

Why constitutional practices in liberal democracies, from the USA to the Philippines to Poland, have experienced a series of crises recently? How to reconcile the demands of democratic legitimacy of constitutional order with the rule of law? How to secure such a reconciliation on the level of legal culture, legal doctrine and institutions, to allow for broad civic participation in law and constitutional practice?

The project aims at answering these and related questions and to propose a new theoretical model for constitutional practice, defined as reflexive constitutionalism. The point of departure is a claim that the current constitutional crisis – apart from its political and/or economic grounds – has been caused also by structural deficiencies in liberal legal orders and constitutional practices. Hence, to overcome the crisis rethinking and redesigning these practices is necessary. In particular, a right balance is needed in three critical relations for constitutional practice: (a) between constituent power (sovereign, the people) and constituted power (branches of government); (b) between social legitimacy of law and the demands of the rule of law; (c) between the law and other social practices.

The main hypothesis of the project is hence encapsulated in the acronym **PRACTIS (Power, Reflexivity And ConsTitutional crisis)**: the comprehensive understanding and successful overcoming of **the constitutional crisis** requires the concept of the **reflexivity of constitutional practice**, with particular regard to the relationship between **the constituent and the constituted power**.

The **PRACTIS** project builds on the philosophy of reflexivity as a key concept for modern social order. In its first stages, it analyses the liberal constitutional practice together with its doctrinal expression (so-called legal constitutionalism) to highlight how they adopt a biased, reductionist idea of law's reflexivity, and how this intellectual disposition is rich in practical consequences. It results in an imbalance in the three abovementioned relations and in marginalising citizens' participation in actual constitutional practice. The research focuses in this context on the case of Poland, as a vantage point and a 'laboratory' to observe global tendencies. It also examines the political agenda and practice of populist constitutionalism proving that, despite its democratic rhetoric, it distorts the reflexivity of constitutional practice and deprives citizens of participation in this practice even further than legal constitutionalism. Therefore, we need a way out that allows going beyond the futile opposition between legal constitutionalism and populism.

Such a way out can be offered by the perspective of reflexivity. Hence, in the next step, the **PRACTIS** project develops a positive programme of reflexive constitutionalism that allows for equilibrium in the three constitutional relations mentioned above. This is possible due to the adoption of a dialectical (dialogical) concept of reflexivity that recognises an open, mediated and paradoxical nature of reflexive processes. The model of constitutional practice founded on such assumptions is compared to alternative models proffered by other relevant perspectives in contemporary constitutional theory: apart from legal and populist constitutionalism, these are among others political, popular or societal constitutionalism.

This theoretical programme of reflexive constitutionalism is supplemented by doctrinal and institutional levels of analysis. In both cases, what is searched is the possibilities to interweave and mediate in each other various discourses and rationalities, in particular of social and expert (legal or another) kind. Legal interpretation and argumentation are meant to bring together traditional juridical schemes of reasoning with arguments external to law, and constitutional institutions should become fora for the expression and mutual transformation of diverse social and expert discourses. In the latter case, the special focus is on the participatory and civic-oriented models for the institutions of constitution-making and constitutional review. These are two groups of institutions that are of key importance for a relationship between the constituent and the constitutive power. Hence, making them truly reflexive allows establishing a right balance in this relation, and ultimately reconciling the expectation of law's democratic legitimacy with the demands of the rule of law.