Few ingredients have been as crucial to the success of the world’s emerging democracies—or, for that matter, the established democracies—as faith in the rule of law. In turn, few institutions have been as essential to maintaining that faith as a free and independent judiciary.

The presence or absence of constitutional courts, and the attributes of these courts, have been among the key variables in the design of a judicial system. Nonetheless, as constitutional courts scholars Stanley L. Paulson and Lee Epstein observe, there has been relatively little comparative scholarship on constitutional courts. This gap is especially surprising, they point out, when the increasingly marginal role of the Supreme Court of the United States in American life is contrasted with the increasingly activist roles of the European constitutional courts. Signs of change are in the wind, but serious comparative scholarship on constitutional courts is still embryonic.

Stanley L. Paulson, a distinguished authority on European legal philosophy generally and Hans Kelsen in particular, holds a joint appointment at Washington University as the William Gardiner Hammond Professor of Law and Professor of Philosophy in Arts & Sciences. Lee Epstein also holds a joint appointment, as a professor of law and the Edward Mallinckrodt Distinguished University Professor of Political Science in Arts & Sciences. Formerly chair of the Department of Political Science, she is a highly respected social scientist with a special interest in courts generally and constitutional courts in particular.

Together, they are organizing the first in a series of major international conferences of the Institute for Global Legal Studies. Entitled “Constitutional Courts,” the conference will be held at the Washington University School of Law on November 1–3, 2001. They have assembled some of the world’s most eminent legal scholars and social scientists to share information, exchange ideas, prepare and present papers, and ultimately produce a book on which future researchers will be able to build.

While the patterns are not absolute, Professors Paulson and Epstein generally characterize the American system of constitutional review as more diffuse than the centralized European model, where typically only one national court is empowered to decide constitutional questions. They also depict the powers of American judges as ex post, concrete, and confined to real cases or controversies. Many of the European constitutional courts, in contrast, may adjudicate disputes in advance and even in the absence of real cases or controversies. The impact of these and other variables is one of the many questions to be explored during the conference.

Professors Paulson and Epstein have divided the conference into three segments. The first segment will consider the historical development and diffusion of the centralized European constitutional court model. It will begin with Austria, where the model first took root, and then examine the spread of centralized constitutional courts to Germany, to post-war western Europe, and, finally, to the post-Soviet republics. The second segment will take up questions of institutional design. Here the conference will explore such issues as the methods for selection and tenure of constitutional court justices, standing requirements for litigants, jurisdiction, the timing of judicial review, justiciability and advisory opinions, and the availability of ex ante review. The third and final
The segment will be a juridico-philosophical discussion of the compatibility of constitutional review with democratic principles.

The conveners have assembled a stunning array of participants, including the following:

- **Robert Alexy**, University of Kiel, Germany’s leading legal philosopher.
- **Ronald Dworkin**, author of *Taking Rights Seriously* (1977), *A Matter of Principle* (1985), *Law’s Empire* (1986), and other major works in jurisprudence. Formerly the professor of jurisprudence at Oxford University, Professor Dworkin is the Quain Professor of Jurisprudence at the University of London, as well as professor of law and professor of philosophy at New York University.
- **Jürgen Habermas** of Germany, one of the world’s leading social and political philosophers.
- **Gretchen Helmke** of the University of Rochester. She has conducted research on the “insecure tenure” of Latin American jurists.
- **Frank I. Michelman**, the Robert Walmsley University Professor at Harvard Law School.
- **Walter Murphy**, the McCormack Professor of Jurisprudence Emeritus at Princeton University. Professor Murphy is widely regarded as one of the world’s leading authorities on comparative law and judicial processes.
- **Douglas C. North**, the Spencer T. Olin Professor in Arts & Sciences at Washington University in St. Louis. A Nobel laureate, he is an economist best known for his work on institutions.
- **Kim Lane Scheppele**, professor of law and sociology at the University of Pennsylvania. Professor Scheppele has co-directed the Program on Gender and Culture at Central European University in Budapest. She is one of the world’s leading authorities on centralized constitutional review in central and eastern Europe.
- **Michael Stolleis**, director of the Max Planck Institute for Legal History in Frankfurt. He is the leading historian of public law in Germany and the author of a monumental three-volume work on the history of German public law (*Geschichte des öffentlichen Rechts in Deutschland*).
- **Gerald Stourzh** of the University of Vienna. The doyen of Austrian legal history, he is internationally known for his work on the development of constitutional review in Europe.

The conference goal is to combine pathbreaking research with direct educational benefits for our students. Thus, in the fall of 2001, Professor Epstein will teach a semester-long seminar entitled “Constitutional Courts.” It will track the subject matter of the conference and enable students to study the subject in depth, both before and after hearing and interacting with the most exciting and innovative figures in the field.

The conference papers will be published as a book co-edited by Professor Epstein and Professor Scheppele. The conference will also be video webcast, and the papers made available on the Institute’s Web site.

For continuing updates, please visit our Web site at http://law.wustl.edu/igls/index.html, and click on “Constitutional Courts Conference.”