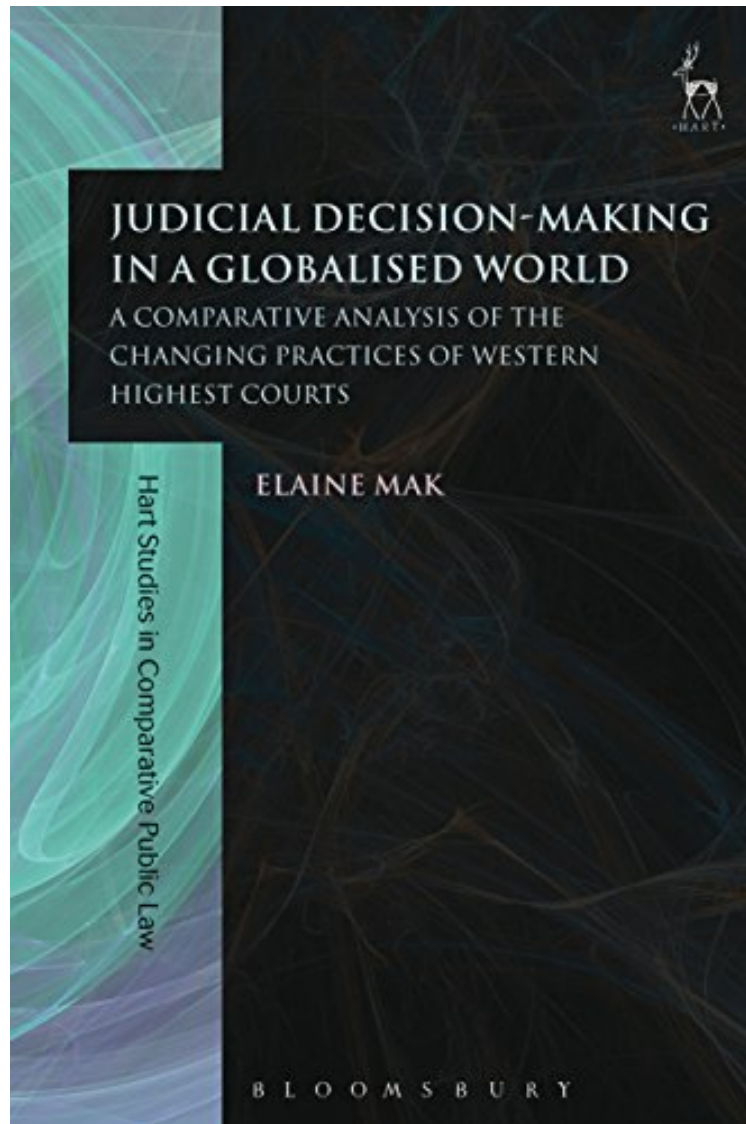


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Judicial Decision-Making in a Globalised World: A Comparative Analysis of the Changing Practices of Western Highest Courts (Hart Studies in Comparative Public Law)

Elaine Mak

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Comparative Analysis of the Changing Practices of Western Highest Courts (Hart Studies in Comparative Public Law):

Why do judges study legal sources that originated outside their own national legal system, and how do they use arguments from these sources in deciding domestic cases? Based on interviews with judges, this book - which is now available in paperback - presents the inside story of how judges engage with international and comparative law in the highest courts of the US, Canada, the UK, France, and the Netherlands. A comparative analysis of the views and experiences of the judges clarifies how the decision-making of these Western courts has developed in light of the internationalization of law and the increased opportunities for transnational judicial communication. While the qualitative analysis reveals the motives that judges claim for using foreign law and the influence of 'globalist' and 'localist' approaches to judging, the book also offers suggestions of a convergence of practices between the courts that are the subject of this study. The empirical analysis is complemented by a constitutional-theoretical inquiry into the procedural and substantive factors of legal evolution, which enable or constrain the development and possible convergence of highest courts' practices. The two strands of the analysis are connected in a final contextual reflection on the future development of the role of Western highest courts. It is a unique and interesting study for all those interested in the process of judicial decision-making and the effects of globalization on the legal system. (Series: Hart Studies in Comparative Public Law) [Subject: Comparative Law, Public Law, Constitutional Law, Legal Philosophy, Socio-Legal Studies]

Elaine Mak's excellent book brings an important contribution to the current debate on judicial decision-making in a globalized world. ...the reviewers strongly suggest the reading of this brilliant book which has all the qualities for becoming a "must-read" for...scholars and practitioners (Suzanne Comtois and Mauro Zamboni *Canadian Journal of Administrative Law and Practice*, volume 27, 2014)It is a very meticulous and welcome, but specialized, addition to the globalization of law literature... .in meticulously tracking down the prevalence of references to foreign and transitional law in the work of national judges, Professor Mak has pointed to something new in the legal world. .the virtues of this book are many.[it] contributes importantly to what I hope will be a growing field of "trans-Atlantic" studies. (Martin Shapiro *Law and Politics Book*)Mak's comparative study offers a significant contribution to the scholarship on the use of foreign legal materials in legal developments. The close scrutiny of the inner workings of the highest courts also make it a welcome addition to the field of comparative judicial studies. The book certainly merits attention from both lawyers and political scientists. (Sophie Turenne *International and Comparative Law Quarterly*)...fresh, ambitious, and hypothesis generating - her book contributes to a powerful research agenda for scholars in the field. (Erin F Delaney *Public Law*)Mak provides an accessible comparative analysis that can and should be enjoyed by those with an interest in the influences on judicial decision-making. (Melanie Hodges Neufeld *Canadian Law Library*)About the AuthorElaine Mak is Professor of Empirical Study of Public Law, in particular of Rule-of-Law Institutions, at the Erasmus University Rotterdam.