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Lecture in English

The Horizontal Effect Revolution and the Question of Sovereignty

Tuesday 17th November 2015

at 6.00pm

Simone WEIL amphitheater
5, allée Jacques Berque, Nantes

by

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Johan VAN DER WALT joined the University of Luxembourg in August 2011. Before moving to Luxembourg he held chairs at the Universities of Glasgow (2007-2011) and Johannesburg (1996-2006). He also holds an extraordinary professorship at the Universities of Pretoria (2009-).

His fields of specialization are Philosophy of Law, Legal Theory and Jurisprudence. His research is informed by continental European and Anglo-American traditions of philosophy, legal theory, jurisprudence, political theory and anthropology.

He published the monographs *Law and Sacrifice* in 2005 and *The Horizontal Effect Revolution and the Question of Sovereignty* in 2014 and is also the author of numerous essays and scientific journal articles.

Theme

A history that runs from Lochner to Lüth to Laval

The jurisprudence that the German Constitutional Court developed with regard to « horizontal effect » cases (cases in which the effect of fundamental rights on the horizontal relations between private individuals are at issue) in the second half of the 20th century not only spread from Germany to the rest of Europe, it also infiltrated the standard jurisprudence and mode of constitutional review that used to apply to « vertical effect » (cases in which the effect of fundamental rights on the vertical relation between private individuals and public authorities are at stake). In the process it created a new mode of constitutional review that allowed judiciaries to take over aspects of the capacities of sovereign governments that they never enjoyed before.

The aim of this paper is to illuminate this development and to consider its implications for the concept of constitutional democracy.