

Abstract (Contemporary Critique of Juristocracy)

This thesis deals with a comparative research of judiciaries of the United States, Israel and the Czech Republic. Consequently, it reaches a conclusion that all of these countries are undergoing a substantive political crisis, which leads to unhealthy empowerment of a judiciary system. The judiciary in abovementioned countries is moreover incapable of meeting challenges connected to the legislative deferrals, since the courts are unable to disconnect themselves from a social reality. The countries selected for the study were chosen in order to achieve as diverse a sample as possible. That should lead to a universally applicable outcome. Besides this empirical line of research, there is a deeper normative line attached. I believe it is vital to foresee a future political arrangement in a positive manner, even though there is a substantial risk of authoritarian regime's emergence during this transition. Still, the worst thing we can do is to kick a can of contemporary political imagination down the road forever. That prevents progress, but it also highlights another threat of authoritarian regime in the name of protecting "freedom" against democracy or "democracy" against freedom.

Regarding the content of the thesis, I pursue an abovementioned idea about highly problematic deferral of the power to the courts. As a consequence, the thesis explains basic scholarships regarding the study of the courts in the first chapter. Ironically, politically closely connected schools tend to be most hostile to each other. The obvious necessity to deal with the United States constitutional law quickly arises, since the American cultural gravity is unparalleled. The United States are covered partly in the first part, and then there is a second part dedicated just to the United States. The third part explores the human rights in extreme conditions of Israel, which is on one hand significantly Americanized, on the other there are geographical and cultural barriers barring Israelis to fully grasp the US experience and vice versa. The last two chapters are dedicated to the Czech Republic, the fourth one focuses on judicial review of executive orders and the final chapter deals with constitutional complaints, filed to the Constitutional Court by individual litigants.