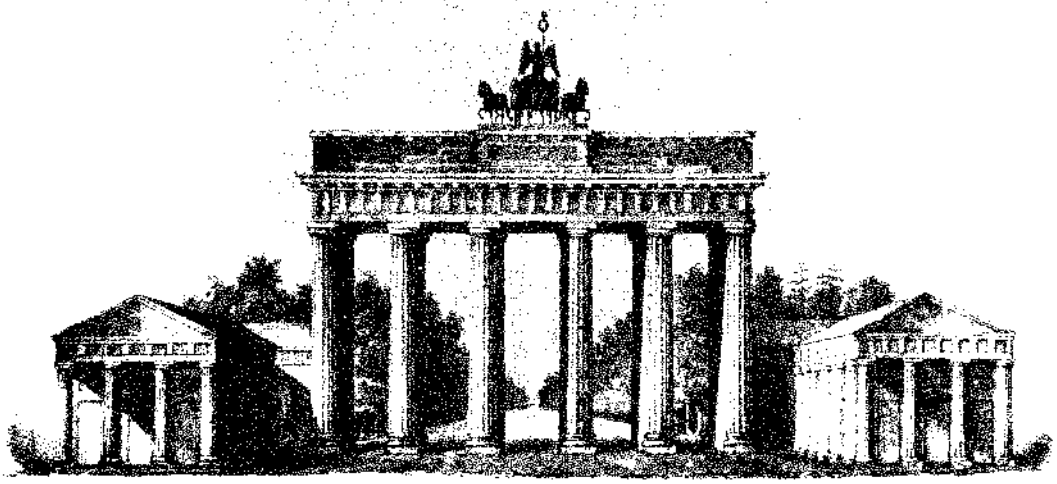
Abstracts / Résumés

International Political Science Association
Association Internationale de Science Politique

SIXTEENT[illegible]IGRESS
August 21 - [illegible] Germany
SEIZIÈME [illegible]ONDIAL
21 - 25 août 19[illegible], Allemagne

Democratization
La Démocratisation



Das Brandenburger Thor.

Gad Barzilai

The Political Nature of Judicial Review

The purpose of this article is to analyze the political characteristics and the political ramifications of judicial review in democratic settings. It will deal with sources of judicial legitimacy of supreme courts, and will analyze the repercussions of judicial legitimacy on public policy. After a critical review of the literature the article will demonstrate typology based on comparative analysis of constitutional higher courts and administrative higher courts. In this context I shall claim that while legitimacy of judicial review has been underscored as a constitutional issue, I claim that it should be conceptualized as a political phenomenon, which has been influenced by the nature of the development of judicial review in democratic settings. The American, French, German, Israeli, Italian, and Swiss higher courts will be the main cases that I will refer to. The paper will also demonstrate differences in developments of judicial review within the Christian, Jewish and Muslim traditions referring to legal systems.