Lecturer Scott Lemieux's Book

Judicial Review

For decades, the question of judicial review’s status in a democratic political system has been adjudicated through the framework of what Alexander Bickel labeled “the countermajoritarian difficulty.” That is, the idea that judicial review is particularly problematic for democracy because it opposes the will of the majority.

Judicial Review and Contemporary Democratic Theory begins with an assessment of the empirical and theoretical flaws of this framework, and an account of the ways in which this framework has hindered meaningful investigation into judicial review’s value within a democratic political system. To replace the countermajoritarian difficulty framework, Scott E. Lemieux and David J. Watkins draw on recent work in democratic theory emphasizing democracy’s opposition to domination and analyses of constitutional court cases in the United States, Canada, and elsewhere to examine judicial review in its institutional and political context.

Developing democratic criteria for veto points in a democratic system and comparing them to each other against these criteria, Lemieux and Watkins yield fresh insights into judicial review’s democratic value. This book is essential reading for students of law and courts, judicial politics, legal theory, and constitutional law.

People Involved:
Scott Lemieux

Status of Research or Work:
Completed/published

Research Type:
- Publications
- Books

Related Fields:
- Constitutional Law
- Courts
- Justice
- Law and Society

Department of Political Science · University of Washington · 101 Gowen Hall, Box 353530 · Seattle, WA 98195-3530
Telephone: (206) 543-2780 · Fax (206) 685-2146 · Email: polisci@uw.edu

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