

Francisco Fernández Segado, *La justicia constitucional: una visión de derecho comparado* (Justiția constituțională: o perspectivă de drept comparat), 3 vol., Ed. Dykinson- Constitutional, Madrid, 2009

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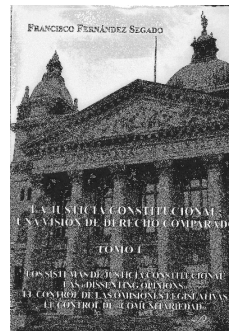
We would like to call your attention to the recently issued work *La justicia constitucional: una visión de derecho comparado*, written by Professor Francisco Fernández Segado, published by the Dykinson Printing House in Madrid.

The author, who is a Constitutional Law professor at the Complutense University in Madrid and at the University of Santiago de Compostela, PhD honoris causa of the University in Messina, Italy, honourable professor of 14 universities in the Latin America, author of 24 books and having more than 500 articles published in collective works on various continents, is also known in Romania through his studies published in our country, as he is a constant collaborator of “Mihail Kogalniceanu” University.

The most recent work of Professor Francisco Fernández Segado, *La justicia constitucional: una visión de derecho comparado*, is structured in 3 volumes: vol. I – The Systems of Constitutional Justice. The Divergent Opinions. The Control of Legislative Omissions. The Control of Conformity with Communitarian Law, vol. II – The Constitutional Justice in France and vol. III – The Constitutional Justice in Latin America and Spain, each of which comprises more than 1000 pages of masterly analysed and synthesised information.

The author proves, by convincing us on grounds of both the doctrine and the practice of constitutional justice nowadays, that we witness a continuous process of approach and hybridisation of the two classical systems of jurisdictional control of the constitutionality of laws: the American and the Kelsenian one. Thus, Francisco Fernández Segado’s opinion is that a third type of control of constitutionality is being created, one which has features of the two established models. The American Supreme Court resembles more and more to the European Constitutional Court and the latter uses with increased frequency the jurisprudence and the creative interpretation in taking decisions. The diffuse way of calling upon a court, that is characteristic to the American control, is gradually more assumed by the Kelsenian system, and the principle of concentrated decision becomes rule in the American system.

The relations between the constitutional courts and the supreme courts in the respective states, the way in which one refers to the other’s decisions, to the European and the international law, in general, are some of the issues that the



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author takes into consideration and analyses them by using mostly the comparative method.

The role of the constitutional courts in accomplishing the normative function of the state is mostly emphasised regarding the transformation tendency of the constitutional courts from “negative legislator” into “positive legislator”, in the cases of the Parliaments’ passivity, through the omission of adopting the necessary laws.

The author is conversant with the constitutional reality in Romania and in the other states of Central and Eastern Europe. Each of these systems of control of the constitutionality of laws is comparatively analysed, based on accurate and present information, and thus proving his acquaintance with the schools of constitutional law in these countries.

The vast work is not only intended for the use of researchers, but also for teaching personnel, magistrates and law students, who are familiar with Spanish. These ones, and not only them, would enjoy finding the three volumes in libraries of juridical profile or in personal libraries, as this work represents a significant resource of knowledge regarding the control of the constitutionality of law.