

Turkey Studies Research Cluster of DHI
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Courts and Constitutional Transition: Lessons from the Turkish Case

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273 Social Sciences & Humanities Building

Abstract:

Judicial independence is understood as a cornerstone of rule-of-law and, as such, an essential component of democratic transitions. But in contexts of democratization, the definition of judicial independent might require refinement to take account of the special challenges of moving from the rule of the few to the rule of the many. On the one hand, judicial independence should not become a mechanism to shield elite preferences from democratic reversal. On the other hand, the capture of the judiciary by newly ascendant groups might also undermine the institutional prerequisites for democratic consolidation. This talk will explore the unique challenges of institutional design for courts during periods of democratic transition through a detailed examination of a set of controversial constitutional cases and attendant constitutional reforms impacting the judiciary in the Turkish context.

The talk will then discuss current debates about the role of the judiciary in the corruption investigations underway in Turkey to assess the appropriate balance between autonomy and accountability of the judiciary during periods of democratic transition.



Aslı Bâli holds professional and graduate degrees from Cambridge, Princeton, and Yale universities. She practiced law in New York and Paris.

Bâli's current research interests focus on public international law generally, including the intersection of international law and international relations, as well as issues of non-proliferation, human rights and humanitarian law.

She also has a strong interest in the comparative law of the Middle East. Recent work includes *Pax Arabica?: Provisional Sovereignty and Intervention in the Arab Uprisings* (2012); *The Perils of Judicial Independence: Constitutional Transition and the Turkish Example* (2012); *American Overreach: Strategic Interests and Millennial Ambitions in the Middle East*, (co-authored with Aziz Rana) (2010); and *From Subjects to Citizens? The Shifting Paradigm of Electoral Authoritarianism in the Middle East* (2009).