

Contents

<i>Acknowledgements</i>	<i>x</i>
<i>Glossary</i>	<i>xi</i>
<i>List of figures</i>	<i>xiii</i>
<i>List of tables</i>	<i>xiv</i>
Introduction	1
0.1 The relevance of the research	3
0.2 The equilibrium of parliamentary law-making	9
0.3 The actors and their relationship	10
0.4 The state of equilibrium and its disturbance	13
0.5 The preservation and the restoration of the equilibrium	14
0.6 The constitutional court in the equilibrium	15
0.7 Literature review and research questions	15
0.8 Methodology	21
References	24
1 The equilibrium of parliamentary law-making: A normative standard derived from the principles of constitutionalism	31
1.1 Introduction	31
1.2 The requirements of parliamentary law-making derived from constitutionalism	31
1.3 Compliance with the requirements of constitutionalism	47
1.4 Conclusion	56
References	57
2 The disturbance of the equilibrium: Non-compliance with the requirements of constitutionalism	62
2.1 Introduction	62
2.2 The political reality of parliamentary law-making	62
2.3 The forms of non-compliance with the requirements of constitutionalism	68

2.4 Conclusion	77
References	78
3 Guardians of the equilibrium: Non-judicial and judicial enforcement of the requirements of constitutionalism	84
3.1 Introduction	84
3.2 The guarantees of compliance: self-compliance, non-judicial and judicial enforcement	84
3.3 Non-judicial enforcement	88
3.4 Judicial review as an additional layer of enforcement	92
3.5 Judicial enforcement	99
3.6 Conclusion	111
References	112
4 How to recognize disturbances in the equilibrium? Standards in constitutional judicial review	119
4.1 Introduction	119
4.2 The status of the violated rules in the hierarchy of norms	119
4.3 The obviousness of the violation	127
4.4 The seriousness of the violation	130
4.5 Conclusion	135
References	136
5 The preservation and restoration of the equilibrium: Judicial enforcement of the requirements of constitutionalism	140
5.1 Introduction	140
5.2 Separation of powers and checks and balances	140
5.3 Democracy	146
5.4 Rule of Law	155
5.5 Conclusion	165
References	166
6 The extent of judicial influence in the equilibrium: Judicialization of parliamentary law-making	171
6.1 Introduction	171
6.2 The distance between the political branches and the courts	173
6.3 The depth of judicial intervention in parliamentary law-making	178
6.4 The scope of judicially cognizable issues	185
6.5 Conclusion	188
References	189

7	A long road towards the achievement of equilibrium: Legislative riders in France	195
	7.1 Introduction	195
	7.2 The original state of disequilibrium: from one extreme to another	196
	7.3 In search of the equilibrium: the evolution of the parliamentary practice and regulation, and the constitutional case law	199
	7.4 An equilibrium found? Joint efforts to guarantee the constitutionality of parliamentary law-making	216
	7.5 Conclusion	220
	References	221
8	An equilibrium never searched thus never found: Lack of public participation in law-making in Hungary	227
	8.1 Introduction	227
	8.2 Third Republic (1989–2010)	228
	8.3 Orbán regime (2010–)	237
	8.4 Conclusion	250
	References	251
	Conclusion	257
	References	268
	<i>Index</i>	271