

■ PREFACE

Claudia Fuchs & Konrad Lachmayer

Intelligence Operations on Religious Terrorist Groups and the Right to Data Protection – Current Issues in International Constitutional Law

In recent years, new terrorist threats have brought religious terrorist groups into focus. Particularly Islamic terrorist groups are often assumed to be related to religious infrastructures and networks. In return, intelligence on religious terrorist groups is often seen to be a relevant part of counterterrorist policy and the infiltration of religious groups is qualified to be a convenient measure. As a consequence, fundamental rights and freedoms concerning the free exercise of religion and the State's neutrality towards religion are being challenged.

In his article "Should God spy for the CIA?", *Dimitri Adloff*, graduate of the University of Iowa College of Law, puts the use of clergy and religious workers in intelligence operations under constitutional scrutiny. He analyzes the Establishment and Free Exercise doctrine of the US Supreme Court and considers whether US courts have jurisdiction on disputes about this issue beyond US borders.

The Constitutional Developments Section puts a spotlight on the protection of personal data by the Austrian Constitutional Court. *Andreas Lehner*, researcher at the Law Faculty of the Vienna University, gives a short introduction to the legal background of data protection in Austria, pointing out the influence of European law. He remarks that according to the Austrian Constitution the right to data protection implies a number of individual guarantees and further legal principles. Interferences with these rights have to and may be constitutionally justified, especially if there is a legal permission.

Four examples of recent decisions of the Austrian Constitutional Court, translated and commented by *Waltraud Waitz*, *Thomas Müller*, *Lukas Bauer* and *Alexander Flendrovsky*, give a deeper insight into the Constitutional Court's comprehension and application of the guarantees of data protection.

Finally, two recent book releases, both concerning the characteristic of Europe and the European Union, being a multifaceted and multilevel entity in a legal, socio-cultural and historic view, are being reviewed: *Wahé H. Balekjian* takes a closer look at Dipesh Chakrabarty's newly edited book "Provincializing Europe: Postcolonial Thought and Historical Difference". *Thomas Jaeger* discusses the book "Multilevel Regulation and the EU – The Interplay between Global, European and National normative Processes" edited by Andreas Follesdal, Ramses A. Wessel and Jan Wouters.

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We hope this issue of the Vienna Online Journal of International Constitutional Law will make both an impulse and contribution to legal (and moral) debates on the topics discussed.

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Editors-in-Chief

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