



**RETHINKING DEMOCRACY**  
**VIA THE PRACTICE OF CONSTITUTIONAL ADJUDICATION**

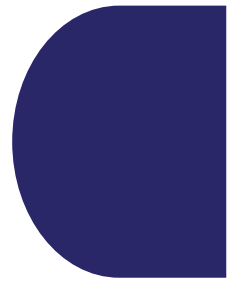
The normative debate on constitutional adjudication in democracy has been ubiquitous in scholarly discourses. However, it has primarily been based on perspectives advanced in 'First-World jurisdictions', with selected (typically large) 'Second-' and 'Third-World' jurisdictions arriving to an already pre-set conceptual table. Meanwhile, extensive empirical work on constitutional-judicial behaviour has, besides also typically centred on Western Europe and North America, frequently operated with implicit democratic political regime conditions, remaining largely disconnected from the normative debate.

The worldwide concerns over the erosion of democracy focused more attention to the operation of constitutional courts (including supreme courts in non-centralized constitutional review systems and inter- or supranational courts to the extent these claim constitutional status) in de-democratizing conditions. However, when courts are placed centre-stage in the conceptual analytical lens, the rule of law as a concept tends to take over as a frame of reference, appearing to be more naturally connected to the domain of constitutional adjudication than democracy, the latter linked to 'political' spheres instead. Yet, the frequency of using and abusing democracy as a commonly used concept in partisan and public discourse including, at times, as pretext for unaccountable power concentration and domination calls for bringing it to the fore of social scientific (including constitutional and legal studies) works on constitutional courts.

While exceptions exist, these associations generated a gap in understanding (a) how the concept of 'democracy' is imagined and practiced by selected constitutional courts and stakeholders surrounding them (including litigants and amici curiae); and (b) what explains differences and similarities across jurisdictions and what the implications of indications of constitutional courts' thinking about democracy for their role in the political regime are. An additional challenge is represented by the 'captured' or 'pretender' courts which no longer meet definitional standards of courts but retain considerable formal powers and political regime impact potential. Equally if not more limited is the understanding of the imagination and practice of democracy by 'supranational constitutional courts' as well as by less conventional adjudicative bodies with (quasi-)constitutional functions, most notably the Oversight Board (Meta).

This special issue proposal takes the above research gap as an invitation to advance a variety of approaches for conceptual, comparative, empirical and critical study of the relationship between conceptions of democracy and the practices of constitutional courts. Rather than a schematic overview following the same approach to identifying and analysing references to democracy in a sample of decisions by constitutional courts in different jurisdictions, it aims to play close attention to the background assumptions emerging from both normative and empirical works, including theories of democracy that might underpin constitutional courts' engagement with it. Consequently, the special issue proposal is particularly welcoming to 'globalise' the discourse on democracy and constitutional adjudication by (re-)appraising conceptions of democracy from global socio-legal thought.

Extended abstracts of 600-800 words (excluding references) are to be submitted via [this form \(link\)](#) by 28 February 2025.



Selected abstracts might be requested to undergo revisions before provisional acceptance for the special issue proposal to maximise its coherence. The proposal will be submitted to a recognised peer-reviewed journal and is aimed to be accompanied by an international academic blog symposium for a wider audience. Depending on the number and focus of the abstracts submitted, the convener might propose collaborations among interested authors.

Subsequently, full draft manuscripts will be workshopped at a hybrid event (physical venue and dates to be determined), with limited funding available for in-person participation particularly to junior scholars and scholars without own funding sources.

Representation of scholars with diverse backgrounds including gender, academic seniority and thematic/disciplinary background will be sought, while retaining the need for building a coherent special issue proposal. Manuscript proposals that are being developed in collaboration, particularly between scholars with diverse backgrounds and transcending a single jurisdiction are particularly welcome, albeit single-authored case studies focused on a single jurisdiction will also be considered, provided that they indicate a clear conceptual and/or methodological contribution to the state of the art. Contributions on constitutional courts often understudied in globally accessible scholarships are sought after as well, including, but not limited to, comparative contributions between jurisdictions featured more often (e.g. because of the greater accessibility of case law and scholarship in English) and more neglected cases.

Indicative timeline:

- 25 March 2025: Communication of abstract acceptance decisions
- End of April 2025: submission of the special issue proposal
- September/November 2025: workshop (tbc)
- 31 January 2026: submission of final manuscripts for external review, subject to acceptance of the special issue proposal

The special issue project is convened with the generous support of a Global Advisory Committee with the following members:

- Professor (Dr.) B S Chimni (O.P. Jindal Global University)
- Professor (Dr.) Michaela Hailbronner (University of Münster)
- Professor (Dr.) Gábor Halmai (European University Institute and Eötvös Loránd University)
- Professor (Dr.) Yuko Kasuya (Keio University)
- Professor (Dr.) Marlene Wind (University of Copenhagen)

In case of any questions on this Call, please write to the convener, Dr. [Max Steuer](mailto:max.steuer@uniba.sk), at [max.steuer@uniba.sk](mailto:max.steuer@uniba.sk).

This initiative is part of the HARVEST project ([www.fphil.uniba.sk/en/harvest](http://www.fphil.uniba.sk/en/harvest)) funded by the Recovery and Resilience Plan for Slovakia as part of Next Generation EU (excellent researcher support scheme, project No. 09I03-03-V04-00240).