

The Centre for Comparative and Public Law Faculty of Law, The University of Hong Kong

Seminar

Leadership by Constitutional Courts

Professor Mark Tushnet

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Harvard Law School*

**Tuesday, 13 January 2009, 5:00 - 6:00 pm
Room 303, 3/F KK Leung Building, University of Hong Kong**

This seminar examines three aspects of leadership in constitutional courts: leadership by the constitutional court with respect to the political system as a whole; leadership by the constitutional court in the formulation of national policy; and leadership within the judicial system. External political conditions set the parameters within which constitutional courts and their leaders have the opportunity to play an independent role in national politics. There may be as well a modest trend worldwide in the direction of greater judicial independence, and again the judges themselves may have played a small role. It is common today to speak of a global expansion of judicial power. Constitutional courts have proliferated because in general they are useful elements of modern constitutional design. They can do things that other organs of government might find it difficult to do. They can help consolidate democracy, for example, by articulating the importance of limiting as well as empowering government. Politicians might find it difficult to explain to their constituents why they refuse to do what the voters want, but judges can point to the constitution.

Professor Mark Tushnet is the William Nelson Cromwell Professor of Law at Harvard Law School. He graduated from Harvard College and Yale Law School and served as a law clerk to Justice Thurgood Marshall. He specializes in constitutional law and theory, including comparative constitutional law and his representative publications include *Weak Courts, Strong Rights: Judicial Review and Social Welfare Rights in Comparative Constitutional Law* (Princeton University Press, 2008) and *The New Constitutional Order* (Princeton University Press, 2003).

ALL ARE WELCOME!

Please register on-line via www.hku.hk/ccpl/ or
email Flora Leung at fkleung@hku.hk if you would like to attend.