

GRÁINNE DE BÚRCA

CURRICULUM VITAE

Employment

Professor of Constitutional Law, European University Institute, 2023-2028
Florence Ellinwood Allen Professor of Law, NYU Law School, 2011- (on leave)
Professor of Law, Harvard Law School, 2010-2011
Professor of Law, Fordham Law School, 2006-2010
Professor of Law, European University Institute, Florence, 1998-2005.
Co-Director, Academy of European Law, EUI, Florence, 1998-2005.
Lecturer in Law, Oxford University, and Fellow and Tutor in law, Somerville College, Oxford, 1990-2000.
Deputy Director, Centre for European and Comparative Law, Oxford University, 1996-98.
Research Assistant, Law Reform Commission, Dublin, 1988-89.

Education

B.C.L., University College Dublin, 1986.
LL.M., University of Michigan, Ann Arbor, 1987.
Barrister-at-Law, King's Inns, Dublin, 1989.

Activities, Honors and Awards

Honorary Doctorate in Law (LLD), University College Dublin, 2022
Honorary Member of the Royal Irish Academy, 2023
Fellow of the British Academy (Corresponding) 2016-
Podell Distinguished Teaching Award, NYU Law School 2017
Co-President, International Society of Public Law, 2015-18
Co-Director, Jean Monnet Center for Regional and International Economic Law and Justice, NYU 2013-2023
Faculty Director, Hauser Global Law School, NYU, 2012-2023
Member of the Robert Schuman Centre Working Group on Reorganisation of the EU Treaties (commissioned by the European Commission), 2000.

Editorial Activities

Co-Editor-in-chief, *International Journal of Constitutional Law*, 2015-
Member of the Editorial Board, *American Journal of International Law*, 2017-
Member of the Editorial Board, *Journal of Common Market Studies*, 2010-2017
Member of the Editorial Board of the *European Law Journal*, 2002-2015
Series co-editor, *Oxford Monographs in European Law*, published by Oxford University Press, since 1998.
Series co-editor, *Collected Courses of the Academy of European Law*, published by Oxford University Press, 1998-2006.
Review Editor and Member of the Board of Editors, *Oxford Journal of Legal Studies*, 1997-2010
Review Editor, *Yearbook of European Law* 1995-2009

Publications

(a) Books

Legal Mobilization for Human Rights, edited (OUP, 2022)

Reframing Human Rights in a Turbulent Era, monograph (OUP, 2021)

The Evolution of EU Law, co-edited with P.P. Craig, Oxford University Press, (3rd ed, 2021).

EU Law: Text, Cases and Materials, co-written with P.P. Craig, (7th ed., 2020).

The EU's Justice Deficit (co-edited with Dimitry Kochenov and Andrew Williams), Hart Publishing, (2015)

Global Governance: Critical Legal Perspectives (co-edited with Claire Kilpatrick and Joanne Scott), Hart Publishing, 2014)

The Worlds of European Constitutionalism, (co-edited with Joseph Weiler), Cambridge University Press (2011)

Law and New Governance in the European Union and the United States, co-edited with Joanne Scott), Hart Publishing Oxford, 2006

EU Law and the Welfare State: In Search of Solidarity (edited), Oxford University Press 2005

Social Rights in Europe (co-edited with Bruno de Witte and Larissa Ogertschnig), Oxford University Press 2005

The European Court of Justice, co-edited with J.H.H. Weiler (Oxford University Press, 2001)

The EU and the WTO: Legal and Constitutional Issues, (co-edited with Joanne Scott (Oxford, Hart Publishing, 2001)

Constitutional Change in the EU: From Uniformity to Flexibility?, co-edited with Joanne Scott (Oxford, Hart Publishing, 2000)

(b) Articles

'The (Mis)Appropriation of Human Rights by the New Global Rights (2023) 21 International Journal of Constitutional Law, (issue 2)

'Poland and Hungary's EU Membership: On Not Confronting Authoritarian States' (2022) 20 International Journal of Constitutional Law

'A Citizens' Assembly for EU Refugee Law' German Law Journal (2020)

- ‘Is European Supranational Governance a Challenge to Liberal Constitutionalism?’ Chicago Law Review, (2018) 85 Chicago Law Review 337-367.
- ‘Human Rights Experimentalism’ (2017) 111 American Journal of International Law 277-316
- ‘Nominal Democracy: A Reply to Robert Keohane’ (2016) 14 International Journal of Constitutional Law 925-29
- ‘Contested or Competitive Multilateralism?: A reply to Julia Morse and Robert Keohane’ (2016) 5 Global Constitutionalism 320-326
- ‘Internationalization of international law by the CJEU and the US Supreme Court’ (2015) 13 International Journal of Constitutional Law 987-1007
- ‘International law before the Courts: The EU and the US Compared’, (2015) 55 Virginia Journal of International Law 685-728
- ‘Global Experimentalist Governance’ (co-authored with Robert O. Keohane and C. Sabel) (2014) 44 British Journal of Political Science 477-486
- ‘After the EU Charter of Rights: The Court of Justice as a Human Rights Adjudicator?’ (2013) 20 Maastricht Journal of European and Comparative Law 168-184
- ‘New Modes of Pluralist Global Governance’ (co-authored with Robert O. Keohane and Charles Sabel) (2013) 45 New York University Journal of Law and Politics, 723-786
- ‘The Domestic Impact of the EU Charter of Fundamental Rights’ (2013) 49 *Irish Jurist* 49-63
- ‘The Trajectories of European and American Anti-Discrimination Law’, (2012) 60 American Journal of Comparative Law 1-22
- ‘The Road Not Taken: The EU as a Global Human Rights Actor’ (2011) 105 American Journal of International Law 649-693.
- ‘The EU in the Negotiation of the UN Disability Convention’ (2010) 35 European Law Review, 174-196
- ‘New Governance and Experimentalism: An Introduction’ (2010) Wisconsin Law Review 101-112
- “‘If at First You Don’t Succeed: Vote, Vote Again’”: Analyzing the ‘Second Referendum’ Phenomenon in EU Treaty Change’ (2010) 33 Fordham International Law Journal 1472-1489
- ‘The European Court of Justice and the International Legal Order after *Kadi*’ (2010) Harvard International Law Journal Vol 51, No. 3, 1-49
- ‘The European Courts and the Security Council: Between Dédoulement Fonctionnel and Balancing of Values: A Reply to DeSena and Vitucci’ (2009) European Journal of International Law, Vol 20, No 3
- ‘The Lisbon Treaty No-Vote: An Irish Problem or a European Problem?’ (2008) 2 Irish Yearbook of International Law 3-17

- ‘Developing Democracy Beyond the State’ 46 *Columbia Journal of Transnational Law* (2008), Vol 46, No.2, 102-158
- ‘Reflections on the EU’s Path from the Constitutional Treaty to the Lisbon Treaty’, Jean Monnet Working paper 03/08, www.jeanmonnetprogram.org
- ‘Reconceiving Law and New Governance’ 13 *Columbia Journal of European Law* (2007) 519-537
- ‘The European Constitutional Project after the Referenda’ 13 *Constellations* (2006) 205-217
- ‘The Denationalization of Constitutional Law’ (with Oliver Gerstenberg) (2005) 47 *Harvard International Law Journal* 243-262
- ‘Beyond the Charter: How Enlargement has Enlarged the Human Rights Policy of the EU’ (2004) 27 *Fordham International Law Journal* 679-714
- ‘The Drafting of a Constitution for the European Union: Europe’s Madisonian Moment or a Moment of Madness?’ (2004) 61 *Washington and Lee Law Review* 555-583
- ‘Rethinking Law in Neofunctionalist Theory’ (2005) 12 *Journal of European Public Policy* 310-326
- ‘European Constitutionalism and the Charter of Fundamental Rights’ (with Jo Aschenbrenner) (2003) 9 *Columbia Journal of European Law* 355.
- ‘The Constitutional Challenge of New Governance in the European Union’, (2003) 28 *European Law Review* 814-839
- ‘Law and Transnational Civil Society: Upsetting the Agenda?’ (with Neil Walker), (2003) 9 *European Law Journal* 387.
- ‘Post-Nice or Anti-Nice?: The debate on Europe's constitutional future after Ireland's No Vote’, (2002) *Hibernian Law Journal* 1.
- ‘The Drafting of the EU Charter of Fundamental Rights’, 26 *European Law Review* 214-228 (2001).
- ‘The Constitutional Implications of the Tobacco Advertising Judgment’, *Centre for European Legal Studies, Cambridge Occasional Paper* 5/2001.
- ‘Setting Constitutional Limits to EU Competences’ *Faculdade de Direito da Universidade Nova de Lisboa Francisco Lucas Pires Working Papers Series on European Constitutionalism, No. 2/2001*
- ‘Citizenship of the Union Re-examined’, Report for the Europäischer Juristentag (Nomos, 2001) (also published in 2001 in *Zeitschrift für Schweizerisches Recht*).
- ‘Re-appraising Subsidiarity’s Significance after Amsterdam’, *Harvard Jean Monnet Working Paper*, no. 7/1999.
- ‘The Principle of Subsidiarity and the Court of Justice as an Institutional Actor’, 36 *Journal of Common Market Studies* 214-235 (1998).
- ‘The Quest for Legitimacy in the European Union’, 59 *Modern Law Review* 359-376 (1996).

‘The Principle of Proportionality and its Application in EC Law’, 13 *Yearbook of European Law* 105-150 (1993).

‘Fundamental Human Rights and the Reach of EC Law’, 13 *Oxford Journal of Legal Studies* 283-319 (1993).

‘The Influence of European Legal Concepts on UK Law: Proportionality and Wednesbury Unreasonableness’, 3 *European Public Law* 561-587 (1993).

‘Giving Effect To EC Directives’, 55 *Modern Law Review* 215-240 (1992).

(c) Chapters

“Questioning the EU’s ‘principled openness’ to EU law” (with Joanne Scott and Claire Kilpatrick) in *Making Sense of European Law* (Ellen Vos and Monica Claes), Hart Publishing 2022.

“Introduction to Legal Mobilization for Human Rights” in G. de Búrca (ed) *Legal Mobilization for Human Rights* (OUP, 2022)

“Reinvigorating democracy in the EU: Lessons from the Irish Citizens Assembly” in Uladzislau Belavusau and Aleksandra Gliszczynska-Grabias *Constitutionalism Under Stress: Essays in Honour of Wojciech Sadurski* (OUP, 2020)

“Before Brexit: Reflections on the Mutual Judicial Influence of the UK Courts and the EU Court of Justice’ in Alison Young, Elizabeth Fisher and Jeff King (eds) *Foundations and Future of Public Law* (Oxford University Press, 2020), Chapter 6

‘How British was the Brexit Vote?’ in *Brexit and Beyond: Rethinking the Futures of Europe* (Forthcoming, University College London Press, 2018)

‘Europe’s *Raison d’Etre*’ in Dimitry Kochenov and Fabian Amtenbrink (eds.), *The European Union’s Shaping of the International Legal Order* (Cambridge University Press, 2013) p 21-38

‘EU External Relations: The Governance Mode of Foreign Policy’ in Bart Van Vooren, Steven Blockmans and Jan Wouters (eds) *The Legal Dimension of Global Governance: What Role for the EU?* (OUP, 2013) p 39-58

“The ECJ and the International Legal Order: A Re-evaluation” in *The Worlds of European Constitutionalism* (G. de Búrca and J.H.H.Weiler, eds, CUP, 2012)

“Stumbling into Experimentalism?: The EU Anti-Discrimination Regime” in Charles Sabel and Jonathan Zeitlin (eds), *Experimentalist Governance in the EU: Towards a New Architecture* (OUP, 2009)

“New Governance, Law and Constitutionalism” with Joanne Scott, in *Law and New Governance in the EU and the US* (G. de Búrca and J. Scott, eds), Hart Publishing, 2006

“EU Race Discrimination Law: A Hybrid Model” in *Law and New Governance in the EU and the US* (G. de Búrca and J. Scott, eds), Hart Publishing, 2006

“New Modes of Governance and the Protection of Human Rights” in P. Alston and O. De Schutter (eds) *Monitoring Fundamental Rights in the EU* (Hart Publishing, 2005) 25

- “Towards European Welfare?” in *EU Law and the Welfare State: In Search of Solidarity* (OUP, 2005)
- “The Future of Social Rights Protection in Europe” in *Social Rights in Europe* (G. de Búrca, B. de Witte and L. Ogertschnig eds, OUP 2005)
- “The Legal Foundations of the Enlarged European Union” with G. Bermann, in G. Bermann and K. Pistor (eds) *Law and Governance in an Enlarged European Union* (Hart Publishing, 2004)
- “The EU’s Supremacy doctrine: Sovereignty by any other Name?”. in N. Walker, ed., *Sovereignty in Transition* (Hart Publishing 2003)
- “The Citizenship and Fundamental Rights Clauses in the draft Constitutional Treaty”, in B. de Witte, ed., *A Model Constitutional Treaty for the EU?* (Robert Schuman Centre, 2003)
- “The ECJ and the Evolution of European Law” in T. Boerzel and R. Cicowski (eds), *The State of the European Union: Law Politics and Society in Europe* (Oxford University Press, 2003)
- ‘The Case for an EU Human Rights Policy’, in Paul Beaumont, Carole Lyons and Neil Walker, eds., *Convergence and Divergence in European Public Law* (Hart Publishing, 2002).
- ‘The Concept of Discrimination in EC internal Market Law and WTO Law’, in C. Barnard and J. Scott, eds., *The Legal Foundations of the Single Market: Unpacking the Premises* (Hart Publishing, 2002)
- ‘The Post-Nice Delimitation of Powers’ (with Bruno de Witte), in A. Arnall and D Wincott, eds., *Legitimacy and Accountability in the European Union after Nice* (Oxford University Press, 2002)
- ‘Legal Principles as an Instrument of Differentiation’, in B. De Witte, D Hanf, and E. Vos, eds., *The Many Faces of Differentiation in EU Law* (Intersentia, 2001).
- ‘The ECJ and Judicial Review of National Administrative Procedure in the field of EIA’, (with Aine Ryall) in K.H. Ladeur, ed., *Member States Administrative Procedural Law and its Impact on the European Harmonization Process* (Ashgate, 2001).
- ‘The Impact of the WTO on EU Decision-making’, (with Joanne Scott) in G. de Búrca and J. Scott, eds, *The EU and the WTO: Legal and Constitutional Issues*, (Hart Publishing, 2001).
- ‘Introduction’, in G. de Búrca and J.H.H. Weiler, eds., *The European Court of Justice*, (Oxford University Press, 2001).
- ‘Human Rights: The Charter and Beyond’, in *Europe 2004: Le Grand Débat: Setting the Agenda and Outlining the Options* (Brussels, European Commission, 2001)
- ‘Differentiation within the Core: The case of the Internal Market’, in G. de Búrca and J. Scott, eds, *Constitutional Change in the EU: From Uniformity to Flexibility?* (Hart Publishing, 2000).
- ‘Subsidiarity and Proportionality as General Principles of Law’, in J. Nergelius and U. Bernitz, eds., *The General Principles of EC Law* (Kluwer Academic Publishing, 2000).

‘The Institutional Development of the European Union: A Constitutional Analysis’, in P.P. Craig and G. de Búrca eds., *European Union Law: An Evolutionary Perspective* (Oxford University Press 1999).

‘Wednesbury Unreasonableness and Proportionality’, in M. Andenas, ed., *The Common Law of Europe and the Public Law of the UK* (Key Haven Publications, 1998).

‘National Remedies for Breach of EC Law: The Changing Approach of the ECJ’, in A. Biondi and J. Lonbay, eds, *Remedies for Breach of EC Law Before National Courts* (Wiley, 1997).

‘The Role of Equality in EC Law’, in S. O’Leary, ed., *The Principle of Equal Treatment in European Community Law* (Sweet and Maxwell, 1997).

‘The Language of Rights and European Integration’ in G. More and J. Shaw, eds., *New Legal Dynamics of the European Union*, (Oxford University Press, 1995).

‘The European Court of Justice’, in T. Kende, ed., *Public Law and Politics in Europe*, (translation) (Szazadveg, Hungary, 1994).

(d) Reviews, shorter essays and notes

‘Introduction to the Symposium on Queering International Law’ AJIL Unbound (2022)

‘The unequal impact of the pandemic on scholars with care responsibilities: What can journals (and others) do?’ with Marcela Rudolphy, Michaela Hailbronner and Sarah Nouwen, (2021) *International Journal of Constitutional Law*, and *European Journal of International Law*

‘Gender in Academia’, with Marcela Rudolphy and Michaela Hailbronner (2019) 17 *International Journal of Constitutional Law*

‘Introduction to the Symposium on The GDPR and International Law’ 114 AJIL Unbound (2020)

‘Introduction’ to the Symposium on Jeffrey Dunoff and Mark Pollack’s ‘The Judicial Trilemma’ (2017) AJIL online 341-343

‘After the Referenda’ (2006) 12 *European Law Journal*

‘Paradoxes of Democracy’ (2005) 2 *European Constitutional Law Review*

‘Setting Limits to Competences under the EU Constitution’ (2004) 1 *European Constitutional Law Review*

Reconstructing Criminal Law, by N. Lacey, C. Wells and D. Meure (Weidenfeld & Nicholson, 1990) [1991] *Cambridge Law Journal* 176-179.

Textbook on EEC Law, by J. Steiner (Blackstone, 2nd Ed. 1990) [1990] *Yearbook of European Law* 595-597.

EEC Legislation, by N. Foster (Blackstone, 1990) [1990] *Yearbook of European Law* 599-600.

The Foundations of European Community Law by T.C. Hartley. (Clarendon Press, Oxford, 1994)
[1994] *Yearbook of European Law*.

The Construction of Europe: Essays in Honour of Emile Noël, edited by Stephen Martin. (Dordrecht: Kluwer, 1994) [1996] *European Law Review*.

Clancy v. Ireland [1989] *Dublin University Law Journal* 132-137.

'Intoxication and the Criminal Law', [1991] *New Law Journal* 560-562.

C-410/92, Johnson v Chief Adjudication Officer (no.2), [1994] ECR I-5483, [1995] *International Journal of Discrimination and the Law* 185-189.

Cases C-21/94, Parliament v Council [1995] ECR I-1827 and C-417/93, Parliament v Council [1995] ECR I-1185, [1996] *Common Market Law Review* 1051-1063.

Principal Recent Presentations and Papers

2022

Annual Lillich Memorial Lecture, Florida State University (2022)

2021

FLAC Annual Justice Lecture 2021, Dublin, December 2021

2017

2016

Inaugural Arthur Browne Memorial Lecture at Trinity College Dublin, May 2016

Co-organized the third annual ICON-S conference at the Humboldt University, Berlin, June 2016

2015

Keynote lecture on Antidiscrimination law before the European Court of Justice at the Aristotle University of Thessaloniki, June 2015

Co-organized the second annual ICON-S conference at NYU, July 2015

Max Weber Lecture at the European University Institute, April 2015

2014

General Course at the Venice Academy of Human Rights, July 2014

2013

Annual Mitchell lecture, University of Toronto

2012

John Maurice Kelly Memorial Lecture, University College Dublin, May 2012

Academy of European law Distinguished Lecture at the EUI, Florence, in July 2012

Brian Walsh Memorial Lecture in Dublin, November 2012

2010

Durham Annual European Law Lecture on The EU as a Human Rights Actor, October 2010

2004

Annual Walter Van Gerven Lecture, 'The EU Constitution: In Search of Europe's International Identity' Leuven, November 2004

2003

Annual John Randolph Tucker III lecture at Washington and Lee University School of Law, Virginia, October 2003