



The Politics of Judging EU Law - A new approach to national courts in the legal integration of Europe

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Abstract

This research aims to present a comprehensive analysis of the political and institutional processes that are at work in the judicial application of EU law on a national level. As a main novelty, the research intends to go beyond judicial behaviour models that focus predominantly on explaining the use of preliminary references. One could namely suggest that the way national courts participate in the preliminary reference procedure is not sufficient to assess the available modes for the judicial integration of Europe. Accordingly, the study considers the impact of political institutional and attitudinal factors affecting the judicial enforcement of EU law.

This is done by posing new questions, for instance, the relevance of national judges' preferences towards EU legal order and institutions, as well as by evaluating and reviewing the impact of political and legal institutions on their behaviour and its consequences for policy areas. First of all, the analysis confirms the influence of judges' evaluation of EU institutions and their national counterparts on their self-perception as EU judges and, subsequently, in the application of EU law. Secondly, the study shows how national institutions, like governments and national high courts, play a prominent role in shaping national courts' incentives for the application of EU law, as they may use their institutional power to circumvent judges' decisions. Finally, it reviews the strategic use of European instruments such as the CJEU precedent and its doctrines (e.g. supremacy) to overcome domestic threats when applying EU law.

To conclude, the study tries to expand the explanatory power of the middle range accounts of the role national courts played, by integrating the analytical strength of the legalist/ intergovernmentalist theories into neo-functionalism.



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Bio Juan A. Mayoral was born in Palma de Mallorca in 1981. He holds a BA in Law (2004), specializing in Public Law, and Philosophy (2005), from the University of the Balearic Islands. Afterwards, he obtained a BA in Political Science and Administration (2006) in the Complutense University of Madrid, specializing in Political Analysis.

In 2006 he obtained the Diploma of specialization in Political Science and Constitutional Law taught by the Center for Political and Constitutional Studies. That same year, he was awarded the grant from the Juan March Institute of Study and Research for master and doctoral studies at the Centre of Advanced Studies in Social Sciences (2006). In 2009 he obtained a MA in Democracy and Governance in the Autonomous University of Madrid.

At present, he is PhD researcher at the European University Institute in Florence and a doctor member candidate in the Juan March Institute.

His main interests focus on European Union institutions and Judicial Politics.