The Nordic countries have no tradition of judicial review by courts and have been generally hesitant to make use of the preliminary ruling procedure in the European Union. New data indicate that Nordic courts prefer to solve as many EU-related judicial disputes as possible without involving a supranational organ such as the ECJ. Building on two comprehensive surveys of Danish and Swedish courts and judges, this study challenges the theory of judicial empowerment when explaining judicial integration in the EU. The article argues that in order to explain when and why Member State courts make use of the preliminary ruling procedure, a much deeper understanding of the prevalent legal/political culture and concept of democracy in each Member State is required. In particular, the distinction between majoritarian versus constitutional democracies may help us understand why majoritarian democracies express greater scepticism towards supranational judicial review.

Marlene Wind is Professor of Political Science at the University of Copenhagen. She holds a doctorate from the European University Institute in Florence (EUI). She is also Professor at iCourts Centre of excellence at the Faculty of Law at the University of Copenhagen. She moreover holds at Professorship (Professor II) in Public Law at the University of Oslo where she is also project-coordinator at the Pluricourts project. Wind has published widely on the interplay between law and politics in the EU and is currently working on domestic politics and the implementation of international law in advanced democracies.

http://ceur.ceu.edu/