The power of national and transnational constitutional courts to issue binding rulings interpreting a constitution or an international treaty has been endlessly discussed. What does it mean for democratic governance that non-elected judges influence politics and policies? The authors of Judicial Power – legal scholars, political scientists, and judges – take a fresh look at this problem. To date, research has concentrated on the legitimacy, or the effectiveness, or specific decision-making methods of constitutional courts. By contrast, the authors here explore the relationship among these three factors. This book presents the hypothesis that judicial review allows for a method of reflecting on social integration that differs from political methods, and, precisely because of the difference between judicial and political decision-making, strengthens democratic governance. This hypothesis is tested in case studies on the role of constitutional courts in political transformations, on the methods of these courts, and on transnational judicial interactions.

CHRISTINE LANDFRIED is Professor Emerita of Political Science at Hamburg University, and Senior Fellow at the Hertie School of Governance, Berlin. She was the Max Weber Professor in German and European Studies at New York University from 2014 to 2016, and Senior Emile Noel Fellow at New York University School of Law. She received the Schader Award 2016 for innovative research. She investigates the political role of constitutional courts, the impact of campaign finance on democratic governance, and European integration. In her research on the European Union she explores the conditions that enhance the positive potential of cultural, economic, and political difference for democratic governance. Her publications include The Judicialization of Politics in Germany (1994), The Concept of Difference (2011), and Das politische Europa (3rd ed., forthcoming 2019).
JUDICIAL POWER

How Constitutional Courts Affect Political Transformations

Edited by

CHRISTINE LANDFRIED
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CONTRIBUTORS

ANDREW ARATO was born in 1944, in Budapest. He has been in the United States since 1957, receiving academic degrees at Queens College (BA) and the University of Chicago (MA, PhD) in history. He is currently the Dorothy Hart Hirshon Professor in Political and Social Theory at the New School for Social Research in New York and has taught at Ecole des Hautes Etudes, and Sciences Po in Paris, and at the Central European University in Budapest; had a Fulbright teaching grant to Montevideo in 1991; and was Distinguished Fulbright Professor at the Goethe University in Frankfurt, Germany as well as Invited Professor at the Law School of the University of Toronto. Arato served as a consultant for the Hungarian Parliament on constitutional issues 1995–1997, and as US State Department Democracy Lecturer and Consultant (on constitutional issues) Nepal 2007. He was reappointed by the State Department in the same capacity for Zimbabwe during November 2010. His most recent publications are Constitution Making under Occupation: The Politics of Imposed Revolution in Iraq (2009), Post Sovereign Constitution Making: Learning and Legitimacy (2016), Adventures of the Constituent Power (2017), and International Interventions in Domestic Constitution Making (forthcoming 2019).

LUIZ ROBERTO BARROSO is a Justice at the Brazilian Supreme Court. He holds an LLM from Yale Law School and an SJD degree from Rio de Janeiro State University, where he has been a law professor since the 1980s. He did his postdoctoral studies at Harvard Law School, where he has also been a Visiting Scholar. He has published extensively in Brazil, the United States, Latin American countries, and Europe. Some of his works published in English include The Americanization of Constitutional Law and Its Paradoxes: Constitutional Theory and Constitutional Jurisdiction in the Contemporary World (2010), Here, There, and Everywhere: Human Dignity in Contemporary Constitutional Law and in the Transnational Discourse (2012), “Reason without Vote: The Representative

Lech Garlicki is Professor Emeritus of the University of Warsaw (Poland) and Dr.h.c. of the University of Gdansk (2017). He served as a Judge of the Polish Constitutional Court (1993–2001) and as a Judge of the European Court of Human Rights (2002–2012). He was a Visiting Professor at several universities (NYU, University of Chicago, Yale, Washington University in Saint Louis, Paris I – Sorbonne, University Aix-Marseille, Tel Aviv University, Tübingen University, and Hong Kong University) and Vice President of the International Association of Constitutional Law (2010–2018). His research areas are comparative constitutional law, judicial review, and human rights. His publications include External Review of Constitutional Amendment (2011), Disabling the Constitutional Court in Poland? (2016), and Polish Constitutional Law (21st ed., 2018, in Polish).

Dieter Grimm teaches constitutional law at Humboldt University Berlin. He is also a Permanent Fellow of the Wissenschaftskolleg zu Berlin (Institute for Advanced Study), whose director he was from 2001 to 2007. For many years he was a regular Visiting Professor at Yale Law School. From 1987 to 1999 he served as a Justice of the Federal Constitutional Court of Germany. He holds honorary doctoral degrees from the universities of Toronto, Goettingen, Porto Alegre, and Bucarest. He is a member of the Berlin-Brandenburgische Akademie der Wissenschaften and the Academia Europaea, and an honorary member of the American Academy of Arts and Sciences. Books he published in English include Sovereignty: The Origin and Future of Political and Legal Change (2015), Constitutionalism: Past – Present – Future (2016), and The Constitution of European Democracy (2017).

Mattias Kumm is the Inge Rennert Professor of Law at NYU School of Law as well as a Research Professor at the WZB Social Science Center Berlin and Humboldt University. His research focuses on basic issues in European and comparative constitutional law, international law, and
philosophy of law. He has held visiting appointments at Yale Law School, Harvard Law School, and the European University Institute (Florence), and has lectured at other leading universities worldwide. Kumm is a founding editor and co-editor-in-chief of *Global Constitutionalism* (Cambridge University Press) and *Jus Cogens* and on the board of *I•CON* as well as other journals. Publications include *The Cosmopolitan Turn in Constitutionalism: An Integrated Conception of Public Law* (2013), *Constituent Power, Cosmopolitan Constitutionalism, and Post-positivist Law* (2016), and *The Turn to Justification: On the Structure and Domain of Human Rights Practice* (2018).

**Christine Landfried** is Professor Emerita of Political Science at Hamburg University, and Senior Fellow at the Hertie School of Governance, Berlin. She was the Max Weber Professor in German and European Studies at NYU from 2014 to 2016, and Senior Émile Noël Fellow at NYU School of Law. She received the Schader Award 2016 for innovative research. She investigates the role of constitutional courts in democracies, the impact of campaign finance on democratic governance, and the process of European integration. With her research on the European Union, she aims to explore the conditions that enhance the positive potential of cultural, economic, and political difference for democratic governance. Her publications include *The Judicialization of Politics in Germany* (1994), *Parteifinanzen und politische Macht* (2nd ed., 2004), *The Concept of Difference* (2011), and *Das politische Europa* (3rd ed., 2019).


**Gertrude Lübbecke-Wolff** is Professor of Public Law at the University of Bielefeld. She was Director of the Environment Department of the municipal administration of Bielefeld (1988–1992), Chairperson of the German Council of Environmental Advisors (2000–2002), Executive
Director of the Center for Interdisciplinary Research, University of Bielefeld (1996–2002), Chairperson of the Advisory Board of the Wissenschaftskolleg zu Berlin (2003–2009), and served as a Justice of the German Federal Constitutional Court (2002–2014). She is a member of the Berlin-Brandenburgische Akademie der Wissenschaften, honorary bencher of the Honourable Society of the Middle Temple, and honorary member of the Argentine Association of Constitutional Justice. She received the Leibniz Award in 2000 and the Hegel Prize in 2012. Projects under way include analyses of cultures of deliberation in constitutional courts, problems of democracy in the process of Europeanization and globalization, and the interplay of law and morality (with a focus on anticorruption policies). Her recent publications include The Principle of Proportionality in the Case-Law of the German Federal Constitutional Court (2014), Democracy, Separation of Powers and International Treaty-Making: The Example of TTIP (2016), and Cultures of Deliberation in Constitutional Courts (2016).

FRANZ C. MAYER is Chair of Public Law, European Law and Public International Law, Comparative Law, Law & Politics at the University of Bielefeld (law faculty). He studied law, political science, and history at the Universities of Bonn and Munich, at the Institut d’Etudes Politiques de Paris (Sciences-Po) and at Yale Law School. His research interests focus on all aspects of European constitutional law, European administrative law, comparative public law with a focus on the United States and France, the relationship between European law and politics, parliaments in times of globalization, and Internet law. He was Counsel to the German Parliament and to the Federal Government for numerous cases at the German Constitutional Court, including the proceedings on the Treaty of Lisbon, the first Euro crisis case, and the CETA case. He is a member of the German Football Association’s Federal Court (ethics chamber). His publications include Kompetenzüberschreitung und Letztentscheidung (2000), “Rashomon in Karlsruhe – A Reflection on Democracy and Identity in the European Union” (2011), “Rebels without a Cause? A Critical Analysis of the German Constitutional Court’s OMT Reference” (2014).

ALINE OSORIO holds an LLM from Harvard Law School and a Master of Laws degree from the Rio de Janeiro State University. Aline is a Professor of Constitutional and Election Law at the University Center of Brasília. She clerked for Justice Luís Roberto Barroso at the Brazilian Federal
Supreme Court. Her research agenda focuses on the interplay between constitutional law, fundamental rights, and the political process. Her recent publications include *Election Law and Free Speech* (2017), and *Developments in Brazilian Constitutional Law: The Year 2016 in Review* (2017) (co-authored with Luís Roberto Barroso and Juliano Benvindo).

**Bilyana Petkova** joined the Department of International and European Law of Maastricht University as a tenure-track Assistant Professor in September 2017. She is affiliated as a Visiting Scholar at the Yale Information Society Project since 2014. Before joining Maastricht University, Bilyana was a Max Weber postdoctoral fellow at the European University Institute in Florence, Italy, and at NYU where she was a part of the Jean Monnet Center and, later, the NYU Information Law Institute. Bilyana researches and writes on topics of comparative constitutional law. Her publications include *The Notion of Consensus as a Route to Democratic Adjudication? The United States Supreme Court, the Court of Justice of the European Union and the European Court of Human Rights Compared* (2012), *Towards an Internal Hierarchy of Values in the EU Legal Order: Balancing the Freedom of Speech and Data Privacy* (2016), and *Federalism, Backlash and Rights: Toward a New Research Agenda* (co-edited with Thomas Kleinlein, 2017).


**Ulrich K. Preuß** is Professor Emeritus of Law and Politics at Free University Berlin and of the Hertie School of Governance, Berlin. His research interests focus on constitutional theory, including challenges to
CONTRIBUTORS

JUDITH RESNICK is the Arthur Liman Professor of Law at Yale Law School. Her scholarship focuses on the impact of democracy on government services, from courts and prisons to post offices, on the relationships of states to citizens and noncitizens, on the forms and norms of federalism, and on equality and gender. Her books include Migrations and Mobilities: Citizenship, Borders, and Gender (co-edited with Seyla Benhabib, 2009), Federal Courts Stories (co-edited with Vicki C. Jackson, 2010), Representing Justice: Invention, Controversy, and Rights in City-States and Democratic Courtrooms (with Dennis Curtis, 2011), and the Daedalus volume The invention of Courts (co-edited with Linda Greenhouse, 2014). Recent articles include “Diffusing Disputes: The Public in the Private of Arbitration, the Private in Courts, and the Erasure of Rights” (2015) and “Bordering by Law: The Migration of Law, Crimes, Sovereignty, and the Mail,” in Nomos LVII (2016). Professor Resnik, a Managerial Trustee of the International Association of Women Judges, was selected for an Andrew Carnegie Fellowship for 2018–2020, awarded to support innovative scholarship on pressing contemporary issues.

TIMOTHY ROES is Assistant Professor of EU Law at Leiden University. He previously was an Emile Noël Fellow at the Jean Monnet Center at NYU and conducted his PhD research on the principle of EU loyalty at the KU Leuven under the supervision of Professor Geert De Baere and Professor Koen Lenaerts. He also holds a Master of Laws from this university, a Bachelor of Laws from the University of Antwerp, and an LLM from NYU. His publications include EU Loyalty as Good Faith (2015) and “Limits to Loyalty: The Relevance of Article 4(3) TEU” (2016).

MICHEL ROSENFELD is the University Professor of Law and Comparative Democracy and the Justice Sydney L. Robins Professor of Human Rights at the Cardozo School of Law. He was the founding editor in chief
CONTRIBUTORS


SASKIA SASSEN is the Robert S. Lynd Professor of Sociology at Columbia University and a Member of its Committee on Global Thought, which she chaired from 2009 until 2015. She is a student of cities, immigration, and states in the world economy, with inequality, gendering, and digitization three key variables running through her work. Born in the Netherlands, she grew up in Argentina and Italy, studied in France, was raised in five languages, and began her professional career in the United States. Together, her authored books are translated in more than 20 languages. She regularly writes for general audience publications. Her comments have appeared in The Guardian, The New York Times, Le Monde Diplomatique, Le Monde, Vanguardia, Clarin, Die Zeit, Newsweek International, The Financial Times, among others. She has received many awards and honors, among them the 2013 Principe de Asturias Prize in the Social Sciences, was elected as a Foreign Member of the Royal Academy of the Sciences of the Netherlands, and was made a Chevalier de l’Ordre des Arts et Lettres by the French government. Her recent books include Territory, Authority, Rights: From Medieval to Global Assemblages (updated 2nd ed., 2008), Expulsions: Brutality and Complexity in the Global Economy (2014), and Cities in a World Economy (updated 5th ed., 2018).

MARTIN M. SHAPIRO teaches in the Jurisprudence and Social Policy Program of the University of California, Berkeley School of Law, and has held numerous appointments in US and overseas political science and law faculties including Harvard, Yale, Oxford, and the European University Institute. He is the author of numerous books and articles on US, EU, and comparative public law.
CONTRIBUTORS

MARK TUSHNET is the William Nelson Cromwell Professor of Law at Harvard Law School. His work focuses on comparative constitutional law, the US Supreme Court, and the theories underlying constitutional review around the world. His recent publications include *Advanced Introduction to Comparative Constitutional Law* (2nd ed., 2018) and *Advanced Introduction to Freedom of Expression* (2018).

MARY L. VOLCANSEK is Professor Emerita at Texas Christian University and specializes in comparative judicial politics. She has published multiple books, articles, and book chapters focusing on various elements of American, European, and transnational courts. Her books include *Constitutional Politics in Italy* (2000), *Courts Crossing Borders* (2005), *Courts and Terrorism* (2010), and *Globalizing Justice* (2010).
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