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Lingua Natolina

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EDITORIAL - EUROPEAN RAMAGE

It seems that Umberto Eco has never uttered the sentence commonly attributed to him on translation being the only true language of Europe. But despite its suspected apocryphal nature, it is often quoted. Yet its charm is illusory. For what are we referring to nowadays when we talk about translation and Europe? A market for the circulation of goods and the communication of information which functions through a common language, English, and, at the Brussels Commission, through three so-called working languages, the previous one accompanied by French and German. This means a drastic impoverishment, a reduction of the symphony of European languages to a few selected chords.

The language of Europe is the bundle of its languages, the bouquet of its idioms, it is not translation but multilingualism. For the sake of quoting, let us remember Charles V's famous declaration: "I speak Spanish to God, Italian to women, French to men, and German to my horse". Whoever should feel insulted by this linguistic casting, the Emperor affirmed the necessary diversity of languages in Europe and the possibility of moving between them, without borders and without dictionaries. His distant descendant, Franz Joseph, knew German, French, Hungarian, Czech, Italian, Polish, Latin and Ancient Greek on an equal footing with his wife, Empress Elisabeth, known as Lisi, known as Sisi, known as Sissi.

A brief verse of monarchical nostalgia not to wish for any restoration, but to deplore the fact that today's Europe has lost its glittering ramage and, on the other hand, to celebrate its echo in this new publication, *Lingua Natolina*. They come from everywhere, these young Europeans at heart who write about identity or economy, about poetry or law in the European languages of the North and of the South – they speak the language of Europe, the language of its past as well as its future.

**Alexis Nuselovici (Nous),
Exile and Migration Chairholder at Université Aix-Marseille**

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EU IN VERSE

The idea behind the EU in Verse section is to present readers with multilingual European poetry of the highest calibre. In these times of crisis, poetry is undergoing a revival, maybe especially because it suspends static meaning, and best captures the uncertainty of the times we live in. Here you will find modern wordsmiths at play, but also the occasional interpretative translation of canonical European poets. Translating poetry often amounts to creating a new poem and helps us take a fresh look at the voices of the past. In our first issue, a special space has been given to German poetry in order to celebrate the 30th anniversary of German reunification.



Volha Zaitsava, Lone Angel, Užupis, Vilnius, 2018.

Als Schriftsteller der deutschen Romantik unterscheidet sich **Clemens Brentano** am meisten von seinen Zeitgenossen durch die Mehrdeutigkeit und unkonformistische Natur seiner Aussagen. Diese neue Übersetzung zeugt davon.

As an author of the German romantic period, **Clemens Brentano** distinguished himself from his peers mostly through the equivocal and nonconformist nature of his declarations. The new translation featured here bears witness to the ambiguous power of his versification.

QUICKLY, GET RID OF THE OLD WORLD!

SCHNELL NIEDER MIT DER ALTEN WELT

Schnell nieder mit der alten Welt,
Die neue zu erbauen.
Der, dem die Liebe sich gesellt,
Darf nicht nach Trümmern schauen.
Aus Kraft und nicht aus Reue dringt,
Was die Vergangenheit verschlingt.

Quickly, get rid of the old world,
To build the new one up.
Those whom love consorts
May not look back on the rubble.
By virtue of strength and not regret
Do presents become pasts.

Clemens Brentano
translated by Olive

Nachdem sie letztes Jahr als Umweltkorrespondentin des Glasgow Guardian tätig war, konzentriert sich **Inanna Tribukait** nun auf interkulturelle Deutsch-Französische Beziehungen. In ihrem Gedicht *Einzelbeobachtungen* untersucht sie wie Menschen sich, Flüssigkeiten gleich, äußeren Formen anpassen und stellt dies den wilden Träumen entgegen, die wir nur in der Abgegrenztheit des eigenen Zuhauses wagen.

After being the Glasgow Guardian's Environmental Correspondent, **Inanna Tribukait** now focuses on Franco-German cultural relations. In her poem *Singular Perceptions*, she explores the liquid conformity of outer life, and opposes it to the fundamentally wild dreams that we entertain in the privacy of our homes.

SINGULAR PERCEPTIONS

EINZELBEOBACHTUNGEN

Wassermenschen tropfen über Straßen,
fließen über Zebrastreifen,
ollen plätschernd Treppen abwärts
waschen Dreck von U-Bahnsitzen,
Wassermenschen, schmutzgetränkt
lesen aufgewühlt die Zeitung,
Wellen auf den Wasserstirnen

Dann rollt man gluckernd Treppen weiter,
sie schwappen durch die Häuserschluchten,
Erosion des Alltagslebens
trübes Wasser dümpelt träge
aufgestaut im Bürostuhl.
Abends wird zurückgetröpft
Flussbett kaum noch ausgefüllt

Nächtens träumen Wassermenschen
von dem wilden weiten Meer
träumen, Ufer wegzuwaschen
rauschend, brodelnd, flutend, laut –
von dem Eis über den Polen
Starr und stoisch, unbewegt -

Wie klingt ein Regentropfen, wenn er fällt

Water people trickle over streets,
and flow across the zebra crossings,
burble down the rolling stairs,
washing grime of subway seats,
water people, drenched with dirt,
are churned up reading papers;
on watered foreheads waves are breaking

then they're gurgling upwards
elevator stairs again
splash through high rise house ravines
erosion of the everyday
musky waters soak the office chairs.
at closing time they're dribbling back
a sad excuse of riverbeds

but then at night-time
water people dream
about the wild, impetuous sea
dream of washing shores away
roaring, swirling, flooding, loud
they dream about the ice above the poles
and how it's stoic, still, unbowed -

what does a single raindrop sound like when it falls

Inanna Tribukait

David Forrest is a Glasgow-based poet who has performed his poetry for several BBC projects. Here he provides us with an exclusive and humorous English translation of his Scots poem. "For many Scottish people today, Scots is a language which is untaught rather than taught. Though it has its own dialects and extensive body of literature some still consider Scots to be 'bad English' or slang or 'English with a Scottish accent'. Over the last few centuries children have often been taught to conform to a British standard of English in schools or at home. The cost of that conformity is rarely discussed."

THE LAST MAKAR

The last makar
(my makar)
couldna actually speak the leid himsel.
The mon wis dumm, but nae deif like a stane.
He'd hearken tae it, find the wirds, follae the seentences
hame. A dockie pit doon,
a mad maument o flytin, an amour.
The leid cam oot o aw o us whan we ment whit we said.
Whin we didna ken oorsels, thon auncient leid ay kent.
The makar clarkit doon fir aw a us.
Gowden groff-write.
Blame the politeecian! Blame the keeng!
Bairn efter bairn efter bairn
kent the soon ae seelence,
the soon ae jis waitin for the end.
Haudin the needle in.
Sayin oor last goodbye,
then sayin nothin.
But yon mon could hear. An when aw becam seelence, the leid
becam aw
coudna hush it, coudna stap,
the man wis leid
nae faimly, nae job,
jis this streenge muisic, pushin him alang,
makin him scribe, makin him cant.
He coud scribe a wird tae scribe a man.
But he coudna mak fuid an he coudna mak sustenance.
His ain leid wid malkie him afare lang.
Threescore an ten an then a leid is dun.
Ither makars coud mak a leevin fae Inglis wi slevs ae Scots.
Guid. But it wisna his Scots, nae mair than tatties are saut.
Threescore and ten and then a language is done.
The makar deed but the wirds didna stap.
They lingert on his grave an are hauntin him still.
A whitter o wirds oan a rickle o stanes.
He wis the youngest o wummin or the auldest o men
he's whitever mishanter that brings it aw hame...
He wis his ain mon. He wis his ain mon.
He was his own man. He was his own man.

The last...mak...ar? Writer. The last writer.
My writer.
Couldn't actually speak the tongue himself -
the man was mute but not stone deaf.
He'd catch a sound, find its words, follow its sentences home.
A 'dockie' put down, a mad moment of 'flytin', an 'amour'
the tongue came out of all of us when we meant what we said.
When we didn't know ourselves, the words always knew.
The writer wrote them out for us. Big golden scrawls.
Well blame the politician! Blame the king!
Child after child after child
knew only rhymes instead of words
sound instead of phrase
like the sound of just waiting for the end
holding a needle in, saying our last goodbye, then saying
nothing.
But that man, that man could hear. And when all became
silence, the words became all
couldn't quiet them, couldn't stop him
the man was words
no family, no job, just this strange music, pushing him along
making him write, making him sing.
He could write a word to tell a man.
But he couldn't eat and couldn't sleep.
His own tongue would kill him before long.
Threescore and ten and then a tongue is done.
Other writers could eek a living from rivers of English with
buckets of Scots.
Good. But it wasn't his Scots, no more than a potato is salt.
Threescore and ten and then a language is done.
The writer died but the words didn't stop.
They lingered on his grave and are haunting him still.
A whitter o wirds oan a rickle o stanes.
He was the youngest of women or the oldest of men
he's whatever mistake that brings it all home.
He was his own man. He was his own man.
He wis his ain mon. He wis his ain mon.



Deniz Alper Acar, A Place Called Home, 2020. Ink drawing, 297 x 210 mm.

Joshua Honeycutt obtained his degree in classical philology at the University of Bologna in 2018. He is passionate about Europe, languages, and politics, and is committed to Altiero Spinelli's idea of the United States of Europe. In this haiku entitled 'The Ways of the Moderns', he makes use of Japanese verses that hide a very Latin hexameter, in order to subvert the meaning of the Latin expression 'mos maiorum' (the ways of our forefathers/'tradition'), toying instead with the concept of 'mos nouorum' (the ways of the moderns).

DE MORE NOUORUM

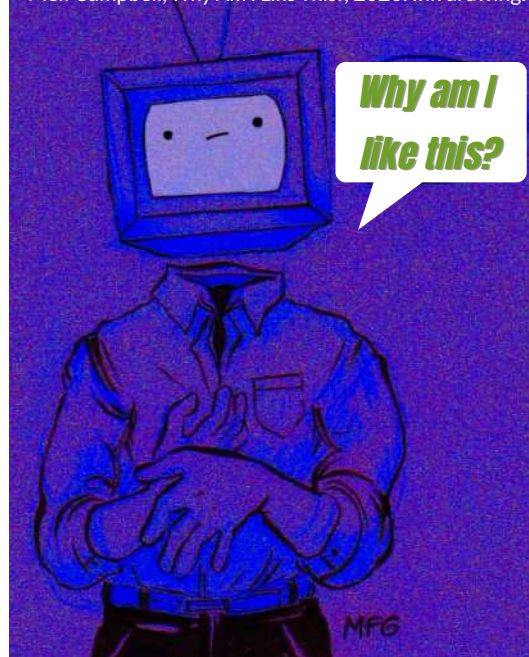
Latin words,
Through Japanese metres:
Perhaps a manner for the moderns?

THE WAYS OF THE MODERNS

Verba Latina,
Iaponica per metra:
Mosne nouorum?

Joshua Honeycutt

Meli Campbell, *Why Am I Like This?*, 2020. Ink drawing.



Kevin Le Merle is a Franco-Norwegian multilingual poet who has been published in the Pendle War Poetry Anthology, Glasgow University Magazine, and Qmunicate Magazine. In this experimental piece, he refuses to conform to the boundaries of languages and creates rhymes between English and French.

Kevin Le Merle est un poète multilingue Franco-Norvégien. Ses œuvres ont été publiées dans le Pendle War Poetry Anthology, Glasgow University Magazine, et Qmunicate Magazine. Dans ce poème expérimental il refuse de se conformer à des impératifs monolingues et crée des rimes entre l'Anglais et le Français.

VOLER EN PREMIÈRE CLASSE

Je n'arrive pas à faire mon nœud de cravate
This ugly tie that acts as a leash
Pend de mon cou, et me pend par le cou
Not a single tie suits me
Et avec embarras je me tâte à demander de l'aide à
l'hôtesse
So she can help me tie this tie, and shut them up
Mes collègues hilares qui me dévisagent
And deep down, they're right, and their stares staple me
À ma chaise, avec ma cravate molle
I think back to the days I spent in my hippie trousers like a
damned man
Je regarde par la fenêtre de l'avion et dis aurevoir
To the artist
Je rentre dans le rang
With a sad look.

Kevin Le Merle

FLYING BUSINESS CLASS

I can't tie my tie
Cette cravate laide qui me tient en laisse
Hangs from my neck, hangs me by the neck
Il n'y en a pas une qui m'aïlle
And ashamed I watch and even think of asking the
stewardess
De m'aider enfin à nouer ce nœud, et clouer le bec
Of my raucous colleagues, who point and laugh
Et au fond, ils ont raison, et leur regard m'agrafe
To my seat stuck, with my limp tie
Je pense aux journées passées en sarouel comme d'autres
penseraient au cénotaphe
I look out the plane window and wave goodbye
À l'artiste
I join the ranks
Avec un air triste.

EU in Verse | 5

FEMINISM AND GENDER

The Feminism and Gender section of *Lingua Natolina* intends to promote voices that are too often marginalised or oppressed. Taking a closer look at the role of women and LGBTQ+ people in our society is a way to shift institutional biases and prevent further divisions in European society. This section was started in conjunction with the Feminism and Gender Society launched at the College of Europe in Natolin for this purpose.



Meli Campbell, *Androgynous*, 2020. Ink drawing.

A FEMINIST REVIEW OF THE NEW RULE OF LAW MECHANISM

UN'ANALISI FEMMINISTA DEL NUOVO MECCANISMO PER LO STATO DI DIRITTO

Ad un anno dal suo insediamento, la Commissione Von Der Leyen non mostra alcun segno di esitazione rispetto alle promesse fatte. Nel suo primo discorso sullo stato dell'Unione Europea, pronunciato il 16 settembre 2020, la Presidente ha esordito presentando il piano di ripresa post-Covid-19, forte del successo politico del Recovery Fund. Tuttavia, l'emergenza sanitaria non ha fagocitato le priorità della Commissione, che è apparsa attiva tanto nella dimensione geopolitica quanto in quella interna. Da un lato, la Presidente non ha nascosto le sue attitudini verso diversi Paesi esterni, offrendo giudizi molto espliciti in più di un'occasione. Dall'altro, non si è risparmiata nemmeno nell'affrontare gli stessi Stati membri su un piano inedito: quello politico-istituzionale interno.

Due momenti in particolare hanno dato l'impressione di una Commissione rinnovata e assertiva, quasi suggerendo un possibile cambiamento nell'assetto relativo dei poteri istituzionali nell'UE. Il primo è stato l'annuncio della relazione annuale sullo stato di diritto nei Paesi membri, il secondo la netta presa di posizione contro la discriminazione delle minoranze. Entrambi i temi colpiscono direttamente due gruppi specifici che spesso si sovrappongono nella compagine Europea: i sovranisti e gli ultraconservatori. Benché la regola del voto all'unanimità in Consiglio Europeo non lasci grandi margini di manovra per prendere provvedimenti a livello sovranazionale verso gli Stati membri che ottengono valutazioni negative circa le condizioni democratiche al loro interno, le implicazioni politiche dell'iniziativa sono chiare. La condotta di un governo membro sarà osservata e giudicata secondo i valori di libertà e democrazia dell'Unione.

One year after taking office, the European Commission led by Ursula Von Der Leyen appears more than ever committed to keeping its promises. Building on the political success of the Recovery Fund approval, the President opened her first State of the European Union address on 16 September 2020 by laying out a European-wide plan to mitigate the fallout of Covid-19. However, the Commission's priorities clearly went beyond the ongoing health crisis, expanding to the geopolitical as well as the internal political realm. On the one hand, the President made explicit judgements on the conduct of a number of external countries. On the other hand, she did not refrain from addressing important political and institutional issues that have traditionally been considered internal affairs of the Member States.

Two key moments in the speech highlighted the Commission's renewed assertiveness, and perhaps suggested the possibility of a shift within the relative power balance among European institutions. The first moment was the introduction of an annual review on the status of the rule of law within Member States. The second one was the President's clear stance against the discrimination of minorities. Both items directly impact two groups whose politics often overlap in the European context: the nationalists and the ultraconservatives. Admittedly, the rule of unanimity for deliberation in the European Council will not grant the supranational EU bodies much agency to deal with the Member States ranking poorly in the assessment. Still, the initiative has important political implications: the activity of single member governments will be measured against the collective values of liberty and democracy underpinning the Union.

Tuttavia, l'effettivo peso di questi valori nella relazione è quantomeno discutibile. La democrazia europea si regge infatti su principi di libertà e rispetto per la dignità umana, mentre i parametri del meccanismo si concentrano perlopiù su indicatori istituzionali, valutando la conformità formale ad essi del governo in esame. Questa scelta riflette una tendenza comune nella prassi comunitaria, resa sempre più familiare fin dalla crisi dell'eurozona, la cui gestione richiese l'aderenza a parametri economici che fu raggiunta con l'imposizione di misure di tipo neoliberista negli Stati debitori.[1] Questo tipo di approccio appare riduttivo e specialmente sorprendente in ragione delle dichiarazioni della Presidente Von Der Leyen sul razzismo e sulle discriminazioni contro la comunità LGBTI, inclusi gli ammonimenti neanche troppo velati diretti a specifici Stati membri, in primis alle zone LGBTI-free della Polonia.[2] Uno sguardo femminista e intersezionale al contesto generale, rivela che quello delle autorità polacche, per di più, è solo il caso più eclatante nell'ambito di una vera e propria emergenza sul Continente. Secondo i dati raccolti dall'Agenzia Europea per i Diritti Fondamentali (FRA) e da organizzazioni indipendenti come ILGA-Europe, i progressi nel campo dei diritti LGBTI negli ultimi anni sono stati insoddisfacenti e in alcuni Paesi si sono addirittura riscontrati dei peggioramenti.[3] Anche per quanto riguarda i diritti delle donne la situazione non è per nulla rosea. Il diritto all'aborto, per esempio, sta subendo ulteriori tentativi di restrizione in Polonia,[4] mentre in Paesi come l'Italia, dove l'accesso all'aborto dovrebbe essere garantito per legge, sempre più medici e strutture ricorrono all'obiezione di coscienza, negando di fatto alle donne i propri diritti riproduttivi.[5] L'intersezione di queste problematiche con ulteriori discriminazioni, come quelle etniche, rende ancora più vulnerabili le persone il cui status è già svantaggiato in UE, principalmente migranti e richiedenti asilo.

However, the effective weight of such values in the review is at least questionable. While the European democratic ideal rests primarily on the principles of liberty and respect for human dignity, the review's parameters focus on mostly formal institutional indicators, and aims to assess government's conformity with them. This reflects a common trend in the praxis of European governance that has become increasingly familiar since the management of the eurozone crisis, when adherence to economic parameters demanded neoliberal policies for internal adjustment in indebted Member States.[1] This approach is reductive, and particularly surprising given President Von Der Leyen's firm statements about racism and anti-LGBTI discrimination. She went as far as openly calling out individual Member States on their policies, first and foremost the self-designation of some areas in Poland as LGBTI-free zones.[2] Moreover, a look to the wider context through feminist and intersectional lenses reveals that the Polish case is merely the shocking tip of the iceberg within a wider emergency in Europe. According to the EU Agency for Fundamental Rights (FRA) and independent NGOs such as ILGA-Europe, the advancement of LGBTI equality across the EU has generally slowed down over the last years, while in some countries the situation has even worsened.[3] As for women's rights, the picture is not encouraging either. Poland, for instance, is attempting to clamp down on its already limited abortion rights.[4] In Italy, where access to abortion should be granted by law, doctors and clinics are increasingly resorting to conscientious objection in order to prevent women from exercising their reproductive rights.[5] As these issues intersect with further discrimination, such as racism, they increase the vulnerability of already underprivileged people in the EU, especially migrants and asylum seekers.

[1] Sergio Fabbrini, "Intergovernmentalism and Its Limits: Assessing the European Union's Answer to the Euro Crisis," *Comparative Political Studies* 46, no. 9 (2013): 1003-1029.

[2] Nick Duffy, "'LGBT-free zones' are humanity-free zones and have no place in the European Union, says President Ursula von der Leyen," *Pink News*, September 16, 2020, <https://www.pinknews.co.uk/2020/09/16/poland-lgbt-free-zones-european-union-commission-president-ursula-von-der-leyen/>.

[3] Beatriz Rios, "LGBTI discrimination still going strong in Europe, warns EU rights body," *EURACTIV.com*, May 15, 2020, <https://www.euractiv.com/section/justice-home-affairs/news/lgbt-discrimination-still-going-strong-in-europe-warns-eu-rights-body/>.

[4] Wojciech Kościński, "Poland looks to toughen already-stringent abortion laws," *POLITICO*, September 28, 2020, <https://www.politico.eu/article/poland-to-toughen-stringent-abortion-laws/>.

[5] Claudia Torrisi, "Abortion in Italy: how widespread 'conscientious objection' threatens women's health and rights," *openDemocracy*, June 15, 2017, <https://www.opendemocracy.net/en/5050/abortion-italy-conscientious-objection/>.

Alla luce di questi dati, qualsiasi meccanismo di revisione della condotta degli Stati membri che non prenda sistematicamente in considerazione i diritti delle donne, i diritti LGBTI e l'intersezione di questi con discriminazioni di altra natura risulta deficitario, specialmente in quanto molto spesso un deterioramento dello Stato di diritto si accompagna alla discriminazione istituzionalizzata delle identità considerate non conformi, soprattutto nell'ambito di genere. La correlazione è lampante nei Paesi UE dove lo smantellamento delle garanzie democratiche è più evidente. In Ungheria, criminalizzare le persone transgender impedendo loro l'accesso al percorso di transizione è stato il primo atto del primo ministro Orbán dopo l'acquisizione incostituzionale di poteri dittatoriali.[6] In Polonia, la promulgazione di provvedimenti discriminatori va di pari passo con preoccupanti riforme che circoscrivono l'indipendenza del potere giudiziario.[7] Tuttavia, il meccanismo di revisione dello stato di diritto si sofferma soltanto sulla dimensione istituzionale, lasciando esposti i cittadini europei ai pericoli della crescente intolleranza.

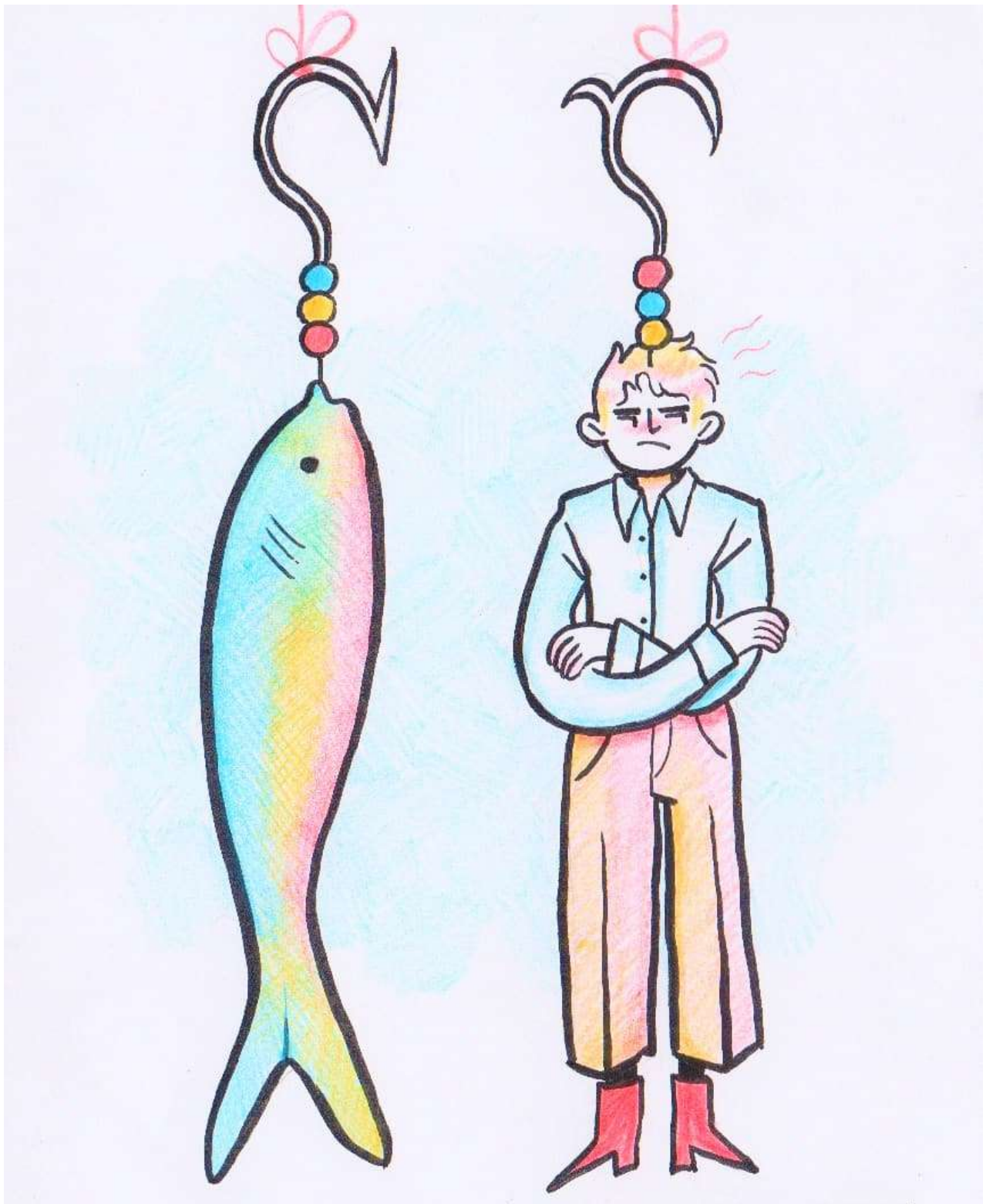
Senza una revisione dei parametri che vada oltre i criteri meramente istituzionali, la Commissione Von Der Leyen rischia di ricadere in un errore ricorrente nella prassi comunitaria: soffermarsi sulla conformità formale degli Stati membri alle regole istituzionali, trascurando l'aspetto valoriale dell'identità europea, fondato sul rispetto dei diritti e della dignità umani. Includere un approccio femminista ed intersezionale nell'analisi della condotta dei governi membri potrebbe correggere la rotta, inaugurando una nuova fase d'integrazione sotto la guida di una Commissione ambiziosa ed innovativa.

Hence, the data suggests that any review of Member States' conduct that does not systematically account for the status of women and LGBTI rights, and for the intersection with other sources of discrimination, is incomplete. In fact, decline in the rule of law and institutionalised discrimination of non-conforming gender identities often go hand in hand. The correlation is evident in those EU countries where democratic institutions have been undermined the most. In Hungary, immediately after seizing dictatorial powers, Prime Minister Orbán outlawed gender reassignment, effectively criminalising transgender people.[6] In Poland, the surge in LGBTI discrimination and anti-abortion legislation has occurred in conjunction with reforms curbing the independence of the judiciary.[7] And yet, the institutional-oriented bias underpinning the rule of law review does not acknowledge this reality, exposing European citizens to the threat of increasing intolerance.

The Von Der Leyen Commission must expand the rule-of-law parameters beyond the institutional dimension. Otherwise, it will fall back into a recurring mistake in the history of European governance, namely fixating on Member States' institutional conformity with formal rules and not on their commitment to European values, which are grounded on respect for human rights and dignity. Including feminist and intersectional perspectives into the evaluation of Member States' internal politics would arguably rebalance the EU's priorities. In turn, success in doing so could create the conditions for a new era of European integration under the leadership of an ambitious and ground-breaking Commission.

[6] Jane Fae, "Viktor Orbán has quashed transgender rights in Hungary. The rest of Europe is next," *The Independent*, May 20, 2020, <https://www.independent.co.uk/voices/viktor-orban-hungary-transgender-rights-uk-tories-lgbtq-a9524521.html>.

[7] Jennifer Rankin, "EU challenges Poland over judicial independence," *The Guardian*, October 10, 2019, <https://www.theguardian.com/world/2019/oct/10/eu-sues-poland-over-judicial-independence>.



Meli Campbell, *Fish Hooks?*, 2020. Ink drawing.

Martina Chiaraluca, studentessa del programma di Studi Interdisciplinari al Collegio d'Europa a Natolin, evidenzia come la figura di Frida Kahlo, artista considerata anticonformista per tutta la sua vita, sia ad oggi diventata un'immagine popolare e conformista, e come questa trasformazione possa costituire una spinta per portare avanti tematiche sensibili ed importanti.

Martina Chiaraluca, Master Candidate of the Interdisciplinary Studies Programme at the College of Europe in Natolin, highlights how the figure of Frida Kahlo, reputed a non-conformist artist throughout her life, has to date become a popular and conformist image thanks to which social transformation can occur.

FRIDA KAHLO'S POSITIVE CONFORMITY

IL CONFORMISMO POSITIVO DI FRIDA KAHLO

Che cosa ne è stato dell'eredità di Frida Kahlo? La sua vita, come le espressioni artistiche dell'esperienza vissuta nel suo mondo crudele e difficile, l'hanno portata a diventare un emblema contemporaneo di femminilità forte ma delicata in diversi contesti sociali. Una delle più grandi figure della pittura surrealista, al giorno d'oggi la sua vita e le sue opere sono indubbiamente diventate appannaggio della cultura popolare, e la sua immagine è stata immortalata in quanto simbolo ed icona.

Frida Kahlo incarnava un'icona del conformismo del suo tempo? Aveva di certo delle caratteristiche fisiche che l'hanno contraddistinta sempre. Quel caratteristico monociglio, che la rese così celebre anche ai meno esperti di arte. La sua vita e il suo corpo fu segnata in svariati modi. La poliomelite che la colpì da bambina la rese caducante e le valse l'appellativo di "Frida gamba di legno". A ciò si aggiunse l'incidente avuto a soli 18 anni, quando lo schianto di un autobus contro un muro causato da un tram fratturò irrimediabilmente la sua spina dorsale, oltre a lasciarle numerose cicatrici e sofferenze con cui imparerà con coraggio a convivere per il resto dei suoi giorni. Era attiva politicamente all'interno del Partito Comunista, in un periodo di intense trasformazioni nel suo amato Messico, una terra geograficamente vicina ma così culturalmente lontana da Gringolandia, in cui visse per un periodo per seguire il suo grande amore Diego Rivera, ma allo stesso tempo un luogo a cui proprio non riuscì ad abituarsi. Frida soleva dire che aveva avuto due grandi incidenti nella sua vita: quel maledetto tram e Diego Rivera, l'amore che l'accompagnerà tra passione e tradimenti fino all'ultimo dei suoi giorni. Dei due, la pittrice non esitò mai a dire che Diego fu senza dubbio l'incidente peggiore.[1]

What has happened to the legacy of Frida Kahlo? Her life, and the artistic expression of her lived experience in her cruel and tough world, has led her to become a contemporary emblem of strong yet delicate femininity across various societal contexts. She is one of the most important icons of surrealism, and in the modern day her life and work have been eclipsed by the enduring and momentous transcendence of her name into mainstream popular culture. This has led to the immortalisation of her image into a symbol and icon.

Did Frida Kahlo embody a conformist icon of her time? She certainly had physical attributes that made her unique; her characteristic monocrow has become a famous symbol outside of the world of art appreciation. Frida's life and body were also defined against the grain in numerous ways. The poliomyelitis that affected her when she was a child made her unable to walk properly and earned her the nickname 'Frida peg leg'. When she was only 18, the crash of a bus against a wall caused by a tram irreparably damaged her spine, leaving her with scars and psychological sorrows with which she would learn to coexist with courage for the rest of her days. She was politically active in the Communist Party in a period of intense transformation of her beloved homeland Mexico. Yet she made the move to the United States, a Gringolandia in which she could never feel at home, to follow the love of her life Diego Rivera. Frida used to say that "there have been two great accidents in my life, one was the train and the other was Diego". To this, she used to add that Diego was by far the worst, and a source of pain throughout her life.[1]

E poi, c'era la sua arte: così forte e cruda da risultare addirittura violenta in certi tratti. L'opera "le due Frida" riflette le peculiarità del suo stile. Una Frida vestita da sposa, quella non più amata; che ne tiene per mano un'altra in abiti tradizionali messicani. Le due sono legate da una vena che unisce i loro cuori e parte da un piccolo ritratto di Rivera, manifestazione e segno tangibile dell'amore inestimabile per costui. [2] Tali caratteristiche contribuiscono a definire la figura di una donna non conforme ai canoni tradizionali del suo tempo, tanto nell'aspetto quanto nel comportamento e nei gesti. In altre parole, una ribelle.

È curioso notare come l'anticonformismo di Frida Kahlo sia oggi deragliato in un vortice conformista vero e puro. Poco apprezzata e spesso derisa nell'arco della sua vita, Frida è, ad oggi, ovunque: la sua figura si incontra nelle lotte femministe e per i diritti delle donne, l'immagine del suo volto è stampata su borse e giacche, la sua icona è l'emblema di una pagina femminista italiana su Instagram ("Freed").

Il primo impatto potrebbe essere: no. Tutto questo è profondamente sbagliato. Frida non si meritava questo, la sua arte, la sua stessa immagine, vanno molto al di là di qualche slogan. Perché significa che quell'anticonformismo che aveva caratterizzato una donna del suo calibro è oggi sprofondata in una forma indefinita di conformismo. Questo pensiero è frutto dell'idea che tutto ciò che è conformista è di conseguenza necessariamente banale, scontato o addirittura sbagliato; perché segno di un'imitazione, di una conformità - appunto - generalmente accettata senza troppe discussioni.

And then, there was her art: so strong and raw, arguably even violent in certain traits. Her masterpiece 'The Two Fridas' exhibits the peculiarities of her unique style. One Frida, the one that is no longer loved, is dressed as a bride, and holds by the hand the other Frida, dressed in traditional Mexican clothes. The two of them are tied by a vein joining their hearts and connected to a small portrait of Rivera, a manifestation and tangible sign of their inestimable love for him.[2] All these aspects define a woman who was a paragon of 'non-conformity' both in appearance and behaviour; to put it in other words, a rebel.

It is interesting to note how Frida Kahlo's non-conformity is today derailed into a true and pure conformist nexus. Little appreciated and often mocked throughout her life, Frida is, as of today, everywhere: her figure is encountered in struggles for women's rights and feminist manifestations, the image of her face is printed on bags and jackets, her name is reappropriated by an Italian feminist page on Instagram ("Freed").

When faced with such an evolution a first general reaction may be: "No! All this is deeply wrong. Frida didn't deserve this: her art, her own image, were not created to be mummified as slogans. The non-conformity that characterized her has now plunged into an indefinite form of conformity!" This thought is the result of the idea that everything that is considered conformist is also consequently necessarily banal, taken for granted or maybe even wrong; because it is the sign of imitation, and groupthink - that is - generally accepted without too much discussion.

[1] Gannit Ankori, *Frida Kahlo* (London: Reaktion Book, 2012), 52.
[2] Ankori, *Frida Kahlo*, 15.

Eppure, se si riflette un attimo, si può arrivare ad una conclusione differente, e guardare a questa situazione sotto un punto di vista alternativo. Il fatto che l'immagine di Frida venga strumentalizzata per certe lotte, cause o battaglie non la rendono necessariamente un'icona sfruttata, e non rovinano l'immagine della grande Donna che era. La parola conformismo, che a primo impatto potrebbe suonare impropria alle orecchie di più, non deve in realtà spaventare, perché può essere portatrice di idee sane e nuove. E se anche l'icona di Frida diventasse una vera e propria moda, che cosa vi sarebbe di sbagliato, se questo implicasse il suo essere ambasciatrice di importanti valori? Può "la moda Frida", così come "la moda ecologica" o "la moda borracce invece di bottiglie di plastica" diventare qualcosa di conforme a livello sociale, senza necessariamente essere visto sotto una cattiva luce? Il conformismo a livello sociale, se rispettoso e basato sui diritti umani, i diritti delle donne o la difesa dell'ambiente, ha la capacità di cambiare il mondo... in bene. E per quanto la sua immagine possa essere sfruttata, che piaccia o meno, quel monociglio è, e rimarrà sempre, un canone di anticonformismo che rendono Frida una delle artiste più appassionanti degli ultimi secoli.

Yet, after a moment spent thinking about it, one can come to a very different conclusion, by looking at the issue from an alternative point of view. Frida's image is exploited for certain struggles, causes or battles, in social media and posters, yet this does not necessarily make her an exploited icon, nor ruin the image of the great woman she was. The word conformity, which at first glance might sound improper and nothing else than a synonym to 'trendy', should not really frighten us, because it can be the bearer of new and healthy ideas. And if Frida's icon is to be a real mainstream fashion trend, what is wrong with that if it means that she is the new ambassador of important values? Can the "Frida fashion", as well as the "ecological fashion" or the "metal bottles rather than plastic bottles fashion" become something socially compliant, without necessarily being seen under a bad light? Social conformity, if respectful and based on fundamental rights, whether women's rights or environmental protection, has the capacity to change the world for good. And as much as her image can be exploited into mainstream conformity, the symbol that her monocrow represents will always remain a canon of anti-conformity that makes Frida one of the most exciting artists of the last centuries.



Kabul görmediği bir çevrede kendi bulma arayışı içinde geçirdiği yılların ardından, **Sabrican Özdemir** kim olduğunu ve hayata dair hayallerini tartışıyor. İkili cinsiyet sistemine uymayan bir birey olarak, Özdemir herkesin kendisi olabileceği, toplumsal cinsiyetin hükmetmediği bir gelecek hakkındaki görüşlerini paylaşıyor.

After years of self-discovery in an unwelcoming environment, **Sabrican Özdemir** reveals their personal exploration of who they are and what their dream is. As a non-binary person, they share their opinion on a genderless future where everyone can be their one-of-a-kind self.

MANIFESTO FOR A BINARY AND GENDERLESS SOCIETY

KALIPLARA UYMAYANLAR: İKİLİ CINSİYET SİSTEMİNE UYMAYAN VE CINSİYETSİZ BİR TOPLUM

Toplumsal cinsiyetin insan hayatında zaman zaman bir ortak nokta ve düzen yarattığına inanılıyor olsa da; toplumsal cinsiyet özünde herkes için baskılayıcı ve bir hegemonya üreten bir olgudur. İnsanlığın yüz binlerce yıl özenle işlediği toplumsal cinsiyet rollerinin, günümüzün modern toplumlarına ikili cinsiyet sistemi olarak ulaşması, başta normlara uymayanlar olmak üzere toplumsal hayatı paylaşan herkes için bir sorun niteliğindedir. Bugün tanımlayıcı sıfat olarak kullandığımız cinsiyet ve cinsel yönelim belirten kimliklerin, bir iktidar inşa ederek öncelikle ikili cinsiyet sistemine uymayanlar ve aynı zamanda norma uyan insanlar üzerinde bir baskı kurduğu inkâr edilemez. Bir non-binary (ikili cinsiyet sistemine uymayan) ve cinsiyetsiz bir toplumu öngören bir birey olarak, bu yazıda ikili cinsiyet sistemine uymayanların sesi olmak adına kendi bakış açımdan bahsetmek istiyorum.

Although gender is believed to create a common point of order in the organisation in human life, it is essentially a phenomenon that establishes hegemony, as well as oppression for everyone. The gender roles that humanity has diligently developed for hundreds of thousands of years have come to the fore in modern societies today as gender binary systems. This is a problem for all who have a share in social and community life, especially those who do not conform to the norms. It cannot be denied that identities indicating gender and sexual orientation, which we use as descriptive adjectives today, build a power relation and put pressure on people, especially those who do not conform to the gender binary system and non-conformists. As a non-binary person, I want to be the voice of those who do not conform to the gender binary system and talk about my own point of view as someone who hopes for a genderless society.



Meli Campbell, *Woman Down*, 2020. Ink drawing.

Yeni doğmuş bir bebeğe genital organlarına bakılarak kadın veya erkek olmak üzere bir cinsiyet atanır. Bu norma uymayan interseks bedenler de vardır ve daha sonra normlara uydurmak amacıyla toplum, bu insanlara bir cinsiyet atar. Çoğu kişi, geleneksel olarak, yaşadığı toplum tarafından belirlenmiş toplumsal cinsiyet rollerine göre yetiştirilir ve bu atanan rolleri benimsemeleri beklenir. Ancak bazı insanlar doğduklarında onlara atanmış olan cinsiyet kalıbı içinde kendilerini rahat hissetmez ve kendilerini daha rahat ifade edebilecekleri bir cinsiyet beyanında bulunabilirler. İkili cinsiyet sisteminde kendine bir şekilde yer bulabilen trans bireylerin varlığına göreceli olarak alışılmış olsa da; cis-heteronormativite son zamanlarda ikili cinsiyet sisteminde kendilerine yer bulamayan insanların varlığıyla yüzleşmek zorunda kaldı. Atanmış cinsiyeti ne olursa olsun, bazı insanlar kendilerine biçilmiş cinsiyet rolü ile kendilerini ifade etmediklerini söylemeye başladılar ve "non-binary" ve non binary çatısı altında bulunan "gender non-conforming, gender-fluid, agender, genderqueer vb." gibi kendilerini ifade edebildikleri kimliklerle kendilerini tanımlamaya başladılar. Bu normların yıkılması da bence, insanlığın cinsiyetsiz bir topluma doğru yol almasının bir başlangıcı olabilir.

When a baby is born, a sex is assigned by looking at the genitals; female or male. There are also intersex bodies that do not conform to this norm, in which case society assigns a gender to them so they can conform to the norm. People are traditionally raised according to gender roles set by the society in which they live, and are expected to adopt the role assigned to them. But some people do not feel comfortable with the norms resulting from the gender assigned to them at birth, and they may identify with another gender with which they can express themselves more comfortably. Cis-heteronormativity has relatively got accustomed to the existence of trans people, who can therefore find a place for themselves in the gender binary system to some extent. However, it has recently had to confront the existence of people who cannot find a place for themselves in the gender binary system at all. Some people have started to say that they do not express themselves with the gender role assigned to them at birth, and they have come out of the closet with identities, including non-binary, gender non-conforming, gender-fluid, agender, genderqueer, etc., that are included under the non-binary umbrella. I believe breaking heteronormative norms could be the beginning of humanity's progress towards a genderless society.

"As a non-binary person, I want to be the voice of those who do not conform to the gender binary system and talk about my own point of view as someone who hopes for a genderless society."

Kadınlık ve erkeklik kavramları toplumdan topluma ve hatta kişiden kişiye değişebilen kavramlar olup, sabit tanımlara sahip olmasalar da belirli bir kalıbın içinde bulunurlar. Bu durum aslında bu kalıbın sınırları dışına çıkmadan da olsa, her insanın kendine ait bir toplumsal cinsiyet anlayışı olduğunu gösterir. Ancak bazı insanlar zaman zaman genel anlayışın çizdiği sınırların dışına da taşabilir. Baskıcı ve gelenekçi toplumlarda atanmış cinsiyetine uymayan kişiler ötekileştirilme, hatta cinayete varan fiziksel şiddet ile karşı karşıya kalabilir. Bu da kişi için hem fiziksel hem de psikolojik bir tehdit oluşturur. Toplumda tektipleşmeye sebep olabileceği gibi; kişinin kendini ifade etme özgürlüğünü de kısıtlar.

The concepts of femininity and masculinity are concepts that can vary from society to society and even from person to person within the same society. Even if they do not have fixed definitions, they are on a spectrum. Each person has their own understanding of gender, even if it does not go beyond the boundaries of the spectrum defined by societies. However, some people may sometimes go beyond the limits set by the general understanding. In oppressive and traditional societies, people who do not fit in their assigned sex may face othering, violence, and even murder. This poses both a physical and a psychological threat to non-conforming individuals. At the same time, it can cause standardization in society and also restrict freedom of self-expression.

Toplumsal cinsiyet toplumdaki gzellik algısının Őekillenmesinin temelini oluŐturduĐu gibi atanmıŐ cinsiyetine uymayan insanlarda cinsiyet disforisi yaratabilir. Cinsiyet disforisi, bireyin kendi cinsiyet kimlik algısı zerinden bedeniyle uyumsuz hissetmesi nedeniyle oluŐur. Ancak, cinsiyet disforisi sanılanın aksine her zaman bir beden disforisi yaratmak zorunda deĐildir. Beden disforisi toplumun tarihsel olarak oluŐturduĐu cinsiyete dair beden algısından tr gerekleŐir. Toplumsal cinsiyetin sz konusu olmadıĐı bir toplumda anatomik zelliklere atfedilen roller var olmayacaĐı iin atanmıŐ cinsiyetine uymayan kiŐilerin beden disforisi yaŐama oranını azaltabilir ve hatta sıfıra indirebilir. Bu cinsiyetsizleŐme diĐer birok normun kırılmasında rol oynayacaĐından, aynı zamanda verili gzellik algısının da deĐiŐmesine sebep olacaktır.

Toplumsal cinsiyet konusunda yaŐanan bu devrim niteliĐindeki adım, insanların kendilerini dilediĐince ifade edebilmelerinin yarattıĐı zgrlk alanının yanı sıra, olduka politik bir niteliĐe sahiptir. İkili cinsiyet sistemi, kısıtlayıcı ve baskılayıcı bir iktidar alanı yaratır. "İktidar" derken kast edilen ise bir tarafın diĐer taraftan daha ayrıcalıklı ve g sahibi olması durumudur. Kendilerine atanmıŐ cinsiyet kalıpları icine giren bireylerin girmeyenlere gre toplumda daha avantajlı bir konumda oldukları inkar edilemez bir durumdur. Bu durum kadın-erkek, beyaz-siyah, engelli engelsiz insanlar arasındaki iktidar ilişkisiyle karsılaŐtırılabilir. Cis-heteronormativite, bu normlara uymayanları tekileŐtirir ve gelenek, din vb. kavramların oluŐturduĐu nyargı zerinden "teki ve beriki" arasındaki iktidar ilişkisini krklemetedir. Bu da azınlık niteliĐinde olan insanların topluma entegre olamama, tekileŐtirilme, yalnızlaŐtırılma, Őiddete uĐrama gibi sorunlarla karŐı karŐıya kalmasına sebep olabilir.

Cinsiyetsiz bir gelecek istiyorum keza bu gelecek iktidar ilişkilerinin ortadan kalktıĐı ve bireylerin toplum tarafından kısıtlanmadan, kendini ve cinsiyet kimliĐini istediĐi Őekilde ifade edebilen, zgn fertler olarak yaŐayabileceĐi bir toplumsal duzen kuracaktır. Kendini ifade etme zgrlĐnn altınıda cizerekten, cinsiyet distorfisinin gecimste kaldıĐı bir dnya yaratmayı basarabiliriz. Sonuc olarak, iletiŐim ve bilgi alanlarında bunca imkna sahip olan toplumların, bireyleri daha az yalnız ve daha ok btn kılabilecek, zgr ve cinsiyetsiz bir gelecek yaratmasını umut ediyorum.

Gender is the basis for shaping the perception of beauty in society, and it can create gender dysphoria in people who do not fit in their assigned sex. However, gender dysphoria doesn't always have to create body dysphoria, contrary to popular belief. Gender dysphoria occurs due to the perception of the body based on gender, which society creates through a process of cumulative construction. Since the roles attributed to anatomical features would not exist in a genderless society, such a society can reduce the rate of those who suffer from living with their assigned gender, and even reduce the rate of gender dysphoria to zero. Since this genderlessness would also play a role in breaking many other norms, it would also cause the given perception of beauty to change.

In addition to the free space created through the opportunity for people to express themselves as they wish, this revolutionary step in gender issues is also quite political. The gender binary is a system that creates a restrictive and oppressive power relation; one group of people is more privileged and powerful than the other. It is an irrefutable fact that cis-gender people who fit in their assigned sex have an advantage over people who do not. This can be compared to power imbalances between men and women, white people and black people, people who do not have a disability and people with disabilities. Notions like gender and sexual orientation that create "the other" through traditions, morality and religion deepen such divides. This, in turn, can lead to people who are minorities facing situations such as the inability to integrate into society, othering, loneliness, and violence.

One of the reasons I want a genderless future is that this future would eliminate this power relation and people would not be living oppressed by societal norms, but rather as one of a kind individuals who can express themselves and their gender identity in any way they want. By underlining the freedom of self-expression, we can make gender dysphoria a thing of the past. This in itself justifies the complete disappearance of gender norms. I, personally, hope for a free and genderless future that can make humanity, which is so advanced in communication and knowledge, less lonely and more whole.



Meli Campbell, *Brain Dead*, 2020. Digital drawing.

BUSINESS AND INSIGHTS

The Business section of *Lingua Natolina* is launched with the purpose of bringing back optimism and trust in our ability to shape a smarter future in Europe. We do not believe in an unavoidable collapse, in State withdrawal, or in unbearable complexity and vulnerability. Changes come with fantastic opportunities to build a surer, greener, and smarter society. Together we hope to empower institutions, businesses, NGOs, and stakeholders of the European economy. An essential part of this transpires through showcasing the expertise of Natolin students and relevant private and public sector figures.



Joseph Tyrrell, *Bank of Georgia Headquarters*. Tbilisi, Georgia, 2017.

CONFORMING TO HIGHER PRINCIPLES OF INTERNATIONAL LAW

Today, international courts face a fantastic dilemma. Should they obey traditional instruments of international law (custom, treaties, general principles, unilateral acts...)? Or should they build future-oriented and “higher” (though “non-neutral”) instruments even without the formal consent of States?[1]

In other words, have international courts disconnected from the text of the law to better conform to the spirit of the law? Answering a few related key questions will exemplify this issue: (1) May an international court create principles superior to any other law? (2) May an international court decide the exact opposite of a treaty article? (3) May an international court veto a revision to its founding treaty?

One might well be tempted to respond the answer is no. The fact is that these three questions are based on real cases, and that international courts repeatedly proved the answer to be a resounding “Yes!” Surprisingly or not, states have not always condemned these decisions. Often, they ended up conforming with them. Should this be interpreted as tacit approval, or not?

In any case, this might spill-over into private law and modify the very nature of legal interpretation.

May an international court create principles superior to any other law?

Whether for good or bad, international courts are increasingly referring to imperative principles of general public law. The concept appears in the Treaty of Vienna of 1969 under the following guideline: there is a special category of law known as *jus cogens* which is superior to any other law. To prevent contradictions, the newest norm of *jus cogens* is superior to the older ones. The fact that most countries did not ratify this treaty speaks for itself. However, an absence of formal opposition might also be a form of passive ratification.

The international penal courts for former-Yugoslavia and Rwanda, as well as the European Court of Justice, invoked principles of *jus cogens*. As these are not expressed by states through any clear means, one might say they were *de facto* created by international courts. Imperative norms of international public law would include, according to international courts, a ban on crimes against humanity even if those were committed “legally” by a government against its own population. One might say this is a moral act and a means of legitimizing humanitarian aid whatever its formal legality and regardless of the principles of non-retroactivity and territoriality of state law.

[1] Court of Justice of the European Union, *Case C-370/12 Thomas Pringle v Government of Ireland and Others*, 2012.

May an international court decide the exact opposite of a treaty article?

The first question was about the application of a general treaty provision which was not ratified by most states, but that might be considered passively approved and “moral enough” to be accepted despite uncertain formal legality. The second question concerns the power of a court to overtly bypass the text of a treaty article. From a theoretical point of view, the very nature of international law implies that this is by no means a possibility. In principle, states create binding treaties (or custom) which should also bind international courts.

The European Court of Human Rights ruled on the legality of extraditing someone sentenced to death. In its decision on *Soering v United Kingdom* 161 Eur. Ct. H.R. [2], the court stated that in this case it is not legal, but only because the death penalty in the United States of America involves the so-called “corridor of death” which may be regarded as contrary to the text of the European Convention on Human Rights. On death penalty itself, the court stated that, even if the Convention clearly authorizes a death sentence, the court has the power to decide that this is no more the case and that it might use this power in the future (“a generalised abolition of capital punishment, could be taken as establishing the agreement of the Contracting States to abrogate the exception provided for under Article 2(1) and hence remove a textual limit on the scope for evolutive interpretation of Article 3.”)

May an international court veto a revision to its founding treaty?

The question is not about the obvious ability of international courts to control the authenticity of a treaty revision, especially when it comes to checking signatures and the lawfully expressed will of the states. The tricky point is whether an international court may publicly declare it will decide if a lawful decision of all the Member States to change a treaty is valid or not. The following example does not imply that the answer would be positive in all cases, but it is significant enough to destabilize the common representation of the role of international courts.

The European Council composed of 28 heads of states and governments activated the Treaty revision procedure of Article 48(6) TEU to modify Article 136 TFEU. The question of the legality or illegality of this decision unexpectedly went to the European Court of Justice. The court ruled that it had full powers to appreciate the validity of a decision taken unanimously by the representatives of 28 States as any other secondary legal act.[3]

Conclusion

The paradox lies in the fact that these seemingly nonconformist decisions are easily accepted by states. International courts openly bypass the text of the law to achieve “higher”, though non-neutral, principles of international law. International courts are increasingly invoking Treaty Preambles and declaring them superior to Treaty Articles. This is becoming the new norm, both 'legally' (as States do not always condemn it) and 'legitimately' (as little effort is made to slow down this process). After all, if states do not always conform with international law, why should international courts?

[2] European Court of Human Rights, *Soering v United Kingdom* 161 Eur. Ct. H.R., 1989.

[3] Wechsler, Herbert, *Toward neutral principles of international law*, Harvard Law Review, 1959-1960.



Volha Zaitsava, *Girl in Window*, Paris, 2018.

COMPETITION LAW IN THE PHARMACEUTICAL INDUSTRY: REVERSE PAYMENTS-PATENT SETTLEMENTS AND KILLER ACQUISITIONS

In January 2019, the European Commission intensively repeated that “effective enforcement of European Union competition rules in the pharmaceutical sector remains a matter of high priority and the competition authorities will continue to monitor and be pro-active in investigating potential anti-competitive situations”.[1] The pharmaceutical industry is specifically seen as a flagship driver of future economic growth in the EU.[2] Since the start of the 21st century, EU competition law enforcement has started focusing more on companies’ endeavours to delay or hamper the introduction of generic medicines or of new, innovative drugs that may compete with their products already on the market. Indeed, the pharmaceutical companies’ behaviours not conforming with EU antitrust laws have required closer legal scrutiny.

To conform or not to conform with antitrust law: what is at stake?

Formerly expressed by the European Union Council and the European Parliament, anti-competitive practices may endanger patients’ access to affordable and innovative essential medicine and medical devices. The high prices of medicine impose a high burden on the national healthcare systems of EU Member States, in which it is easy to acknowledge that pharmaceuticals already account for a significant share of spending.[3]

Reverse payment settlements and “killer acquisitions” are both behaviours which pose concerns for competition law. The first behaviour is assessed by the European Commission, or by the National Competition Authority of the twenty-eight Member States (before Brexit) under Article 101 of the Treaty on the Functioning of the European Union (TFEU) prohibiting all agreements that infringe competition law and affect trade between Member States on the common market. They call for an ex-post assessment. The second behaviour, “killer acquisitions”, so far calls for an ex-ante assessment, before it produces any effect on the market. These acquisitions happen when larger firms acquire smaller ones and discontinue projects under development that may eventually become competitive.[4]

[1] European Commission, *Report on Competition enforcement in the pharmaceutical sector (2009-2017)*, Luxembourg: Publications Office of the European Union, 2019.

[2] Matthew Hall, “EU Competition Law in the Pharmaceutical Sector: What Has Happened Since 2009?” *International Antitrust Bulletin, American Bar Association* 4 (2011).

[3] European Commission, *Report on Competition enforcement in the pharmaceutical sector (2009-2017)*.

[4] Meredith Dault, ““Killer” Acquisitions: We Come to Bury, Not Boost, Innovation,” *Smith School of Business, Queens University*, 12 October, 2018.

Not conforming by delaying

In the United States, the Division of Justice (DOJ) and the Federal Trade Commission (FTC), being suspicious of the so called “pay for delay” agreements, have expressed special concern with this practice in the pharmaceutical industry. Indeed, in this sector, holders of patents for valuable drugs and generic manufacturers frequently find themselves in lawsuits. Commonly, on the one hand, the patent holder accuses the generic manufacturer of infringement and on the other hand, the generic manufacturers blame the patent holder of monopolization. By going through the reverse payment agreements method, the patent holder pays the generic manufacturer to abstain from competing with the patent holder for an indicated period.

This technique is a “win-win” for companies. Brand-name pharmaceutical prices stay high while the brand and the generic share the benefits of the brand’s monopolised profits. The losers are the consumers: they miss out on generic prices that can be as low as 90 percent less than brand prices. As an illustration, the FTC has found that brand-name medication that costs \$300 per month might be sold as a generic at \$30 per month.[5]

European competition authorities have resolutely sanctioned practices and conducts that curb the market entry or the expansion of generics. Some landmark decisions had been taken by both the Commission (Lundbeck, Fentanyl and Servier cases) and the Competition Markets Authority of the United Kingdom (Paroxetine case) against pay-for-delay cases.



Not conforming by merging

High prices that endanger patients' health and healthcare systems in general might also arise from mergers of pharmaceutical companies in which the pricing power of the merged company is strengthened. Indeed, according to M. Bourreau and A. de Streel, after an acquisition one significant concern is that the acquiring firm could choose to kill the innovation of the acquired firm instead of developing it.[6] This occurs when incumbent firms may acquire innovative targets solely to discontinue the target's innovation projects and pre-empt future competition. In that respect, the incumbent's incentive to kill the acquired firm's innovation is led by the idea that the entrant, and potential rival, has an incentive to develop its innovation if it enters the market because it embodies a competitive threat for the incumbent company.

In this regard, it has been assumed that more than six percent of all acquisitions in the pharmaceutical industry in the U.S fit this definition.[7] The "killer acquisition" has two anti-competitive effects: competition is decreased and innovation is harmed at the expense of patients. A recent paper by the co-authors Colleen Cunningham, Florian Ederer and Song Ma provides empirical evidence of "killer acquisitions" in the pharmaceutical sector. After having looked at today's U.S. pharmaceutical industry to assess to what extent acquisitions can harm competition, they conclude that these mergers lead the acquiring firms to terminate projects that overlap with their existing products.[8]

According to three eminent lawyers from White & Case, new tools are needed to assess such acquisitions: one is focused on the option of introducing a value-based transaction threshold.[9] The idea behind this tool is that the purchase price of the acquired drug company better reflects the target's (future) market potential than its current turnover (which is often insignificant). Finally, the second option is centred on the burden of proof: instead of having the Competition authority prove that the transaction will result in a significant impediment to effective competition - which is, in general, part of companies' economic freedom, the acquiring company will need to show the benefits and efficiency of the transaction.

Marie Minzikian

FEUTURE International Consulting

[5] Federal Trade Commission, "Pay-for-Delay: How Drug Company Pay-offs Cost Consumers Billions," January 2010.

[6] Marc Bourreau and Alexandre de Streel. "Big Tech Acquisitions Competition & Innovation effects and EU merger control," *Centre on Regulation in Europe (CERRE)*, 5 February, 2020.

[7] Dault, "'Killer' Acquisitions".

[8] Colleen Cunningham, Florian Ederer and Song Ma. "Killer Acquisitions," *Journal of Political Economy*, (2020). Available at SSRN: <https://ssrn.com/abstract=3241707> or <http://dx.doi.org/10.2139/ssrn.3241707>

[9] Jacquelyn MacLennan, Tilman Kuhn, and Thilo Wienke, "Innocent Until Proven Guilty - Five Things You Need to Know About Killer Acquisitions," *Informa Connect*, 3 May 2019.

THE EUROPEAN GREEN DEAL: CONFORMITY TO BUSINESS-AS-USUAL?

As one of the European Commission's six priorities for 2019-24, the European Green Deal “is Europe's new growth strategy”.[1] Its ambitions are to make Europe the first climate-neutral continent in the world by 2050 while ensuring that economic growth is decoupled from resource use and that no person or place is left behind.[2]

The European Green Deal is a green growth strategy. As such it wants to distinguish itself through its initiative towards radical sustainability. However, although the Deal is still in its infancy, it is shaping up to extensively conform itself to the business-as-usual policy-making trends that have plagued the fight against environmental degradation around the world. To understand why this is the case we need to take a critical look at the Green Deal's ambitions, specifically at the decoupling of economic growth from resource use.

What is decoupling?

When two variables are coupled, one drives the other. In this case economic growth drives resource use. As our economies grow, we demand more, consume more and produce more, which uses an increasing amount of resources. When we speak of decoupling, we are looking to disassociate these variables from one another.

While there are many variations of how decoupling can occur (global vs. local, temporary vs. permanent, sufficient vs. insufficient), the most important distinction to be made is between relative and absolute decoupling. Relative decoupling would mean that economic growth still drives resource use, but not at the same rate. While absolute decoupling would mean experiencing economic growth without increased resource use. In other words, relative decoupling results from increased efficiency and absolute decoupling requires a complete severance of economic growth's reliance on resource use.

The European Green Deal does not specify what kind of decoupling it aims to achieve, but we need to assume that the European Commission is aware of the existing differences and that it aspires to achieve absolute decoupling as the viability of green growth depends on it.

[1] European Commission, “A European Green Deal.” Accessed 14 October 2020. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en
[2] European Commission, “A European Green Deal.”

Decoupling illusion

Here is the problem. As it stands, the literature is clear: empirical evidence on decoupling is thin[3] and does not support “the existence of a decoupling of economic growth from environmental pressures on anywhere near the scale needed to deal with environmental breakdown”. [4] Additionally, it appears that such decoupling is unlikely to happen in the future and thus -as a major political endeavour- constitutes a large risk to our future by perpetuating the unsustainable status-quo and simultaneously feigning progress.

A recent publication of the European Environmental Bureau gives insight on why decoupling is unrealistic by laying out 7 barriers to green growth: cost shifting, insufficient and inappropriate technological change, limited potential of recycling, underestimated impact of services, problem shifting, rebound effects, and rising energy expenditures.[5] The report stresses that individually, these barriers cast doubt on the possibility for sufficient decoupling and thus the feasibility of green growth; but that put together, render the feasibility of green growth “highly compromised, if not clearly unrealistic”. [6]

What now?

This brings up the question where to go from here. We have a brand new and grand European sustainability initiative and its base assumption is flawed. This is where the same literature gives us answers.

It is time to advocate a shift from efficiency to sufficiency. It is time to consider and adopt “conceptualisations of [the] economy that do not rely on economic growth”. [7] It is time to focus on another kind of decoupling. Instead of decoupling economic growth from environmental pressure, we need to decouple the idea of a “good life” from economic growth. [8]

[3] Tere Vadén, Ville Lähde, Antti Majava, Paavo Järvensivu, Tero Toivanen, Emma Hakala, Jussi Eronen, “Decoupling for ecological sustainability: A categorisation and review of research literature.” *Environmental Science & Policy* 112, no. 6 (2020): 243.

[4] Timothée Parrique, Jonathan Barth, François Briens, Christian Kerschner, Alejo Kraus-Polk, Anna Kuokkanen, Joachim H. Spangenberg. *Decoupling Debunked: Evidence and arguments against green growth as a sole strategy for sustainability*. (Brussels: European Environmental Bureau, 2019), 3.

[5] Parrique et al., *Decoupling Debunked*.

[6] Parrique et al., *Decoupling Debunked*, 55.

[7] Vadén et al., “Decoupling for ecological sustainability,” 243.

[8] Parrique et al., *Decoupling Debunked*, 59.



LIFE AT THE COLLEGE

The Life at the College section aims to showcase the multicultural lifestyles of the highly diverse Mario Soares Promotion. We invite you to step into our shoes and take a peak into the highly dynamic everyday life of a College of Europe student. We will present students' world views through poetry, personal reflections and anecdotes. The section works in close cooperation with the Humans of Natolin project.



Nicolas Gaté, *Deep in the Forest*, Natolin, Warsaw, 2020. Watercolour.

HUMANS OF NATOLIN

Humans of Natolin is a photography and storytelling project that exists since 2018. It is currently led by nine students from the Mário Soares promotion, who inherited not only the legacy of the project from their predecessors but also a commitment: to bring the mundane and unconventional; the artistic and moral; the confessional and the soul-stirring lives of those who live amongst us; and place them in each other's hands so that after each revelatory publication, we may greet each other with the powerful word: Human.



NATOLINIAN QUADTYCH: MEET THE STUDENTS

Cécile



Between two glances, around two coffees, we tune our instruments. To the eyes of others, what we always fancied as normal becomes extraordinary. Friendship is about building your own normal together.

Entre deux regards, entre deux cafés, on accorde nos instruments. Aux yeux des autres, ce que nous avons toujours pensé être ordinaire devient extraordinaire. L'amitié c'est de bâtir votre propre ordinaire.



Non-conformity is a solitary battle against those who seek to dehumanise what is human, rationalise the irrational, and strip the sentimental of all affect.

Le non-conformisme c'est une bataille solitaire contre ceux qui voudraient déshumaniser l'humain, rationaliser l'irrationnel, désentimentaliser le sentimental.



Pavlo

Happens to the Heart

Leonard Cohen

"In the prison of the gifted
I was friendly with the guard
So I never had to witness
What happens to the heart"



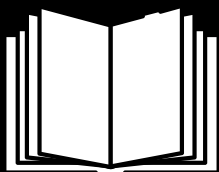
I sit by Natalia's grave for hours. I let things pass through me. The nectar in this place is something fulfilling and sweet and maintained. Right now, I love it unlike any other love I've had. I carry it inside of me and outside of me, in my pockets and in the lines of my palms.

Amira



When you have red hair, even in Ireland you tend to stand out. When I was younger I often played with the idea of dying it to blend in more. I think the day I reached some maturity and adulthood was when I finally had enough self-confidence to generate a certain apathy for what others did, or thought. What I wanted to be was enough. That was also the day I began to like having red hair.

Paul



"I shall be telling this with a sigh
Somewhere ages and ages hence:
Two roads diverged in a wood, and I -
I took the one less traveled by,
And that has made all the difference."

The Road Not Taken

Robert Frost

Life at the College | 31

ولدت عفاف المكوثر ونشأت في الرباط بالمغرب. حصلت على ماجستير في الشؤون الدولية والسياسية من جامعة محمد الخامس بالرباط ، كلية الحقوق ، الرباط أكّدال. تشارك عفاف في العديد من المشاريع الدولية لتعزيز الحوار بين الثقافات والدعوة إلى دور المرأة في السلام والأمن. في تخميناتها الشخصية تتحدث عن المطابقة و الا مطابقة كصراع داخلي في طريقها الى العظمة .

Afaf Lamkoutar was born and raised in Rabat, Morocco. She received a Master of International and Political Affairs from the University Mohamed V of Rabat, Faculty of Law Rabat-Agdal. Afaf is engaged in several international projects to promote intercultural dialogue and advocate for the role of women in the Peace and Security Agenda. In her personal reflections, she addresses conformity and non-conformity as an internal struggle in the path for greatness.

CHALLENGE CONFORMITY!

قبل الالتحاق بحرم كلية أوروبا الجامعي بناتولين، كنت قد سمعت العديد من القصص حول روح هاته المؤسسة الجامعية. قبل لي حينها " لن تستطيعي إدراك معنى العيش داخل الحرم الجامعي بناتولين حتى تخوضي غمار التجربة بنفسك. " اليوم، أعتقد أنني أدركت.

Before applying to the College of Europe Natolin Campus, I heard many stories regarding the spirit of the College.

I was once told: "You can't understand what the Campus of Natolin is until you experience it".

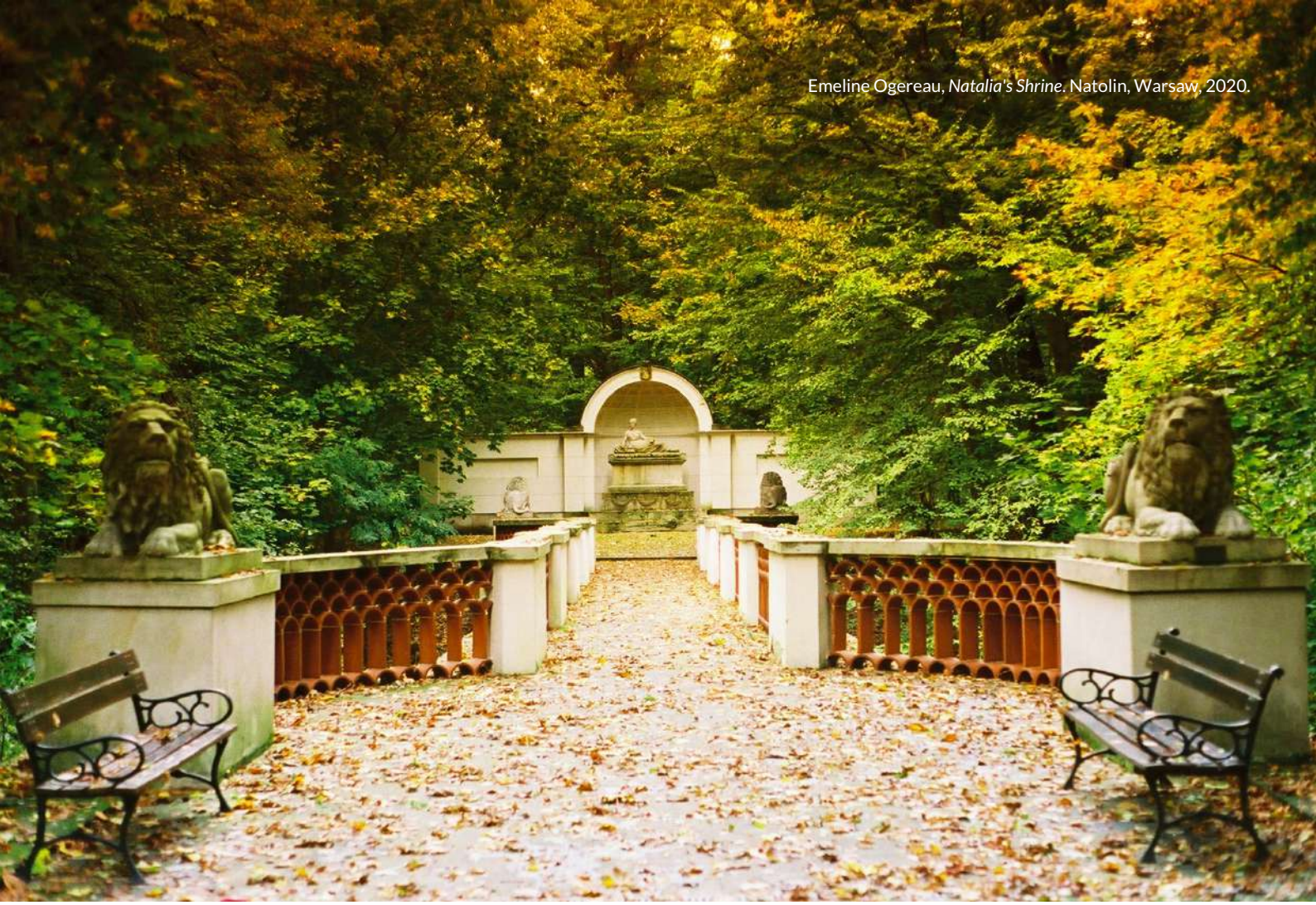
Today, I think I understand.

تخيل أن تتدبر ما يجري حول العالمي من داخل بيئة متعددة الثقافات، بيئة حبلى بفرص النقاش والمناظرات، بيئة يمكنك من استيعاب مجموعة متنوعة من الأفكار من أوروبا وخارجها. هذا المكان، هو الحرم الجامعي بناتولين، التابع لكلية أوروبا.

Imagine thinking about the world within a multicultural environment, a place where you get to engage in discussions and debates, where you get to grasp a variety of ideas and thoughts from Europe and beyond. This place is the Natolin campus of the College of Europe.

يوفر حرم ناتولين الجامعي الفرصة لمقابلة أساتذة قادمين من أوروبا والبلدان المجاورة لها. كما يضم متخصصين وخبراء في ميادين عدة ويرحب بالمشاركة في النقاشات حول المسائل الراهنة.

The Natolin campus offers the chance to meet professors coming from Europe and its neighbourhood. It gathers specialists and experts and welcomes engagement in discussions on crucial matters.



يوفر حرم ناتولين الجامعي مساحة مثالية للإبداع، حيث يستضيف طلابًا شبابًا ميزتهم الروح الحيوية والميول الفكرية. يقترن هذا الإبداع بدناميكية مثيرة للاهتمام تتأرجح ما بين النقاشات الفكرية ولحظات استبطان تتحدى التكيف مع الأغلبية وتقاومه طبعًا.

يمكن أن تكون الحاجة إلى التكيف مع الأغلبية قوة داخلية جامعة يجذب الكثير منا بشكل طبيعي ليمائل الجماعة المحيطة بنا. بيد أن هذا الاختيار ليس أمثل الطرق نحو التميز داخل حرم ناتولين الجامعي. تذكر أن أعظم الناس هم أولئك الذين شقوا طريقهم بأنفسهم ومن جذفوا ضد التيار.

في هذا الصدد، حرم ناتولين الجامعي هو بمثابة منزل يمكنك أن تكون فيه صادقًا مع نفسك. هنا ستجد البيئة المناسبة التي تستثمر فيها الوقت اللازم لمعرفة نفسك بشكل أفضل، ولإثبات القيم التي تؤمن بها واختبار إمكاناتك الفكرية والعاطفية. لذا فلتتحل بالجرأة على تحدي التكيف مع الأغلبية، كن جريئًا بما يكفي لاحتضان إمكاناتك الحقيقية، وانضم إلى الحرم الجامعي ناتولين التابع لكلية أوروبا.

عفاف المكوثر

The Natolin campus is an ideal space for creativity as it hosts young, vibrant, and intellectually inclined students. This creativity is coupled with an interesting dynamic of interactions and introspections that challenge and resist conformity.

Of course, the need for conformity can be such a strong internal driving force. Many of us are naturally drawn to become like those around us. But this is not the path to greatness in Natolin. The greatest people are those who have forged their own path, often against the tide.

In that regard, Natolin is a home where you can be true to yourself. It is a suitable environment for investing time in knowing yourself better, demonstrating your values, and testing your intellectual and emotional assets. So, dare to challenge conformity, be bold enough to embrace your true potential, and join the Campus of Natolin of the College of Europe.

Afaf Lamkoutar

Lingua Natolina

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Emeline Ogereau, *Natalia's Shrine*. Natolin, Warsaw, 2020. Photograph.

Nicolas Gaté, *Lingua Natolina Team*, Natolin, Warsaw, 2020. Set of seven pencil portraits.

BIBLIOGRAPHIES

A Feminist Review of the New Rule of Law Mechanism

Duffy, Nick. "LGBT-free zones' are humanity-free zones and have no place in the European Union, says President Ursula von der Leyen," *Pink News*, September 16, 2020, <https://www.pinknews.co.uk/2020/09/16/poland-lgbt-free-zones-european-union-commission-president-ursula-von-der-leyen/>.

Fabbrini, Sergio. "Intergovernmentalism and Its Limits: Assessing the European Union's Answer to the Euro Crisis," *Comparative Political Studies* 46, no. 9 (2013): 1003-1029.

Fae, Jane. "Viktor Orban has quashed transgender rights in Hungary. The rest of Europe is next," *The Independent*, May 20, 2020, <https://www.independent.co.uk/voices/viktor-orban-hungary-transgender-rights-uk-tories-lgbtq-a9524521.html>.

Kość, Wojciech. "Poland looks to toughen already-stringent abortion laws," *POLITICO*, September 28, 2020, <https://www.politico.eu/article/poland-to-toughen-stringent-abortion-laws/>.

Rankin, Jennifer. "EU challenges Poland over judicial independence," *The Guardian*, October 10, 2019, <https://www.theguardian.com/world/2019/oct/10/eu-sues-poland-over-judicial-independence>.

Rios, Beatriz. "LGBTI discrimination still going strong in Europe, warns EU rights body," *EURACTIV.com*, May 15, 2020, <https://www.euractiv.com/section/justice-home-affairs/news/lgbti-discrimination-still-going-strong-in-europe-warns-eu-rights-body/>.

Torresi, Claudia. "Abortion in Italy: how widespread 'conscientious objection' threatens women's health and rights," *openDemocracy*, June 15, 2017, <https://www.opendemocracy.net/en/5050/abortion-italy-conscientious-objection/>.

Frida Kahlo's Positive Conformity

Ankori, Gannit. *Frida Kahlo*. London: Reaktion Book, 2012.

Conforming To Higher Principles of International Law

Court of Justice of the European Union, *Case C-370/12 Thomas Pringle v Government of Ireland and Others*, 2012.

European Court of Human Rights, *Soering v United Kingdom* 161 Eur. Ct. H.R., 1989.

Wechsler, Herbert, *Toward neutral principles of international law*, Harvard Law Review, 1959-1960.

BIBLIOGRAPHIES

Competition Law in the Pharmaceutical Industry: Reverse Payments, Patent Settlements and Killer Acquisitions

Bourreau, Marc, and Alexandre de Stree. "Big Tech Acquisitions Competition & Innovation effects and EU merger control," *Centre on Regulation in Europe (CERRE)*, 5 February, 2020.

Cunningham, Colleen, Florian Ederer and Song Ma. "Killer Acquisitions," *Journal of Political Economy*, (2020). Available at SSRN: <https://ssrn.com/abstract=3241707> or <http://dx.doi.org/10.2139/ssrn.3241707>

Dault, Meredith. "'Killer' Acquisitions: We Come to Bury, Not Boost, Innovation," *Smith School of Business, Queens University*, 12 October, 2018.

Ederer, Florian and Song Ma. "When Corporate Acquisitions Mean Fewer Ventilators," *Yale Insights*, 2 April, 2020.

European Commission, *Report on Competition enforcement in the pharmaceutical sector (2009-2017)*. Luxembourg: Publications Office of the European Union, 2019.

Fleitour, Gaëlle. "Pourquoi Sanofi casse sa tirelire pour acquérir la biotech Synthorx pour 2,5 milliards de dollars," *l'Usine Nouvelle*, 9 December, 2019.

Federal Trade Commission, "Pay-for-Delay: How Drug Company Pay-offs Cost Consumers Billions," January 2010.

Hall, Matthew. "EU Competition Law in the Pharmaceutical Sector: What Has Happened Since 2009?" *International Antitrust Bulletin, American Bar Association* 4 (2011).

MacLennan, Jacquelyn, Tilman Kuhn, and Thilo Wienke, "Innocent Until Proven Guilty – Five Things You Need to Know About Killer Acquisitions," *Informa Connect*, 3 May 2019.

The European Green New Deal: Conformity to Business-As-Usual?

European Commission, "A European Green Deal." Accessed 14 October 2020. https://ec.europa.eu/info/strategy/priorities-2019-2024/european-green-deal_en

Parrique, Timothée, Jonathan Barth, François Briens, Christian Kerschner, Alejo Kraus-Polk, Anna Kuokkanen, Joachim H. Spangenberg. *Decoupling Debunked: Evidence and arguments against green growth as a sole strategy for sustainability*. Brussels: European Environmental Bureau, 2019.

Vadén, Tere, Ville Lähde, Antti Majava, Paavo Järvensivu, Tero Toivanen, Emma Hakala, Jussi Eronen, "Decoupling for ecological sustainability: A categorisation and review of research literature." *Environmental Science & Policy* 112, no. 6 (2020): 236-244.



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