The Constitutionalization of Disparate Impact—Court-Centered and Popular Pathways: A Comment on Owen Fiss’s Brennan Lecture

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Abstract
This Essay is based on a lecture presented at the Brennan Center’s 2017-2018 Thomas M. Jorde Symposium on April 23, 2018 at the University of Chicago Law School. In this piece, Professor Reva B. Siegel responds to the Jorde Symposium lecture delivered by Professor Owen Fiss, titled The Accumulation of Disadvantages, available here.

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The Constitutionalization of the Global Corporate Sphere? Buy Now. January 2nd 2013. By Grahame Thompson. Have we seen a potentially new form of global governance quietly emerging over the last decade or so, one that is establishing a surrogate and informal process of the constitutionalization of global economic and political relationships, something that is creeping up on us almost unnoticed? Quasi-constitutionalization is a surrogate process of constitutionalization, not a coherent program with a rounded set of outcomes but full of contradictory half-finished currents and projects: an ‘assemblage’ of many disparate advances and often directionless moves – almost an accidental coming together of elements.