



Judicialization of Politics: The Interplay of Institutional Structure, Legal Doctrine, and Politics on the High Court of Australia

Reginald S. Sheehan, Rebecca D. Gill, Kirk A. Randazzo

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This book examines the judicialization of politics in the High Court of Australia. The authors argue it is the interplay of institutional structures, a growing concern for individual rights, and the willingness of the justices to engage in purposive policymaking that lead the court to engage in judicial politics. The High Court of Australia underwent a significant structural change in its jurisdiction at about the same time that it was also experiencing a shift away from strict legalism. Segments of the Australian population began to lose faith in the ability of Parliament to right societal wrongs and protect the rights of individuals. The result was a period of time in which the decision-making of the High Court was under scrutiny because the Court seemed to be engaging in policymaking. The findings suggest that justices can be constrained by institutional structures and the acceptance of restrictive legal doctrines. Changes in those conditions are necessary for judicialization of politics to occur in a court.

The book will be of interest to a wide range of scholars who are interested in the phenomenon of the judicialization of politics. These scholars include law school professors, political scientists, and other academics studying judicial politics and the role of constitutional structures and legal doctrine in decision-making. The book is ideal for use in a graduate seminar on judicial politics and/or comparative legal systems. It provides an excellent example of a comparative research design and analyses that would be a valuable instructional tool in a graduate class.

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