



FACULTY OF ARTS
Comenius University
Bratislava

Department of Political Science

The 'Talking Courts' project
is funded by a grant
from the U.S. Embassy
in Slovakia.



Towards Democratic Judiciaries

17 April 2023, 14.00 CEST

Comenius University, Faculty of Arts, Gondova 2, 811 02 Bratislava, Slovakia

In-person participation upon prior registration | [MS Teams joining link](#) for online audience | [Sli.do joining link](#) for online questions

Few today doubt that courts are important for safeguarding and maintaining democracy, particularly if democracy is not to be restricted to competition among strongmen. The 'D' word has nevertheless been frequently avoided in judicial discourse, particularly in civil law systems, due to it being seen as too much tainted with 'politics' instead of with 'law'. In turn, discussions about the 'law of democracy' tend to be confined to elections and, at best, referenda and other instruments of direct public participation in politics.

This event aims to engage with democracy in the context of courts and judges without confining the concept to elections. In so doing, it opens questions of judicial legitimacy in democracies and the role of courts and judges as sources of democratic legitimacy, the role and relevance of representation and diversity on the bench, the impact of societally unpopular decisions on courts, and the relationship between executives, legislatures and judiciaries.

Bringing together 'court insiders' (judges and advisors/clerks at the courts) with academics and members of the legal professions, it fosters a multidirectional transfer of ideas on democracy in judicial decision making and its societal reflections, that will strengthen our understanding of the role of courts in the 'democratic ecosystem' of the present. With Slovakia and the US centre-stage, insights from other jurisdictions as well as international courts are encouraged.

Talking Courts aims to contribute to engaging with the practices and challenges of contemporary judiciary in Slovakia towards a broad audience. Courts are often perceived as isolated from the broader society their decisions less visible than those of the executive or the legislature. Yet, they decisively influence democracy by their mandate to resolve conflicts without allowing the regime to plunge into autocracy. By creating a platform for official and informal interaction between judges and various public constituencies and by developing educational materials for university students on the role of judiciaries in democratic regimes, Talking Courts will raise awareness on judges as public figures who are key participants of modern democracy.

Website: <https://fphil.uniba.sk/en/talkingcourts/> (EN) | <https://fphil.uniba.sk/talkingcourts> (SK)

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Program

13.15 – 13.55 | Arrivals and registration

14.00

Welcome | **Dr. Aneta Világi** | Vice Dean for Faculty Development and International Relations, Comenius University, Faculty of Arts, Slovakia

Introductory remarks | **JUDr. Ján Šikuta, Ph.D.** | President, Supreme Court of the Slovak Republic

Session 1 | The roles of judges in a democracy

This session is devoted to exploring the roles of judges in a democratic political regime. Democracy qualifies as an 'essentially contested concept' in the social sciences. Many traditions tie it back to competitive elections only, which has given rise to the talk about various types of democracy, notably 'liberal democracy', combining the 'People power' of elections with constraints imposed by fundamental rights that ensure the protection of minorities and the political opposition. Other traditions question this reading and consider democracy as inseparably combining majority rule and fundamental rights, which are both guaranteed via an institutional system that includes the judiciary. Yet other traditions invite more innovative readings of democracy, whereby societal deliberation, or even particular outputs such as (a degree of) substantive equality are cornerstones of this political regime. The conceptual debate is met with differences 'on the ground' between democracies, in terms of their 'democratic quality' as evidenced by various measurements and indexes of democracy, as well as the legal cultures, such as civil and common law.

Chair | **Dr. Kirsten Roberts Lyer** | Associate Professor, Central European University, Department of Public Policy, Austria

Speakers

Judge David G. Campbell | Senior United States District Judge for the District of Arizona and Chair, U.S. Courts' Committee on International Judicial Relations

Professor Cornell W. Clayton | C.O. Johnson Distinguished Professor of Political Science and Director of the Thomas S. Foley Institute., Washington State University; Fulbright Specialist, Comenius University in Bratislava, Department of Political Science, USA

Mgr. Michal Novotný | Judge and Senate Chairperson, Supreme Administrative Court of the Slovak Republic

Mgr. Eva Kováčechová | Attorney and Head of the Rule of Law Program, VIA IURIS, Slovakia

Dr. Antal Berkes | Lecturer in Law, University of Liverpool, School of Law and Social Justice, UK

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Intervention by **Professor Mátyás Bencze** | Senior Research Fellow, Institute for Legal Studies, Centre for Social Sciences, Budapest, Hungary; Professor of Law, University of Debrecen School of Law, University of Debrecen, Debrecen, Hungary; Széchenyi István University, Győr, Hungary

15.30 | *Coffee break*

16.00 | Session 2 | Courts, teachers and the taught: judges as educators, judicial education and education about judiciaries

Judges first and foremost decide cases; this is the task they were entrusted to perform by the social contract, as typically manifested by modern constitutions. Yet, building expertise to do so is a task for life, and the insights they gain from being the heart of judiciaries have enormous potential to benefit the broader public. The purpose of this session is to explore the multiple relationships between courts and education, including education for judges, education by judges through their decision making as well as extrajudicial activities, and education about judges among the broader public.

Chair | **Dr. Erik Láštic** | Associate Professor, Comenius University in Bratislava, Department of Political Science, Slovakia

Speakers

Judge David G. Campbell | Senior United States District Judge for the District of Arizona and Chair, U.S. Courts' Committee on International Judicial Relations

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Interventions by

Dr. Peter Čuroš | Assistant Professor, Polish Academy of Sciences, Warsaw, Poland

Judge Ksenija Flack-Makitan | Judge, Commercial Court Varaždin, Croatia

Professor Marieta Safta | Professor of Constitutional Law, Titu Maiorescu University Bucharest, Faculty of Law, Romania

Dr. Zuzana Vikarská | Assistant Professor, Masaryk University, Faculty of Law, Czechia

17.30 | Closing

Contact person for the event: Dr. Max Steuer, Project Coordinator, max.steuer@uniba.sk

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