

Democracy and Regional Human Rights Courts: Enemies, Allies, or Both?

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The regional human rights courts in Europe and the Americas have a complex relationship with democracy. On the one hand, they were established to protect democracy (and the fundamental rights on which democracy depends) and to serve as “alarm bells” to facilitate detection and early intervention if tyranny nevertheless threatened. On the other hand, however, specific procedures and practices of these courts, or certain forms of adjudicative activity, may threaten or undermine stable democratic self-governance. History has shown that the work of the European and Inter-American courts has, at times, both augmented and challenged democracy in their respective member jurisdictions. This symposium addresses certain aspects of this tension. It consists of articles first presented at a World Congress of the International Association for the Philosophy of Law and Social Philosophy in Washington DC in 2015 at the initiative of Andreas Follesdal, Co-Director of PluriCourts -- a Research Center at the University of Oslo committed to the study of the legitimacy of international courts.