of imitation with regard to the contents of training, but the creation of an organizational model has followed the French experience only in one case, when the transition did not create a powerful High Judicial Council, whose role does not fit with the French model of ENM.

Table 6 is based on the data we collected from the twinning project reports and from the reconstruction of the history of each country. It confirms a relationship between the pattern of transition and the outcome of the reforms in the field of judicial education. All the projects we have considered were run by the French agency ACOJURIS, which had appointed the legal experts of the ENM. The legal elite was exposed to international influence through the participation in the European networks and the bilateral cooperation with the ENM. The actors in charge of the training had the opportunity of exploiting this channel, to bridge the gap between the national legal culture and the international standards. They have filtered the transfer of external models, insofar as they suit their domestic situation. The organization of judicial training was thus reshaped according to the allocation of such political resources as the transition had left behind. For instance, the institutions created during the transition as pivotal tools of governance of the judiciary are the best candidates to enter into a partnership with the French partners, to filter the inputs coming from abroad, and to implement them at home (see on that Papadimitriou and Phinnemore, 2004).

Tab. 6. The path of reform in the four cases

Country	Actor empowered by the transition for the judicial training (AJT)	Path of reform	Participation in a twinning project addressing the judicial education	Position with regard to the French model
Czech Republic	Ministry with a strong role played by the Union of Judges	Adoption of a system financed by the Ministry	Ministry of Justice; Union of Judges	Full adoption of the organizational model; transfer of the catalogue of courses
Hungary	High Judicial Council with a strong role played by the Union of Judges	Consolidation of a system fully governed by the judiciary	High Judicial Council; Union of Judges	Full resistance to the organizational model; transfer of the catalogue of courses
Bulgaria	Centre of Training financed by the IOs	Adoption of a system governed by the Ministry and the High Judicial Council	Ministry of Justice	Partial adoption of the organizational model; transfer of the catalogue of courses
Romania	Centre of Training financed by the IOs and the ministry	Adoption of system financed by the Ministry and governed by the High Judicial Council and the Ministry	Ministry of Justice	Partial adoption of the organizational model; transfer of the catalogue of courses

The final path to reform is more like patchwork, represented by an institutional piecemeal, than like an *ex novo* design. This analytical grid is coherent with the thesis provided by the comparative analysis of the judicial systems, for instance with authors who have stressed the role played by the domestic situation in the process of reform. We suggest indeed that the legacies of the transition allocate resources that are affected but not fully subverted by the participation in the epistemic communities.

Conclusion and perspectives of research

This paper has addressed the reforms of the systems of judicial education in CEECs after the breakdown of communism. It explores the path of influence played by the international standards. The analysis of the projects of judicial cooperation financed by the European programme – PHARE – has shown two logics of action. Firstly, the decision to set up a partnership with an administrative agency of an older member State is done to legitimate the domestic training, and to enter into the "club" of the international epistemic communities acting in the field of judicial education. The role played by France in the creation of the Lisbon Network and in setting the Network agenda, is a good reason to build up a partnership with the ENM. On the other hand, since the international standards in the field of judicial education are shaped within the Lisbon Network, the judges of CEECs can be socialized to the standards, and can form a bridge between the international level of standards and the domestic contexts of political needs.

Once the domestic factors enter into the picture, we should disentangle the influence of the French model: the contents of training and the organization of education should be distinguished.

For the first, international communication is the driving force behind the process of reform. The French catalogue of courses is imitated in all the countries in which the twinning projects were carried out. For the second issue, a mechanism of lesson-drawing has worked well. The political enterprisers who have exploited the opportunities created by the European funds are influenced by the pattern of transition. Indeed, the institution in charge of judicial education has mostly maintained its position after the process of reform. To do that, it has acted as broker in judicial cooperation, interacting with the external model and adapting it to its domestic position.

Therefore, the design of the training contents adopted in each country depends on the relationship which the domestic legal experts have with the international arena and with Western experts. But the organization of education has been reformed only to the extent that the model coming from abroad suits the distribution of resources and the institutional tasks designed during the transition.

This work also gives some hints of an overall view of the dynamics of judicial education in Europe and the path of convergence we can expect in the legal culture of the European zone. Actually one of the main objectives explicitly pursued by the Council of Europe is to build up the democracy by the law in the "big Europe", meaning Western and Eastern Europe too (Council of Europe, 2005). The exploitation of legal expertise and of judicial instruments to democratize the countries is just one way of looking at the promotion of democracy, and still remains strongly imbued in a continental view of the relationship that justice and politics should have, one *vis à vis* to another. Even more important, the Europeanization of judicial education, which can be expected from the circulation and diffusion of courses, seminars, contents of training, can improve the capability of the national judiciaries to interact on a common ground. On the other hand, we can also expect that this phenomenon creates a problem of legitimacy since the substantive dimension of justice is increasingly detached from the national ground, and progressively related to a "Europeanized" justice. While this cannot be controversial if the judges abide strictly to the texts of the laws, it could turn out to be questionable if the activism of the judiciary increases and the role of the judiciary in policy-making expands (Tate and Vallinder, 1995).

While we cannot fully develop those subjects in this paper, we would argue that the role played by the domestic actors in the transfer of external models and practices of judicial education should be attentively accounted to understand to what extent the trans-nationalization of the law has an impact on the legitimacy of justice at a national level.

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[2] The literature is widespread and covers several disciplinary areas. For an overall view of the overlap between rule of law and good governance provisions and pro-rule of law interventions we refer to the World Bank Working Papers. www.worldbank.org

[3] For a discussion on the concept of judicial independence see Larkins, 1996.

[4] We will not enter into the question of whether there is a convergence on a trans-national "constitutionalism", meaning a common interpretation of the rule of law as a principle to shape governance. Nevertheless, this paper gives some hints on this question, and to the broader question concerning the patterns of constitutionalism emerging in Europe – both on the Western and the Eastern side. On this point, we refer to W. Sadurski, 2004.

[5] We thank Muriel Decot – secretary of the Commission for the Evaluation of the Efficiency of Justice (hereinafter CEPEJ) for her support in the conclusion of the survey.

[6] A previous version of this section was discussed at the UACES Conference – Brussels, November 15, 2005. See Piana, 2005*a*.

[7] www.usaid.org

[8] The concept of "lesson drawing" was not introduced to account for the democratization processes. It is used in a wider, empirical field, which covers the processes of convergence that affect the domestic policies *tout court*. See Rose, 2002.

[9] We are not arguing that this literature was not developed with a view to explore the policies of democratic promotion We are more inclined to state that the weakness of the analysis only concerns the promotion of the rule of law and, in particular, the promotion of judicial independence. Many scholars who have focused on this issue are practitioners and policy makers. They have not addressed this topic to explain what has happened, but rather to understand how to make it happen.

[10] Beyond a set of principled ideas (Schimmelfenning, 2002), strategies and instruments used by the European Union differ according to which policy they belong: the Stabilization and association process, the Neighbourhood policy, and the policy of enlargement and external relations (Morlino and Magen, 2004).

[11] For a definition of "policy transfer" see Dolowitz and Marsh, 2000. The policy transfer in the European legal area has been studied as a path of policy-making through *multi-level networks* (Evans and Davies, 1999).

[12] www.coe.int.

[13] *Ibidem*. The *Regular Reports* outlined by the European Commission in the pre-accession period assess the process of adaptation of public administrations and judicial systems according to the indicators used in the international definition of "rule of law". The *Reports* refer to the Assessments of the GRECO for the anti-corruption policies and to the principles of judicial independence and judicial capacity, as defined for example by the experts of the Open Society Institute. They were engaged in the process of evaluation of the magistracies and the judicial offices of ex-communist countries. Finally the *Reports* provided by the O.E.C.D., for instance within the SIGMA program, were used to re-assess the reforms of public administrations.

[14] The concept of "judicial independence" is defined and developed in the Recommendation of the Council of Europe issues in 1994.

[15] See also Linz and Stepan, 1996 on the democratization in the sphere of the rule of law.

[16] The Venice Committee was created in 1990, vested with the power of advising the Council of Europe on constitutional matters. In particular the Commission is composed of professors and legal experts of constitutional law, who advise the democratizing countries. http://www.venice.coe.int/site/main/presentation_F.asp?MenuL=F

[17] The Council of Europe has progressively shaped its own policy frame in the field of judicial education. The recommendation of the Consultative Conference of European Judges dates of November 2005, and states that judicial education should be organized within the activities of an independent organ of judicial governance, i.e. the High Judicial Council. While this recommendation will become a standard in the field of judicial education, the position expressed has not played a role from the very beginning of the pre-accession strategy. See the CM (2005)80 final 17 May 2005, where the judicial training is explicitly addressed (www.coe.int/t/dcr/summit/20050517_plan_action_en.asp).

[18] The reforms have also focused on the organization of the recruitment of judges (Rekosh, 2002; Ford Foundation, 2000).

[19] The judicial reforms adopted in the CEECs were monitored by the Open Society Institute. The American Bar Association proposed an analytical grid to assess the adequacy of the reforms and the respect of judicial independence. The documents drafted by the Open Society Institute are collected on the web site of the EUMAP initiative, www.eumap.org. The American Bar Association has developed the Judicial Reform Index, which focuses on several dimensions of the judiciary and which provide a grid to assess and rank the judiciaries in a comparative perspective. This work has been framed in the CEELI initiative, the programme of the ABA to advise and support the achievement of a truly independent and competent judiciary in the democratizing countries. See http://www.abanet.org/ceeli/home.html

[20] The pre-accession negotiation includes the discussion and the agreement of a *National Plan for the Adoption of the Acquis Communautaire*. They were started by the European Commission with a first group of countries in 1997, and then a second group was admitted to the negotiations in 1999. For a critical view of the requirements of the Commission, see Nicolaides, 2003.

[21] The documents of the meetings and the conference of those Commissions are posted on the web site of the Council of Europe, link to CCJE and CCPE.

[22] This is very much a "European" approach, in the sense that it is influenced by the continental tradition of civil law, and by a vision of the judiciary which holds it accountable merely to the law. Since the law is a product of public institutions – maintaining the legitimacy of popular will, or the legitimacy to exercise the sovereign power held by the State – thus, the institutions which are in charge of protecting the rule of law are strictly in the public sector.

[23] Interview with the Head of the Financial Instruments Unit of the DG enlargement, Brussels, November, 2004.

[24] In the beginning, the targeted countries were the Central and Eastern European Countries (thereinafter CEECs). Thereafter, the twinning was extended and widely adopted in the vicinity policy and in the stabilization process in the Balkans and South-Eastern Europe.

[25] These priorities are defined in the National Plan for the Adoption of the Acquis Communautaire.

[26] Interview with the vice-director of the International Relations Department of Enm, Paris, January 21, 2004. See also the web-site of the Enm, www.enm.fr, link international relations.

[27] Interview with Max Longeron, legal expert appointed to a project of judicial cooperation carried out by the ACOJURIS and the Council of Europe in Turkey, Paris, November 2004.

[28] In October 2000 Antonio Vitorino, Commissioner for the General Direction Justice and Home Affairs of the European Commission, participated in the Conference in which the Network was created (Vers un espace europeen de formation judiciaire, Proceedings of the seminar held in Bordeaux, October 12-14, 2000).

[29] Interview with the vice-director of ACOJURIS, Paris, November 2004.

[30] http://europa.eu.int/comm/justice_home/fsj/criminal/training/fsj_criminal_training_en.htm

[31] http://www.ejtn.net/www/en/html/nodes_main/5_1708_36_en.htm

[32] The ranking is 0-10, with a slot of 4 points to ten. Thus the lowest rank is 2, the middle is 6 and the maximum is 10. The survey has been structured with multiple-choice questions, whose answers can move from insufficient (2/10) to sufficient (6/10) to very much (10/10).

[33] This leverage is used in other sub-sections of the judicial reforms. See on that point Dallara, 2006 on the case of Romania.

[34] As an indicator of the engagement in judicial cooperation we have taken the degree of participation in the projects financed by the European Union under the budget-line provided for the twinning. We have checked the data provided by the European Commission (DG enlargement) with the data provided by the Ecole Nationale de la Magistrature (Department of international relations).

[35] We would claim that the salience of perception by the public opinion should be separated between a national perception – citizens before the court system – and an international perception – international public before the national judicial policy.

[36] Interview with the vice-director of the department of International Relations of the ENM. Paris, January 2005 and June 2006.

[37] The reason being that, from an external perspective, the appropriateness of a model of judicial education is assessed back to the loyalty which the judiciary had before the executive of the previous regime. Only an isolation of the judiciary from any possible influence from the ministry of justice is, for the trans-national community, an appropriate solution to the governance of judicial recruitment within ex-communist countries.

[38] Oberto, 2003 also agrees with this.

[39] As an indicator of the first variable, we have taken the existence of a constitutional court, of a High Judicial Council, and of a highly developed legal authority.

[40] The Czech Republic became e member on June 30, 1993; Hungary November 6, 1990; Bulgaria on May 7, 1992; Romania on October 7, 1993.

[41] The Czech Republic is a very interesting case to be explored more deeply. Indeed, the Network of High Judicial Councils has provided a study to build up a High Judicial Council in the Czech Republic, which was included in the reform drafted in 2002. The project ran from 2004. The results can be expected at the end of 2006. Then the overspill effects on the system of judicial education can be assessed only in the medium term. See W. Voermans and P. Albers, 2003.

[42] As the Open Society Institute stressed, the Czech Republic also issued a Judicial Act in 2001.

[43] The Act is currently under strong criticism by the Union of Judges. The salience of judicial capability for national needs is also confirmed by the partnership established with ENM and with Matra, the Dutch agency created to deal with judicial cooperation. Since the Dutch model of judicial governance is very sensitive to the administrative accountability of the judiciary, and the capacity of the court system to deal in an effective way with the case-flow, the choice of exchanging the best practices in the field of judicial education with Dutch experts, seems to confirm our initial assumption (Yein, 2005).

[44] Interview with the project leader of the twinning.

[45] Interview with Giacomo Oberto, secretary of the International Judges Association, Turin, May 17, 2006.

[46] The project of the new judicial school was financed by the Phare program.

[47] We rely on the reports (intermediate and final) of the twinning project.

[48] It is not by chance that the Hungarian case is the only one in which the judiciary is strongly trusted by the citizens (www.ceorg.org).

[49] Interview with a legal expert, working within a project financed by the Phare program, Paris, November 2004.

[50] Interview in Strasburg, November 2005.

[51] Idem.

[52] The Magistrates Training Center does not offer managerial training for court presidents, although it is developing a special module for newly appointed presidents that will include judicial administration, personnel management, budgeting, and media relations. Interview Strasburg, November, 2006.

[53] We rely on the reports of the conferences organized by the Council of Europe and the meeting organized by the Open Society Institute and the ABA CEELI Initiative in Bucharest.