

**Danny Pieters (Ed.), *The constitutional courts of small jurisdictions*. London: Routledge, 2024, hbk, x+160pp. ISBN: 978-1-0326-0949-2. £130.00.**

This volume helps to fill an important gap in legal literature that addresses not so much the mainstream constitutional courts but those of small jurisdictions about which little is written. Apart from the introduction and comparative conclusion, this book contains contributions on the constitutional courts of, in alphabetical order: Andorra (Willem Verrijdt), Cyprus (Polina Hadjimitsi), Estonia (Karin Leichter-Tammisto), Liechtenstein (Tim Souverijns), Luxembourg (Jean-Claude Wiwinius), Malta (Tim Souverijns), Monaco (Willem Verrijdt), Montenegro (Aleksandra Vukasinovic), and San Marino (Danny Pieters).

The editor informs his readers that for the purpose of this work, a small state is one “with less than one and a half million inhabitants” (p. 1). Of course, there are other European small states that have not been included in this tome such as Iceland and the Vatican; but these two jurisdictions lack a Constitutional Court. The book, being a comparative constitutional study in nature, has attempted to address the following matters in relation to each jurisdiction: the history of the court; its composition; its standing and types of proceedings; its jurisdiction; the applicable procedural steps and rules; the nature and effect of the decisions rendered; relations with other courts; and current issues and future developments (pp. 3-4). All these matters are addressed by the seven contributing authors in relation to the nine jurisdictions examined.

The volume’s concluding chapter, entitled ‘Are constitutional courts of small jurisdictions special?’ authored by Willem Verrijdt and Danny Pieters, makes interesting reading. It provides a clear and concise answer to the book’s main research questions relating to: the reasons for creating a constitutional court; overcoming scale disadvantages; selection of judges; support staff; standing and types of proceedings; pertinent procedures; legal effect of decisions; external relations; and caseload. The authors also observe that the Supreme Tribunal of Monaco is considered to be “the oldest constitutional court in the world” (p. 157). Essentially, after having undertaken such a comparative study between nine small state constitutional courts, the authors find that: (a) the nine small states examined differ considerably in terms of ‘size, population, historical and cultural development, and institutional design’; (b) these courts were created at different epochs; (c) small state constitutional courts took inspiration from neighbouring larger constitutional courts; and (d) adopting a constitutional jurisdiction is a political matter rather than one based on size, resources, etc. Recourse to these small state constitutional courts and their power of redress, whether wide or narrow, does not depend much on the size of the small state or on its resources but on its political system that dictates the breadth and depth of constitutional court establishment, composition, procedure, and powers.

The constitutional courts of the nine jurisdictions surveyed differ in terms of composition, jurisdiction, and functions. But they also share some common elements. From this volume, small states can understand how their respective constitutional courts differ and can be enriched by being afforded wider powers than extant ones to provide a better service to the community they serve. Instances gleaned from the nine small state constitutional courts’ studies indicate that there are legislative enhancements worth adopting by small states in relation to their own constitutional courts to enhance good practices of judicial governance. These comprise: a one long non-renewable period of office for constitutional court judges to strengthen their impartiality; judicial

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appointments are staggered so that a different judge retires each year to ensure continuity and retention of institutional memory; allowing *a priori* review of the constitutionality of new treaties and proposed ordinary legislation to confirm that these are in line with the constitution; empowering the constitutional court to answer preliminary references to it on constitutional matters submitted by courts and tribunals; to establish strict deadlines for the rendering of appeal judgments, preliminary references, and advisory opinions; to determine court staffing rather than being reliant on government; constitutional court judges to be appointed by an independent state institution autonomous from the legislature and the executive; court judges are to be empowered to append concurring and dissenting opinions to court judgments; to provide for a permanent list of substitute members should a sitting judiciary be challenged or abstains from hearing a case with such list and appointment being made directly by the judiciary; removing procedural hurdles that debar access to the constitutional court by all persons, natural and legal; investing in online hearings and resorting to the court's website to broadcast the court's proceedings; and reviewing referenda: abrogative, propositive, and confirmatory.

Constitutional courts of small states face peculiar challenges. Perhaps a common trend that this publication identifies is that control over the courts' support staff is not within the jurisdiction of these courts but in the hands of an external body. Their independence and functioning can be constrained in several ways, ranging from not providing sufficient support staff; taking unreasonable time to renew or appoint new judges to office when vacancies occur; restrict the jurisdiction of these courts to deprive them from being relevant for the good governance of a state; and limiting public access thereto so as to thwart constitutional courts from reviewing governmental or parliamentary measures.

This book is welcome because it sheds light on the problems that small state constitutional courts face regularly in their judicial functions. More importantly, the comparative study undertaken here is an eye opener as to how the performance of constitutional courts of small states can be enhanced so that they could keep government better in check, afford timely and adequate remedies to all persons, ingrain the independence of the judiciary, and further democratise state institutions for the common good of society.

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