2 August 2018
Review Committee Report
Minerva Center for the Rule of Law under Extreme Conditions, Haifa University

On 15 and 16 July 2018 an Review Committee consisting of Prof. David Abraham (Miami), Marie-Claire Foblets (MPI-Halle), Christine Landfried (Hamburg/ Berlin), and Ayelet Shachar (MPI-Göttingen) led by Coordinator Lou Bohlen (MPG, Minerva Stiftung) met with and heard from leaders and approximately 15 participants in the Center. The meetings proceeded entirely as planned, and herewith our report.

I. Research Output and Impact of the Center

Focussed particularly in Law but reaching across a number of social science and humanities disciplines, the Center has operated very effectively within its designated scope. It has produced original and creative research yielding both specific local policy impact and contributing to the international scholarly concern with the “normalization” of extreme conditions in numerous polities. In the course of establishing itself institutionally and supporting the work of both its P.I.s and numerous PhD candidates and post-docs, the Center has achieved top quality in Israel and a measure of renown internationally.

By international standards, this Minerva Center has produced cutting-edge scholarship already and is well-positioned to produce work of vital importance internationally in the future. It is by international standards, excellent. The scholarly qualifications of members of the Center, of course, vary. Younger beneficiaries of the
Center, a key group, are beginning to emerge from this research community with work on refugee, national security, terrorism, cybersecurity, judicial transformations, and other relevant topics that will surely place them in the next generation of internationally recognized scholars. The senior PIs, both those from Hamburg and those from Haifa, are internationally recognized scholars who have published in leading international journals in fields as diverse as earthquake and disaster preparedness, on the one hand, and threats to judicial independence and the very rule of law in liberal democracies, on the other.

The Center’s most recent three-year budget of approximately €450,000 was comprised one-half of Minerva monies and one-half of a University matching grant. In addition, a significant number of individual members of the Center community have successfully obtained third-party support for their work. There is absolutely no doubt that the seed and extended monies provided by Minerva, with the prestige that brings along, facilitated obtaining further funding both from the University and outside. Neither the published work of its scholars nor the international workshops and symposia hosted by the Center would have been possible without Minerva funds.

II. Cooperation

Both quantitatively and qualitatively the Center cooperates with a wide array of international scholars, young and senior. Much of the work is comparative, and one supported project involves researchers from 12 countries. (Among their achievements is the construction of a comprehensive cross-national and cross-institutional natural disaster preparation data base.) Especially notable is the Center’s cooperation with German scholars; half of the P.I.s, for example, are German (Hamburgers, mostly). This level of cooperation with German scholars is highly unusual and much valued. Center workshops and symposia have drawn scholars from many countries
around the world, and visiting students have come to Haifa for the Center’s 7-week immersion programs. Workshops and symposia have also yielded edited volumes, published by such distinguished houses as Springer, Mohr-Siebeck, and Cambridge.

There is no doubt that the benefits of this cooperation runs in both directions. German participation enhanced the breadth and rigor of the Center’s work while the Center contributed to the development of German scholarship in several areas. To cite but one example, the question of whether “crisis” is a break from the normal or an exaggeration of the normal is one that has vexed German legal and social science scholars at least since Weimar, and it is one that is “tested” in Israel and by the Center’s scholars on a constant basis.

III. Future of the Center

The future of the Center is bright. It has managed to leverage fairly modest support to enable much excellent work to be done. And it can do more. Past achievements and present plans alike indicate that the Center will produce significant and important work going forward. A planned focus on the normalization of crisis could not be more timely. Bringing more countries, including non-democratic ones, under the loupe seems very promising, as does an examination of the role of technology in both consensual decision making and democratic decline. At the time the Center began operating, the problems of “liberal democracies” under stress lay front and center. Since then, “illiberal democracies” have come to the fore, some aggressively disdaining their liberal predecessors and neighbors. This development provides an apt terrain for future research at the Center. Further, examining how law copes with economic crises would mark a significant initiative, particularly if lodged, as contemplated, in a potential MA or PhD program on “The Rule of Law in the EU.” The Committee has some additional suggestions and recommendations to offer, and these are noted below.
IV. Recommendations

Given the rather modest annual financial support provided so far to the Center and the really excellent use made of those funds, the review Committee members unanimously recommend an increase in the Minerva funds provided to this Center. Haifa University administration holds the Center in high regard, and Minerva’s presence has facilitated raising further outside funding. This should be built upon. The Committee looks favorably on a prospective M.A./Ph.D. Program, but at present plans seems vague. An additional P.I. from elsewhere in Germany might be helpful in providing additional perspective, as would joint publications among P.I.s, resulting in concrete outputs. Some members of the Committee believe that inputs from empirical behavioral economics would enrich the Center’s work while others think that building on “the normal and the exceptional” in the rule of law, perhaps especially as they pertain to economic crises, would be most advisable. The entire Committee endorses the expansion of the “Young Researchers” program to extend beyond Israel and Germany, particularly as a feeder for a future Ph.D. program. Demonstrating the coherence and systematicity among the Center’s lead projects might be useful. Finally, working with or providing advice to state officials and agencies can be a treacherous matter, and, in this regard, some form of “Center Code” might be worth formulating.

Needless to say, the Committee members wish to thank both our hosts in Haifa and the MPS administration for providing us the opportunity to assess the important work of our colleagues.

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Ayelet Shachar