

Received Date: 21 April 2026

Accepted Date: 12 May 2026

Published Date: 1 June 2026

Political Influence on Justice in Contemporary Democracies: Comparative Dynamics of Judicial Independence in the United Kingdom, Spain, France, and the United States

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Abstract

Judicial independence constitutes one of the foundational pillars of democratic governance and the rule of law. Nevertheless, contemporary democracies increasingly face tensions between political authorities and judicial institutions, particularly regarding judicial appointments, constitutional review, partisan polarization, and executive interference. This article examines the mechanisms and manifestations of political influence on justice through a comparative analysis of four democratic systems: the United Kingdom, Spain, France, and the United States. The study investigates how institutional configurations, constitutional traditions, and political cultures shape the autonomy of judicial systems and the vulnerability of courts to political pressures.

The article adopts a comparative institutional approach combining constitutional analysis, judicial governance studies, and political-legal theory. It evaluates formal guarantees of judicial independence alongside de facto political practices affecting judicial behavior and court legitimacy. Particular attention is devoted to the politicization of judicial appointments, the role of judicial councils, executive-legislative influence, and contemporary debates surrounding democratic backsliding and judicialization of politics.

The study argues that while all four systems formally protect judicial independence, the modalities of political influence differ significantly according to legal traditions and constitutional structures. The American model demonstrates strong ideological polarization in judicial appointments; Spain reveals tensions linked to party control over the General Council of the Judiciary; France illustrates executive-centered judicial administration; while the United Kingdom presents a comparatively restrained yet evolving model after constitutional reforms.

Keywords: Judicial Independence; Political Influence; Rule of Law; Comparative Constitutional Law; Judicial Governance.

Introduction

Judicial independence constitutes one of the fundamental pillars of democratic governance and the rule of law. Within modern constitutional democracies, courts are entrusted with safeguarding the constitutional order, protecting fundamental rights, and ensuring that political power is limited through impartial adjudication. The principle of separation of powers, largely inspired by Montesquieu's constitutional theory, presupposes the existence of an autonomous judiciary capable of operating independently from executive and legislative pressures. In comparative constitutional scholarship, judicial

independence is generally understood as both an institutional guarantee and a democratic necessity ensuring legal certainty and constitutional stability (Geyh, 2014; Shapiro, 1981). Charles Gardner Geyh notably argues that judicial independence serves as an “organizing principle” of democratic constitutional systems by protecting adjudicative neutrality from political interference (Geyh, 2014).

However, despite the constitutional recognition of judicial autonomy in most democratic states, the relationship between politics and justice remains intrinsically complex. Courts are embedded within political systems and cannot be entirely isolated from political dynamics. Judicial appointments, disciplinary procedures, constitutional reforms, and budgetary controls frequently create opportunities for political actors to exert direct or indirect influence over judicial institutions. Martin Shapiro’s comparative analysis of courts demonstrates that judicial systems inevitably reflect broader political and institutional structures because judges operate within environments shaped by governmental power and constitutional arrangements (Shapiro, 1981). Similarly, Guarnieri and Pederzoli emphasize that the expansion of judicial power in democratic societies has simultaneously increased judicial exposure to political contestation and partisan conflict (Guarnieri & Pederzoli, 2002).

Contemporary comparative scholarship increasingly distinguishes between *de jure* judicial independence and *de facto* judicial independence. While constitutions may formally establish guarantees such as security of tenure, separation of powers, and procedural autonomy, effective judicial independence often depends on political culture, institutional balance, and informal democratic practices. Melton and Ginsburg argue that constitutional protections alone do not necessarily ensure genuine judicial autonomy if political authorities retain practical control over appointment or removal mechanisms (Melton & Ginsburg, 2014). Their empirical study demonstrates that judicial independence is more likely to be effective in systems characterized by institutional fragmentation and strong democratic accountability mechanisms.

The growing politicization of courts in contemporary democracies has reinforced scholarly interest in the relationship between political power and judicial institutions. Judicialization of politics — understood as the increasing intervention of courts in political and policy-related matters — has transformed judges into central actors within democratic governance. Tate and Vallinder describe this phenomenon as a global expansion of judicial power, in which courts increasingly arbitrate constitutional, electoral, and governmental disputes that were traditionally resolved

through political processes (Tate & Vallinder, 1995). Ran Hirschl further argues that the rise of constitutional review and judicial activism reflects broader transformations in democratic governance, in which political elites strategically transfer contentious political questions to judicial institutions to preserve institutional legitimacy and stability (Hirschl, 2004).

Recent democratic developments in Europe and North America illustrate the persistence of political influence on justice even within consolidated democracies. In the United States, Supreme Court appointments have become highly polarized political battles characterized by ideological confrontation between Democrats and Republicans. Judicial nominations increasingly reflect partisan strategies rather than consensual constitutional interpretation. Ferejohn argues that judicial independence in the United States paradoxically coexists with strong political dependence during judicial selection processes because judges derive institutional authority from politically elected actors (Ferejohn, 1999).

In Spain, the politicization of the General Council of the Judiciary has generated recurring institutional tensions concerning party influence over judicial governance. Garoupa, Gili, and Gómez-Pomar demonstrate that judicial career advancement and administrative review decisions within the Spanish judiciary may be influenced by broader political considerations, thereby challenging assumptions regarding complete judicial neutrality.

France similarly presents an important case regarding executive influence over judicial administration. The hierarchical organization of the prosecutorial system and the institutional role of the Ministry of Justice have generated longstanding debates concerning the autonomy of magistrates and the independence of prosecutors. Scholars of French constitutional law have emphasized that the duality between judicial independence and administrative supervision continues to shape tensions within the French judicial system (Butler, A. S. 1994).

The United Kingdom, traditionally characterized by parliamentary sovereignty and limited constitutional review, has also experienced important transformations regarding judicial independence. The Constitutional Reform Act 2005 and the creation of the UK Supreme Court significantly reinforced institutional separation between the judiciary and executive authorities. Nevertheless, recent controversies surrounding Brexit litigation and the Miller cases revealed increasing tensions between judicial authority, executive power, and political discourse. These developments demonstrate that even historically stable constitutional

systems remain vulnerable to political pressures that affect judicial legitimacy and public confidence in the courts.

This article examines the mechanisms and manifestations of political influence on justice through a comparative analysis of four democratic systems: the United Kingdom, Spain, France, and the United States. These case studies represent distinct constitutional traditions and judicial governance models, thereby offering a particularly relevant comparative framework for analyzing how political institutions shape judicial autonomy. The article aims to evaluate the extent to which constitutional structures, appointment procedures, partisan polarization, and institutional culture influence judicial independence across different democratic systems.

The central argument advanced in this study is that political influence on justice cannot be explained solely through formal constitutional guarantees. Effective judicial independence depends equally on political culture, institutional equilibrium, and the practical capacity of courts to resist governmental pressures. By comparing common law and civil law traditions, this article contributes to broader debates concerning democratic resilience, constitutional governance, and the evolving role of courts within contemporary democracies.

1. Literature Review

1.1 Theoretical Foundations of Judicial Independence

Judicial independence has long been considered a cornerstone of constitutional democracy and the rule of law. Classical constitutional theory, particularly the doctrine of separation of powers developed by Montesquieu, holds that judicial institutions must remain autonomous from executive and legislative authorities to prevent abuses of power and ensure impartial justice. Contemporary legal scholarship has expanded this understanding by emphasizing that judicial independence is not only a constitutional principle but also a functional requirement for democratic governance and institutional legitimacy. Charles Gardner Geyh defines judicial independence as an institutional condition that ensures judges can decide cases according to the law rather than political pressure or partisan expectations (Geyh, 2014).

Similarly, Russell and O'Brien argue that judicial independence constitutes one of the principal indicators of democratic maturity because courts serve as guardians of constitutional order and individual rights against governmental overreach (Russell & O'Brien, 2001). Comparative constitutional scholars further stress that independent courts contribute to political stability by

enhancing public confidence in legal institutions and reinforcing democratic accountability mechanisms.

Political science literature also emphasizes the relationship between judicial autonomy and institutional fragmentation. Helmke and Rosenbluth demonstrate that judicial independence tends to be stronger in systems characterized by political competition and divided governmental authority because fragmented political systems reduce the ability of any single actor to dominate the courts (Helmke & Rosenbluth, 2009).

Martin Shapiro's comparative approach to courts additionally highlights the inherently political dimension of judicial institutions. According to Shapiro, courts are simultaneously legal and political institutions because judges inevitably operate within constitutional systems shaped by power relations, political culture, and institutional arrangements (Shapiro, 1981). This perspective significantly influenced later research examining the interaction between law and politics in democratic systems.

1.2 De Jure and De Facto Judicial Independence

A major theme in comparative judicial studies concerns the distinction between *de jure* and *de facto* judicial independence. *De jure* independence refers to formal constitutional guarantees protecting judicial autonomy, including security of tenure, salary protection, institutional separation, and procedural safeguards. *De facto* independence, however, concerns the practical ability of judges to decide cases free from political retaliation or external influence.

Melton and Ginsburg argue that constitutional guarantees alone cannot ensure effective judicial independence if political authorities maintain indirect control over judicial appointments, promotions, disciplinary procedures, or court financing (Melton & Ginsburg, 2014). Their empirical research demonstrates that several democratic systems formally recognize judicial independence while simultaneously permitting substantial political influence over judicial governance.

Likewise, Ríos-Figueroa and Staton criticize purely formal approaches to judicial independence, arguing that many constitutional indicators fail to capture informal political practices and institutional pressures affecting judicial behavior (Ríos-Figueroa & Staton, 2014). Their research proposes a multidimensional approach to judicial independence that integrates constitutional design, judicial decision-making, and political context.

Feld and Voigt further emphasize the distinction between formal and effective judicial independence by demonstrating that *de facto* independence has a stronger impact on economic growth and democratic stability than constitutional guarantees alone (Feld & Voigt, 2003). Their study reveals that institutional effectiveness depends largely on practical judicial autonomy rather than merely symbolic constitutional provisions.

These studies collectively demonstrate that constitutional democracies may exhibit significant discrepancies between legal guarantees of judicial autonomy and the courts' actual capacity to resist political interference.

1.3 Judicialization of Politics and Expansion of Judicial Power

The expansion of judicial authority in contemporary democracies has generated extensive scholarship concerning the phenomenon of judicialization of politics. Tate and Vallinder define judicialization as the process through which courts increasingly intervene in political disputes, policy-making processes, and constitutional controversies traditionally managed by representative institutions (Tate & Vallinder, 1995). This transformation has progressively positioned courts as central actors within democratic governance.

Ran Hirschl develops this perspective through his theory of “juristocracy,” arguing that constitutional review and judicial empowerment frequently reflect strategic decisions by political elites seeking to transfer contentious issues from democratic arenas to judicial institutions (Hirschl, 2004). According to Hirschl, the global expansion of constitutional courts cannot be understood exclusively as democratic progress. However, it must also be interpreted as an institutional strategy linked to political interests and the preservation of elites.

Alec Stone Sweet similarly demonstrates that constitutional adjudication in Europe has profoundly transformed the role of courts within governance systems. His research highlights how constitutional courts increasingly shape legislative processes, public policy, and governmental behavior through judicial review mechanisms (Stone Sweet, 2000). Moreover, Hirschl’s comparative constitutional analysis emphasizes that judicialization often emerges in contexts characterized by declining trust in representative institutions and increasing political fragmentation. Courts consequently become alternative arenas for resolving highly polarized political conflicts.

1.4 Political Influence Through Judicial Appointments

Judicial appointment procedures constitute one of the principal mechanisms through which political actors influence judicial institutions. Comparative scholarship consistently demonstrates that the degree of political involvement in judicial selection significantly affects judicial independence and public perceptions of judicial legitimacy.

In the United States, Supreme Court nominations have become highly politicized, partisan processes characterized by ideological polarization and intense confirmation battles. Segal and Spaeth argue that ideological preferences strongly influence judicial behavior within the U.S. Supreme Court and that judicial appointments increasingly reflect broader partisan strategies (Segal & Spaeth, 2002). The politicization of judicial appointments has intensified debates regarding the neutrality and legitimacy of constitutional adjudication in the American system.

Ferejohn similarly notes that American judicial independence paradoxically depends on political institutions, as federal judges derive their authority through presidential nomination and Senate confirmation (Ferejohn, 1999). Consequently, judicial appointments frequently become instruments of long-term political influence over constitutional interpretation.

Research concerning European judicial systems also reveals important forms of political influence. Garoupa, Gili, and Gómez-Pomar demonstrate that judicial career advancement within the Spanish judiciary may be shaped by political considerations and institutional incentives linked to judicial governance structures (Garoupa, Gili, & Gómez-Pomar, 2012).

In France, scholars have highlighted the institutional relationship between the judiciary and the executive branch, particularly concerning prosecutorial authority and judicial administration. Troper argues that the French judicial system has historically reflected a model of administrative supervision, in which prosecutorial independence remains relatively limited compared with other European democracies.

Within the United Kingdom, the Constitutional Reform Act 2005 significantly restructured judicial appointments by creating the Judicial Appointments Commission and reinforcing institutional separation between the judiciary and executive power. Nevertheless, recent scholarship emphasizes that judicial legitimacy remains vulnerable to political attacks and media pressure, particularly during periods of constitutional crisis such as Brexit litigation.

1.5 Judicial Independence, Democracy, and Rule of Law

An important body of literature examines the relationship between judicial independence, democratic consolidation, and the rule of law. Independent courts are widely considered essential safeguards against authoritarian tendencies, executive overreach, and democratic backsliding.

Voigt and Gutmann demonstrate that judicial independence contributes directly to economic performance, institutional stability, and investor confidence by strengthening legal predictability and the protection of property rights (Voigt & Gutmann, 2013).

Similarly, North and Weingast's institutional analysis argues that credible legal constraints on political power are fundamental for both democratic governance and long-term economic development. Their work significantly influenced contemporary research linking judicial autonomy to institutional trust and political stability.

Recent comparative scholarship has also focused on the threats posed by populism and democratic erosion to judicial institutions. Scheppele argues that contemporary populist governments frequently attempt to weaken judicial independence by politicizing constitutional courts, controlling judicial appointments, and undermining institutional checks and balances (Scheppele, 2018). Such developments demonstrate that even consolidated democracies remain vulnerable to political pressures affecting judicial autonomy.

Comparative studies on democratic backsliding further emphasize that attacks on the judiciary often constitute one of the earliest indicators of institutional erosion. Judicial independence consequently emerges not only as a legal principle but also as a critical dimension of democratic resilience and constitutional survival.

Overall, the literature demonstrates that political influence on justice poses a structural challenge affecting both common-law and civil-law democracies. Although the institutional configurations of the United Kingdom, Spain, France, and the United States differ considerably, comparative scholarship consistently identifies judicial appointments, political culture, constitutional traditions, and institutional safeguards as decisive factors shaping judicial independence and the relationship between politics and justice.

2. Theoretical Framework

The analysis of political influence on justice requires a multidimensional theoretical framework that explains the interactions among judicial institutions, political actors, and

constitutional structures. Judicial independence cannot be understood exclusively through legal doctrine because courts simultaneously operate as legal, political, and institutional actors within democratic governance systems. Consequently, this study mobilizes three complementary theoretical approaches: the theory of separation of powers, the theory of judicialization of politics, and the strategic model of judicial behavior. These frameworks collectively provide an analytical basis for understanding how political influence manifests within judicial systems in the United Kingdom, Spain, France, and the United States.

2.1 Separation of Powers Theory

The theory of separation of powers constitutes the classical foundation for the concept of judicial independence. Originating primarily in Montesquieu's constitutional philosophy, the doctrine holds that political liberty can be preserved only when legislative, executive, and judicial powers remain institutionally distinct and mutually constrained. Within this framework, judicial independence serves as a safeguard against arbitrary governmental authority and executive domination.

Modern constitutional scholarship considers judicial autonomy an essential component of democratic governance and constitutionalism. Vile argues that the separation of powers should not be understood as an absolute institutional division but rather as a system of checks and balances designed to prevent the concentration of political power (Vile, 1998). Similarly, Geyh emphasizes that judicial independence serves as an institutional mechanism that ensures judges can apply the law impartially, free from political retaliation or governmental pressure (Geyh, 2014).

The separation of powers framework is particularly relevant for comparative analysis because the four selected case studies reflect different constitutional traditions regarding the relationship between political authorities and judicial institutions. The United States embodies a strong constitutional separation model characterized by judicial review and institutional checks and balances. In contrast, the United Kingdom historically relied on parliamentary sovereignty and constitutional conventions. In contrast, France and Spain developed administrative and constitutional judicial systems shaped by civil-law traditions and stronger executive involvement.

Scholars further argue that judicial independence represents both an institutional guarantee and a democratic necessity. According to Russell and O'Brien, courts serve as constitutional arbiters capable of limiting executive excesses

and protecting minority rights against majoritarian pressures (Russell & O'Brien, 2001). Consequently, the theory of separation of powers provides the normative basis for evaluating the legitimacy of political influence over judicial institutions.

2.2 Judicialization of Politics

The second theoretical framework employed in this study concerns the judicialization of politics. This theory explains the progressive expansion of judicial authority into domains traditionally managed by political institutions such as legislatures and executives. Judicialization refers to the growing role of courts in resolving political disputes, shaping public policy, and interpreting constitutional norms within democratic governance systems.

Tate and Vallinder define judicialization as the process through which courts increasingly become central political actors due to the expansion of constitutional review and rights-based adjudication (Tate & Vallinder, 1995). According to this perspective, contemporary democracies increasingly rely on courts to resolve highly contentious political questions, thereby reinforcing the political significance of judicial institutions.

Ran Hirschl further develops this theoretical approach through his concept of "juristocracy." Hirschl argues that political elites often strategically empower courts to shift controversial political issues away from representative institutions while preserving institutional legitimacy and elite interests (Hirschl, 2004). Judicial empowerment consequently reflects not only democratic constitutionalism but also strategic political calculations.

Alec Stone Sweet similarly demonstrates that constitutional courts have progressively transformed governance structures in Europe by exercising significant influence over legislative processes and public policy decisions (Stone Sweet, 2000).

The theory of judicialization is particularly relevant for this study because political influence over justice tends to intensify when courts become more politically consequential. As judicial institutions increasingly intervene in constitutional controversies, electoral disputes, and executive actions, political actors become more inclined to influence judicial appointments, institutional reforms, and constitutional interpretation.

This framework is especially useful for understanding contemporary developments in the United States, where the Supreme Court has become deeply involved in politically divisive issues such as abortion, electoral disputes, and

executive power. Similarly, judicialization helps explain tensions in Spain surrounding the Constitutional Court and the Catalan independence crisis, as well as Brexit-related litigation in the United Kingdom.

2.3 Strategic Model of Judicial Behavior

The third theoretical framework used in this article is the strategic model of judicial behavior. Unlike purely normative theories that emphasize legal principles and constitutional doctrine, the strategic model treats judges as rational institutional actors operating within political constraints and institutional environments.

The strategic approach emerged primarily within American judicial politics scholarship. Epstein and Knight argue that judges are motivated not only by legal reasoning but also by strategic calculations shaped by institutional constraints, political reactions, and policy preferences (Epstein & Knight, 1998). Judges consequently adapt their behavior according to the political environment in which they operate.

Similarly, Segal and Spaeth's attitudinal model emphasizes the role of ideological preferences in judicial decision-making, particularly within the United States Supreme Court (Segal & Spaeth, 2002). Although this model primarily focuses on ideological attitudes, subsequent strategic approaches expanded the analysis to incorporate institutional interactions and political pressures.

Helmke's comparative research on judicial behavior in fragile democracies further demonstrates that judges may strategically adjust their decisions in response to expectations about governmental stability and political retaliation (Helmke, 2005). Her work illustrates that judicial independence is strongly influenced by political uncertainty and institutional vulnerability.

The strategic model is particularly useful for understanding how judges respond to political influence within different institutional systems. In highly polarized environments, judges may adapt their judicial behavior to avoid institutional confrontation or to preserve the court's legitimacy. Conversely, strong institutional protections may encourage greater judicial activism and constitutional assertiveness.

This framework, therefore, allows the article to move beyond purely formal analyses of constitutional guarantees by examining how political incentives, institutional constraints, and partisan dynamics practically affect judicial behavior in the selected case studies.

2.4 Institutionalism and Comparative Judicial Governance

In addition to the three principal frameworks, this study draws on neo-institutionalist approaches that emphasize the importance of institutional structures and governance arrangements in shaping judicial independence. Institutionalism argues that formal rules, organizational structures, and historical trajectories strongly condition political behavior.

According to North (1990), institutions constitute the “rules of the game” that shape political and legal interactions within democratic systems. Judicial governance structures — including appointment systems, judicial councils, tenure protections, and disciplinary mechanisms — therefore significantly influence the degree of political influence exerted over courts.

Comparative institutional scholarship demonstrates that different constitutional traditions produce varying forms of judicial governance. Civil law systems, such as those of France and Spain, generally rely more heavily on judicial councils and administrative supervision. In contrast, common law systems, such as those of the United Kingdom and the United States, emphasize judicial precedent and constitutional adjudication. Guarnieri and Pederzoli argue that these institutional differences substantially affect the relationship between judges and political authorities within democratic systems (Guarnieri & Pederzoli, 2002).

Institutionalism consequently provides an essential comparative dimension for understanding why political influence manifests differently across the four selected countries despite shared democratic principles.

2.5 Analytical Relevance of the Theoretical Framework

The combination of these theoretical approaches provides a comprehensive analytical framework for examining political influence on justice. The separation of powers theory establishes the normative foundations of judicial independence; judicialization theory explains the increasing political importance of courts; the strategic model analyzes judicial behavior under political constraints; and institutionalism highlights the role of governance structures and constitutional traditions.

Together, these frameworks allow this study to examine not only formal constitutional protections but also the practical mechanisms through which political actors influence judicial institutions in the United Kingdom, Spain, France, and the United States.

3. Methodology

3.1 Research Design

This study adopts a comparative qualitative research design to analyze the mechanisms and manifestations of political influence on judicial institutions across four democratic systems: the United Kingdom, Spain, France, and the United States. Comparative constitutional analysis is particularly appropriate for examining judicial independence because it allows the identification of similarities and differences across institutional models, legal traditions, and political environments. According to Lijphart, the comparative method constitutes one of the most effective approaches for analyzing complex political and institutional phenomena in a limited number of cases because it enables systematic comparison between variables and institutional structures (Lijphart, 1971). The study employs a qualitative case-study approach combining constitutional analysis, judicial governance studies, and comparative political-legal interpretation. George and Bennett argue that case-study methodology is especially useful for examining causal mechanisms and institutional interactions within political systems because it permits in-depth contextual analysis of complex governance processes (George & Bennett, 2005). Consequently, this methodology is appropriate for understanding how political influence affects judicial independence within different constitutional traditions.

The research adopts a comparative institutional perspective rooted in constitutional law and political science. This interdisciplinary approach recognizes that judicial independence cannot be examined exclusively through legal doctrine but must also be analyzed in terms of political behavior, institutional arrangements, and governance practices. Comparative judicial scholarship increasingly emphasizes the necessity of integrating legal and political methodologies in the study of courts and constitutional systems (Shapiro, 1981).

3.2 Comparative Case Selection

The study focuses on four democratic systems: the United Kingdom, Spain, France, and the United States. These cases were selected through a “most-different systems” comparative design because they represent distinct constitutional traditions, judicial governance models, and political cultures while sharing democratic institutional frameworks.

The United States represents a presidential constitutional system characterized by strong judicial review and highly politicized judicial appointments. The United Kingdom

reflects a parliamentary constitutional monarchy historically grounded in parliamentary sovereignty and common law traditions. France illustrates a civil law system with strong executive-administrative traditions and centralized judicial administration. At the same time, Spain is a decentralized parliamentary monarchy with an influential judicial council model and significant constitutional tensions over territorial governance.

This variation allows the study to compare different mechanisms of political influence while identifying common structural challenges affecting judicial independence across democratic systems. Comparative institutionalism suggests that examining diverse constitutional models strengthens analytical validity by revealing how institutional arrangements shape political behavior and judicial governance (North, 1990).

The selected countries are also particularly relevant because each has experienced recent controversies concerning judicial independence and political influence. These include Supreme Court polarization in the United States, Brexit-related judicial tensions in the United Kingdom, executive influence over prosecutorial structures in France, and political deadlock surrounding the General Council of the Judiciary in Spain.

3.3 Data Collection and Sources

The research relies primarily on qualitative secondary data derived from constitutional texts, judicial decisions, peer-reviewed academic literature, institutional reports, and comparative legal scholarship. The study uses doctrinal legal analysis in combination with political-institutional analysis to evaluate both formal constitutional guarantees and the practical manifestations of political influence.

Primary legal materials include:

- Constitutional provisions;
- Judicial appointment procedures;
- Supreme Court and Constitutional Court decisions;
- Institutional reforms related to judicial governance;
- Official reports concerning judicial independence.

Secondary sources consist mainly of peer-reviewed journal articles, comparative constitutional law studies, and political science literature concerning judicial independence, judicialization of politics, and democratic governance.

The methodological approach also incorporates comparative judicial indicators developed within international legal scholarship. Ríos-Figueroa and Staton emphasize the importance of combining formal constitutional analysis with empirical examination of judicial behavior and institutional practice when evaluating judicial independence (Ríos-Figueroa & Staton, 2014).

Similarly, Melton and Ginsburg argue that effective analysis of judicial independence requires distinguishing between constitutional guarantees (*de jure independence*) and practical judicial autonomy (*de facto independence*) (Melton & Ginsburg, 2014).

The research, therefore, integrates both formal legal analysis and institutional-political interpretation in order to capture the multidimensional nature of political influence on justice.

3.4 Analytical Framework

The analysis is structured around four principal dimensions of political influence on judicial institutions:

1. Judicial Appointment Mechanisms

This dimension examines the extent of political participation in judicial selection procedures, including executive nominations, parliamentary confirmations, judicial councils, and institutional safeguards against partisan capture.

2. Institutional Independence

This variable assesses constitutional protections that guarantee judicial autonomy, including tenure security, disciplinary procedures, budgetary independence, and separation of powers.

3. Judicialization and Political Conflict

The study analyzes the role of courts in politically sensitive disputes, including constitutional crises, electoral controversies, executive power limitations, and territorial conflicts.

4. Political Polarization and Judicial Legitimacy

This dimension explores how partisan conflict and political discourse affect public confidence in judicial institutions and perceptions of judicial neutrality.

These analytical categories are derived from comparative judicial politics scholarship emphasizing the interaction between constitutional structures and political behavior.

Helmke and Rosenbluth argue that judicial independence should be understood through both institutional safeguards and broader political dynamics affecting judicial behavior (Helmke & Rosenbluth, 2009).

3.5 Comparative and Interdisciplinary Approach

This study adopts an interdisciplinary methodology combining constitutional law, comparative politics, and institutional analysis. Courts are simultaneously legal institutions and political actors; consequently, purely doctrinal legal analysis would be insufficient for explaining the dynamics of political influence on justice.

The comparative political approach enables examination of:

- Institutional differences between common law and civil law systems;
- Variations in judicial governance structures;
- Political incentives influencing judicial appointments;
- Interactions between courts and political authorities.

Meanwhile, constitutional legal analysis allows evaluation of:

- Formal constitutional protections;
- Judicial review mechanisms;
- Separation of powers arrangements;
- Institutional safeguards for judicial independence.

Stone Sweet argues that contemporary constitutional analysis increasingly requires integration between legal reasoning and political science because constitutional adjudication has become deeply intertwined with democratic governance processes (Stone Sweet, 2000).

This interdisciplinary framework therefore provides a comprehensive methodological basis for understanding how political influence affects judicial systems across different democratic traditions.

3.6 Methodological Limitations

Despite its comparative strengths, the study presents several methodological limitations. First, the qualitative approach limits the possibility of broad statistical generalization. Second, judicial independence remains difficult to measure

objectively because political influence frequently operates through informal institutional practices rather than explicit legal mechanisms.

Moreover, perceptions of judicial politicization may vary according to political ideology, media discourse, and national constitutional culture. Comparative judicial studies also face challenges related to differences in legal terminology, institutional structures, and constitutional traditions across countries.

Nevertheless, qualitative comparative analysis remains particularly appropriate for examining complex institutional relationships and contextual political dynamics that cannot be fully captured through quantitative indicators alone. As George and Bennett argue, case-study methodology is especially valuable for identifying causal mechanisms and institutional processes within comparative political research (George & Bennett, 2005).

3.7 Methodological Contribution

The methodological contribution of this study lies in its integration of comparative constitutional analysis with political-institutional theory. By examining both formal constitutional guarantees and practical manifestations of political influence, the research seeks to provide a multidimensional understanding of judicial independence within contemporary democracies.

The comparative examination of the United Kingdom, Spain, France, and the United States also contributes to broader debates concerning democratic resilience, constitutional governance, and the evolving relationship between courts and political power in modern democratic systems.

4. Comparative Case Studies: Political Influence on Justice in the United States, Spain, France, and the United Kingdom

4.1 Introduction to the Comparative Case Studies

The relationship between political power and judicial independence varies significantly across democratic systems, depending on constitutional traditions, institutional structures, and political culture. Comparative constitutional scholarship increasingly recognizes that judicial institutions cannot be entirely separated from politics because courts exercise public authority within broader governance systems shaped by political competition and constitutional conflict. Judicial independence, therefore, constitutes both a legal principle and a political-institutional practice that depends on democratic norms and institutional safeguards (Geyh, 2014).

Classical comparative scholarship emphasizes that courts simultaneously operate as legal and political institutions. Shapiro argues that judicial systems inevitably reflect the political environments in which they function because judges exercise authority within institutional systems shaped by constitutional arrangements and governmental power (Shapiro, 1981). Similarly, Cappelletti demonstrates that modern constitutional democracies increasingly rely on judicial institutions to resolve political and constitutional disputes that were traditionally managed by representative institutions (Cappelletti, 1989).

The expansion of constitutional adjudication during the twentieth and twenty-first centuries significantly transformed the institutional role of courts within democratic governance. Stone Sweet argues that constitutional review progressively expanded judicial authority in Europe and North America, thereby reinforcing the political significance of judicial institutions (Stone Sweet, 2000).

Likewise, Tate and Vallinder conceptualize this transformation as a process of “judicialization of politics,” whereby courts increasingly intervene in electoral controversies, constitutional crises, executive actions, and public policy disputes (Tate & Vallinder, 1995). Consequently, political actors have become progressively more interested in influencing judicial institutions through appointment procedures, constitutional reforms, and governance mechanisms.

The United States, Spain, France, and the United Kingdom provide particularly relevant comparative case studies because they represent distinct constitutional traditions while simultaneously experiencing contemporary tensions concerning judicial independence. These systems reveal different modalities of political influence over justice, ranging from partisan judicial appointments to executive-administrative supervision and judicial governance conflicts.

4.2 The United States: Judicial Appointments and Ideological Polarization

The United States represents one of the most politically influential judicial systems among contemporary democracies due to the extensive constitutional powers exercised by the Supreme Court. Since *Marbury v. Madison* (1803), judicial review has transformed the judiciary into a central constitutional actor capable of shaping public policy and limiting executive and legislative authority.

Comparative scholarship consistently emphasizes the increasing politicization of judicial appointments within the

United States. Segal and Spaeth argue that ideological preferences strongly influence judicial decision-making within the Supreme Court and that constitutional adjudication frequently reflects broader partisan divisions within American political life (Segal & Spaeth, 2002).

Epstein and Knight further argue that Supreme Court justices behave strategically within institutional and political constraints, taking into consideration congressional reactions, executive responses, and institutional legitimacy when deciding controversial constitutional cases (Epstein & Knight, 1998). Consequently, judicial appointments assume significant political importance because the ideological composition directly affects constitutional interpretation and public policy outcomes.

The confirmation processes for Supreme Court justices have increasingly become highly polarized political confrontations. Balkin and Levinson argue that constitutional conflict in the United States increasingly reflects deep partisan polarization concerning the role of courts, constitutional interpretation, and democratic governance (Balkin & Levinson, 2001).

Recent controversies surrounding abortion rights, electoral disputes, executive power, and administrative regulation further intensified debates concerning judicial neutrality and constitutional legitimacy. The *Dobbs v. Jackson Women’s Health Organization* decision particularly reinforced accusations of ideological constitutional adjudication and judicial politicization.

Ferejohn argues that the American judiciary paradoxically combines strong institutional independence after appointment with substantial political dependence during nomination and confirmation because judges derive their authority from political institutions (Ferejohn, 1999). This structural dynamic contributes to the transformation of judicial appointments into long-term partisan strategies influencing constitutional governance.

Scholars additionally emphasize that public confidence in judicial neutrality has declined in parallel with increasing ideological polarization. Levinson argues that constitutional interpretation within highly polarized political environments risks undermining perceptions of judicial impartiality and democratic legitimacy (Levinson, 2006).

4.3 Spain: Judicial Councils, Constitutional Conflict, and Party Influence

Spain presents a different model of political influence centered around judicial governance institutions and constitutional territorial disputes. Following the democratic

transition after the Franco dictatorship, the Spanish Constitution of 1978 sought to strengthen judicial independence by establishing the General Council of the Judiciary (*Consejo General del Poder Judicial*), intended to protect courts from direct executive control.

However, comparative scholarship demonstrates that the Spanish judicial council model remains vulnerable to political influence because parliamentary actors retain significant control over judicial appointments. Garoupa, Gili, and Gómez-Pomar demonstrate that judicial career advancement and administrative judicial review within the Spanish Supreme Court may be shaped by political incentives and institutional considerations rather than exclusively legal criteria (Garoupa, Gili, & Gómez-Pomar, 2012).

López Aguilar argues that the politicization of judicial governance in Spain reflects broader structural tensions within parliamentary democracy and constitutional adjudication (López Aguilar, 2004). Political parties increasingly perceive judicial institutions as strategic arenas that can influence constitutional conflicts and territorial governance.

The Catalan independence crisis significantly intensified the judicialization of politics within Spain. Constitutional courts and ordinary judicial institutions became central actors in resolving disputes concerning secession, constitutional order, and regional autonomy. Comparative scholars note that judicial intervention in territorial conflicts contributed to increased political pressure on courts and growing polarization surrounding judicial decisions.

Bell argues that judicial councils in several European democracies frequently experience tensions between judicial autonomy and democratic accountability because appointment procedures remain politically negotiated (Bell, 2006).

European Union institutions have repeatedly expressed concerns regarding delays in renewing the General Council of the Judiciary due to partisan political deadlock. Such institutional paralysis reinforced broader debates concerning judicial independence and party influence within Spain's constitutional system.

Ríos-Figueroa and Staton emphasize that effective judicial independence depends not only on constitutional guarantees but also on institutional practices and political culture shaping judicial governance (Ríos-Figueroa & Staton, 2014).

The Spanish case consequently illustrates how judicial councils, despite being designed to protect judicial independence, may themselves become politicized arenas

when appointment systems remain dependent upon parliamentary negotiation and partisan compromise.

4.4 France: Executive Traditions and Administrative Judicial Culture

The French judicial system reflects a constitutional tradition historically characterized by centralized state authority and executive-administrative influence over judicial governance, unlike the American constitutional model, which emphasizes judicial review and separation of powers. French constitutional development traditionally privileged parliamentary supremacy and administrative coordination.

Comparative scholarship on French judicial politics highlights the continuing importance of executive authority within prosecutorial administration. The hierarchical structure of the French prosecution service places prosecutors under the authority of the Ministry of Justice, thereby generating longstanding debates concerning prosecutorial autonomy and political neutrality.

Guarnieri and Pederzoli argue that civil law systems, such as those in France, historically developed judicial institutions within centralized bureaucratic states, where judicial independence evolved differently from common law traditions that emphasize adversarial adjudication and judicial precedent (Guarnieri & Pederzoli, 2002).

Stone Sweet demonstrates that constitutional adjudication in France progressively strengthened judicial authority despite the persistence of executive-centered constitutional traditions (Stone Sweet, 1992).

The Constitutional Council (*Conseil constitutionnel*) constitutes another important dimension of political influence on justice in France. Members of the Council are appointed directly by political authorities, including the President of the Republic and parliamentary leaders. Troper argues that French constitutional review reflects a hybrid institutional logic that combines legal constitutionalism with political legitimacy because constitutional judges derive their authority from political appointment (Troper, 2003).

Political influence on justice also appears through high-profile anti-corruption investigations involving former presidents, ministers, and political elites. Such cases frequently generate institutional tensions concerning judicial impartiality, prosecutorial independence, and executive pressure.

Volcansek notes that Western European judicial systems frequently operate within institutional environments shaped by administrative traditions and executive coordination

mechanisms (Volcansek, 2006). Consequently, the French judiciary reflects a model where formal judicial independence coexists with significant executive-administrative influence.

Recent reforms concerning prosecutorial autonomy and judicial governance sought to strengthen safeguards protecting judicial independence. Nevertheless, comparative constitutional scholars continue to identify France as relatively vulnerable to executive influence compared with several other European democracies.

4.5 United Kingdom: Parliamentary Sovereignty and Judicial Transformation

The United Kingdom represents a distinctive constitutional model historically grounded in parliamentary sovereignty, common law traditions, and unwritten constitutional conventions. Traditionally, British courts exercised limited constitutional authority because Parliament remained the supreme constitutional institution within the British political system.

Dicey's classical constitutional theory emphasized parliamentary sovereignty as the foundational principle of British constitutionalism (Dicey, 1915). However, constitutional reforms over recent decades substantially transformed the institutional role of courts within British governance.

The Constitutional Reform Act 2005 established the United Kingdom Supreme Court and strengthened the institutional separation between the judiciary and executive authorities by creating the Judicial Appointments Commission. Bogdanor argues that these reforms fundamentally altered the British constitutional order by increasing judicial visibility and expanding constitutional adjudication within parliamentary democracy (Bogdanor, 2009).

The Human Rights Act 1998 further expanded judicial review powers and reinforced the constitutional significance of courts by incorporating the European Convention on Human Rights into domestic law. Bell argues that British constitutional reforms progressively strengthened judicial autonomy while simultaneously increasing the political importance of courts within governance processes (Bell, 2006).

The Brexit process generated unprecedented tensions between political authorities and judicial institutions. The Miller litigation concerning parliamentary approval for Brexit procedures placed British courts at the center of intense constitutional conflict regarding executive authority and democratic legitimacy.

Masterman argues that Brexit-related constitutional disputes revealed the fragility of constitutional conventions that protect judicial neutrality in highly polarized political environments (Masterman, 2019).

Media attacks on judges during Brexit litigation raised broader concerns about political hostility toward judicial institutions and the erosion of constitutional respect for judicial independence. Scholars consequently argue that even historically stable constitutional systems remain vulnerable to political pressures that affect judicial legitimacy and public confidence in the courts.

The United Kingdom, therefore, illustrates how expanding judicial authority within parliamentary systems may simultaneously strengthen constitutional oversight while exposing courts to greater political contestation and institutional criticism.

4.6 Comparative Analysis of Political Influence Mechanisms

The comparative examination of the United States, Spain, France, and the United Kingdom demonstrates that political influence on justice manifests in different institutional mechanisms, depending on constitutional traditions and governance structures.

The United States illustrates strong ideological politicization through judicial appointments and constitutional adjudication. Spain demonstrates the vulnerability of judicial councils to partisan negotiation and institutional deadlock. France reflects executive-administrative influence embedded within centralized constitutional traditions, while the United Kingdom reveals tensions between parliamentary sovereignty and expanding judicial authority.

Helmke and Rosenbluth argue that judicial independence depends not only on constitutional guarantees but also on broader political competition and institutional fragmentation that can limit executive dominance (Helmke & Rosenbluth, 2009).

Melton and Ginsburg similarly distinguish between *de jure* judicial independence and *de facto* judicial independence, emphasizing that constitutional guarantees alone do not necessarily protect courts from political pressure if institutional practices remain politically controlled (Melton & Ginsburg, 2014).

Hirschl argues that the global expansion of judicial power inevitably transforms courts into central arenas of political conflict because constitutional adjudication increasingly

shapes democratic governance and public policy (Hirschl, 2004).

Overall, the comparative experiences of the United States, Spain, France, and the United Kingdom demonstrate that political influence on justice represents a structural challenge affecting both common law and civil law democracies. While institutional forms vary considerably, all four systems reveal persistent tensions between democratic politics and judicial autonomy within contemporary constitutional governance.

Comparative Dimensions	United States	Spain	France	United Kingdom
Constitutional System	Presidential federal republic	Parliamentary constitutional monarchy	Semi-presidential republic	Parliamentary constitutional monarchy
Legal Tradition	Common law	Civil law	Civil law	Common law
Highest Judicial Institution	Supreme Court of the United States	Constitutional Court & Supreme Court	Constitutional Council & Court of Cassation	Supreme Court of the United Kingdom
Model of Judicial Review	Strong constitutional review	Centralized constitutional review	Constitutional review with administrative dualism	Limited constitutional review under parliamentary sovereignty
Judicial Appointment Mechanism	Presidential nomination with Senate confirmation	Mixed parliamentary and judicial council appointments	Political appointment by executive and parliamentary authorities	Judicial Appointments Commission and executive formalization
Degree of Political Influence in Appointments	Very high	High	Moderate to high	Moderate
Main Political Actors Influencing Judiciary	President, Senate, political parties	Parliament, political parties	Executive branch, Ministry of Justice	Parliament, executive, constitutional conventions
Role of Judicial Councils	Absent	Central role through General Council of the Judiciary	Partial role through High Council for the Judiciary	Limited role
Judicial Tenure Protection	Lifetime tenure for federal judges	Protected judicial career system	Career judiciary with statutory protections	Security of tenure

Main Sources of Political Pressure	Ideological polarization, partisan appointments	Party control over judicial governance	Executive-administrative influence	Political criticism and parliamentary supremacy
Level of Judicialization of Politics	Very high	High	Moderate	Increasing
Relationship Between Courts and Politics	Highly politicized constitutional adjudication	Politicized judicial governance	Executive-centered constitutional culture	Constitutional tensions within parliamentary sovereignty
Major Constitutional Controversies	Abortion, elections, executive power	Catalan independence crisis	Anti-corruption investigations, constitutional reforms	Brexit and Miller litigation
Public Perception of Judicial Neutrality	Increasingly polarized	Politically contested	Moderately contested	Traditionally strong but increasingly challenged
Executive Influence Over Prosecution	Limited institutional control	Moderate influence	Strong hierarchical influence	Relatively limited
Institutional Independence of Judiciary	Strong formally, contested politically	Formally strong but institutionally politicized	Formally protected with executive influence	Strong institutional safeguards
Impact of Political Polarization	Very strong	Strong	Moderate	Increasing after Brexit
Main Institutional Vulnerability	Politicization of Supreme Court appointments	Parliamentary deadlock in judicial council renewal	Executive influence over prosecution	Absence of codified constitutional protections
Judicial Governance Model	Constitutional adjudication centered	Judicial council governance	Administrative-judicial coordination	Independent appointments with parliamentary supremacy
Democratic Risk Identified	Ideological capture of constitutional review	Partisan capture of judicial governance	Executive interference	Politicization of constitutional adjudication
Key Scholarly References	Segal & Spaeth (2002); Epstein & Knight (1998); Whittington (2005)	Garoupa et al. (2012); Magalhães (1999)	Troper (2003); Stone Sweet (1992)	Gee et al. (2015); Young (2017)

Analytical Findings	Comparative Observation
Most Politicized Appointment System	United States
Strongest Judicial Council Influence	Spain
Strongest Executive Administrative Influence	France
Strongest Tradition of Parliamentary Sovereignty	United Kingdom
Most Intense Judicialization of Politics	United States
Most Significant Territorial Constitutional Conflict	Spain
Most Centralized Judicial Administration	France
Most Recent Constitutional Transformation of Judiciary	United Kingdom
Greatest Risk of Ideological Polarization	United States
Greatest Risk of Institutional Deadlock	Spain
Greatest Risk of Executive Influence	France
Greatest Risk of Constitutional Ambiguity	United Kingdom

5. Comparative Analysis

5.1 Introduction: Comparative Dynamics of Political Influence on Justice

The comparative analysis of the United States, Spain, France, and the United Kingdom demonstrates that political influence on justice constitutes a structural phenomenon affecting contemporary democratic systems regardless of constitutional tradition or legal culture. According to Charles Gardner Geyh, judicial independence cannot be understood exclusively through formal constitutional guarantees because courts

operate within institutional environments shaped by political competition, partisan conflict, and democratic pressures (Geyh, 2014). Similarly, Gretchen Helmke and Frances Rosenbluth argue that judicial autonomy depends significantly on political fragmentation and institutional balance capable of limiting executive dominance (Helmke & Rosenbluth, 2009).

Martin Shapiro's comparative work *Courts: A Comparative and Political Analysis* (1981) further emphasizes that courts inherently function as both legal and political institutions because judicial authority is exercised within constitutional systems structured by governmental power and institutional competition. Likewise, Neal Tate and Torbjörn Vallinder explain that the progressive judicialization of politics transformed courts into central actors within democratic governance, thereby increasing political interest in judicial institutions (Tate & Vallinder, 1995).

5.2 Judicial Appointment Systems and Political Influence

One of the principal comparative dimensions concerns judicial appointment mechanisms and their relationship to political influence. Comparative scholarship consistently demonstrates that appointment procedures constitute one of the most significant channels through which political actors influence judicial institutions.

The United States represents the most explicitly politicized appointment system among the four case studies. Jeffrey Segal and Harold Spaeth demonstrate that ideological preferences strongly shape judicial behavior within the Supreme Court, thereby transforming judicial appointments into strategic political conflicts over constitutional interpretation (Spaeth, 2002).

Keith Whittington argues that judicial review in the United States depends significantly upon political support from elected institutions, meaning that judicial independence remains closely linked to broader partisan and constitutional dynamics (Whittington, 2005).

In Spain, political influence manifests differently through judicial governance institutions. Nuno Garoupa, Marian Gili, and Fernando Gómez-Pomar empirically demonstrate that judicial promotion and administrative judicial review within Spain may be affected by political incentives and institutional alignments (Garoupa, Gili & Gómez-Pomar, 2012)

Pedro Magalhães similarly argues that judicial reforms in Southern European democracies often reflect broader political struggles over constitutional influence and institutional control (Magalhães, 1999).

France presents another model in which executive authorities retain significant influence over judicial governance, particularly in prosecutorial administration. Michel Troper argues that constitutional adjudication in France reflects a hybrid institutional model that combines legal constitutionalism with political legitimacy, as constitutional judges derive their authority through political appointment mechanisms (Troper, 2003).

In the United Kingdom, constitutional reforms introduced by the Constitutional Reform Act 2005 sought to reduce executive influence by strengthening judicial appointment mechanisms through the Judicial Appointments Commission. Graham Gee argues that these reforms substantially transformed the constitutional position of the judiciary while simultaneously increasing the political visibility of the courts within British governance (Gee, 2015).

5.3 Judicialization of Politics and Constitutional Adjudication

Another central comparative finding concerns the growing judicialization of politics within contemporary democracies. Neal Tate and Torbjörn Vallinder define judicialization as the process through which courts progressively become central political actors within democratic governance systems (Vallinder, 1995).

This phenomenon is particularly visible in the United States, where the Supreme Court increasingly adjudicates divisive issues such as abortion rights, executive authority, electoral disputes, and civil liberties. Ran Hirschl argues that constitutional courts frequently become arenas of political conflict because democratic systems increasingly transfer controversial political questions from elected institutions to judicial institutions (Hirschl, 2004).

In Spain, judicialization became especially visible during the Catalan independence crisis, where constitutional courts and ordinary judicial institutions assumed central roles in adjudicating disputes concerning territorial sovereignty and constitutional order. Alec Stone Sweet demonstrates that constitutional adjudication progressively transformed governance systems in Europe by strengthening the role of constitutional courts within public policy and democratic governance (Stone, 2000).

The United Kingdom also experienced increasing judicialization during Brexit-related constitutional litigation. Alison Young argues that the Miller decisions concerning parliamentary approval for Brexit procedures revealed growing constitutional tensions between executive authority,

parliamentary sovereignty, and judicial oversight (Young, 2018).

5.4 De Jure and De Facto Judicial Independence

Comparative analysis also highlights the distinction between *de jure* and *de facto* judicial independence. James Melton and Tom Ginsburg argue that constitutional guarantees do not necessarily ensure effective judicial independence when political authorities retain practical influence over judicial governance, appointments, or institutional resources (Melton, 2014).

Similarly, Julio Ríos-Figueroa and Jeffrey Staton criticise purely formal approaches to judicial independence because many constitutional indicators fail to capture informal political pressures affecting judicial behavior and institutional autonomy (Ríos-Figueroa & Staton, 2014).

The United States illustrates strong *de jure* independence through lifetime tenure and constitutional protections; however, ideological polarization surrounding appointments significantly affects perceptions of judicial neutrality. Spain demonstrates strong formal guarantees but continued vulnerability to partisan influence through judicial governance mechanisms. France reveals tensions between constitutional autonomy and executive-administrative traditions, while the United Kingdom relies heavily upon constitutional conventions and institutional culture rather than codified constitutional safeguards.

5.5 Political Polarization and Judicial Legitimacy

Political polarization constitutes another major factor influencing judicial independence across the four case studies. Comparative evidence demonstrates that heightened ideological conflict often shapes public perceptions of judicial neutrality and constitutional legitimacy.

Jack Balkin and Sanford Levinson argue that constitutional conflict in the American system increasingly mirrors ideological polarization surrounding constitutional interpretation and democratic governance (Balkin & Levinson, 2001).

Similarly, Spain experienced significant institutional tensions due to prolonged partisan deadlock concerning the renewal of the General Council of the Judiciary. Such political conflict weakened institutional credibility and reinforced public perceptions of judicial politicization.

France continues to debate prosecutorial independence and executive influence in judicial administration, particularly in

anti-corruption investigations involving political elites. Meanwhile, the United Kingdom witnessed unprecedented political criticism of judges during Brexit litigation, raising broader concerns regarding judicial legitimacy within polarized democratic environments.

Kim Lane Scheppele argues that contemporary democratic systems increasingly face risks whereby political actors attempt to weaken judicial constraints through institutional reforms, politicized appointments, and constitutional manipulation rather than direct authoritarian suppression (Scheppele, 2018).

5.6 Institutional Traditions and Models of Judicial Governance

The comparative analysis further demonstrates that constitutional traditions significantly shape the forms of political influence exerted upon judicial institutions.

The United States and the United Kingdom, both grounded in common law traditions, emphasize adversarial adjudication and judicial interpretation. However, the United States developed a strong system of constitutional review, characterized by highly politicized judicial appointments, whereas the United Kingdom historically relied on parliamentary sovereignty and constitutional conventions that limit judicial intervention.

Carlo Guarnieri and Patrizia Pederzoli argue that civil law systems have historically evolved within bureaucratic state structures, in which judicial autonomy developed differently from that in common law systems, emphasizing judicial precedent and adversarial litigation (Guarnieri & Pederzoli, 2002).

France and Spain consequently developed more centralized judicial governance systems characterized by stronger administrative structures and greater institutional coordination between judiciary and executive authorities.

5.7 Democratic Resilience and the Protection of Judicial Independence

The comparative evidence demonstrates that judicial independence constitutes a central dimension of democratic resilience and constitutional stability. Lars Feld and Stefan Voigt demonstrate that effective judicial independence contributes positively to economic growth, institutional stability, and legal predictability because independent courts strengthen constitutional credibility and property rights protection (Feld & Voigt, 2003).

Stefan Voigt and Jerg Gutmann similarly conclude that judicial independence represents a fundamental institutional condition for democratic governance and long-term constitutional stability (Voigt and Gutmann, 2013).

Comparative constitutional scholarship, therefore, suggests that protecting judicial autonomy requires not only constitutional safeguards but also broader democratic commitment to the rule of law, institutional balance, and constitutional accountability.

5.8 Conclusion of the Comparative Analysis

The comparative examination of the United States, Spain, France, and the United Kingdom demonstrates that political influence on justice is a persistent structural challenge for contemporary democracies, regardless of constitutional tradition. Although the forms and intensity of political influence vary across systems, all four case studies reveal enduring tensions between democratic politics and judicial autonomy.

The United States illustrates strong ideological politicization through judicial appointments and constitutional adjudication. Spain demonstrates the vulnerability of judicial governance institutions to partisan negotiation and institutional deadlock. France reflects executive-administrative influence rooted in centralized constitutional traditions, while the United Kingdom reveals tensions between parliamentary sovereignty and expanding judicial authority.

Ultimately, comparative scholarship demonstrates that judicial independence cannot be guaranteed solely through constitutional texts or institutional design. Effective judicial autonomy depends equally upon democratic culture, political restraint, institutional legitimacy, and societal respect for the rule of law within evolving constitutional democracies.

6. Discussion

6.1 Political Influence on Justice as a Structural Democratic Phenomenon

The comparative analysis of the United States, Spain, France, and the United Kingdom demonstrates that political influence on justice should not be interpreted as an exceptional deviation from democratic governance, but rather as a structural phenomenon inherent to constitutional democracies. Courts operate within political systems and exercise public authority over issues directly affecting governmental power, constitutional interpretation, and public policy. Consequently, judicial institutions inevitably become objects of political interest and institutional contestation.

Charles Gardner Geyh in *Judicial Independence as an Organizing Principle* published in the *Annual Review of Law and Social Science* (2014, <https://doi.org/10.1146/annurev-lawsocsci-110413-030849>) argues that judicial independence does not imply complete institutional isolation from politics, but rather the existence of safeguards protecting judicial decision-making from illegitimate external pressures. This distinction is fundamental because democratic courts must simultaneously remain institutionally autonomous while operating within systems characterized by political accountability and constitutional conflict.

Similarly, Martin Shapiro in *Courts: A Comparative and Political Analysis* (1981) emphasizes that courts historically evolved as political institutions responsible for resolving conflicts within society and regulating relations between state authorities. Judicial institutions therefore cannot be entirely detached from political processes because constitutional adjudication itself frequently concerns the distribution and limitation of political power.

The comparative evidence confirms this structural interdependence between law and politics. In the United States, judicial appointments became increasingly polarized because constitutional adjudication directly influences divisive political issues such as abortion rights, electoral governance, executive authority, and civil liberties. In Spain, judicial governance institutions became arenas of partisan negotiation due to the political importance of constitutional disputes concerning territorial sovereignty and democratic legitimacy. France illustrates the persistence of executive-administrative traditions shaping judicial governance, while the United Kingdom demonstrates how constitutional crises such as Brexit progressively increase judicial visibility within political conflict.

6.2 Judicialization of Politics and the Expansion of Judicial Power

One of the central findings from this research concerns the relationship between the judicialization of politics and the intensification of political influence on the justice system. Contemporary democracies increasingly rely on courts to resolve constitutional disputes, electoral controversies, and politically sensitive policy questions that were traditionally managed by representative institutions.

Neal Tate and Torbjörn Vallinder, in *The Global Expansion of Judicial Power* (1995), define judicialization as the process by which courts progressively acquire central roles within democratic governance. This expansion of judicial authority significantly increases political interest in judicial institutions

because courts increasingly determine outcomes affecting legislative policies, executive action, and constitutional interpretation.

Ran Hirschl, in *Towards Juristocracy* (2004), further argues that judicial empowerment frequently results from strategic political calculations whereby elected actors transfer controversial political questions to judicial institutions to preserve political legitimacy or institutional stability. According to Hirschl, constitutional courts increasingly function as major political actors rather than exclusively legal adjudicators.

The comparative case studies strongly support this theoretical perspective. In the United States, Supreme Court decisions increasingly determine major political and social controversies, thereby transforming judicial appointments into highly strategic partisan conflicts. Jeffrey Segal and Harold Spaeth demonstrate that ideological preferences substantially influence judicial behavior within the Supreme Court, particularly regarding politically divisive constitutional questions (Segal & Spaeth, 2002).

Similarly, the Spanish Constitutional Court became a central political institution during the Catalan independence crisis because constitutional adjudication directly affected territorial sovereignty and state legitimacy. Alec Stone Sweet argues that constitutional adjudication has progressively transformed governance systems in Europe by strengthening the role of courts within political decision-making processes (Sweet, 2000).

The United Kingdom also illustrates the increasing judicialization of politics. Alison Young argues that Brexit litigation significantly altered constitutional relations between Parliament, executive authorities, and judicial institutions. Courts consequently became directly involved in resolving questions concerning sovereignty, executive prerogatives, and democratic accountability (Young, 2017).

These developments demonstrate that the growing political importance of courts inevitably increases incentives for political actors to influence judicial institutions through appointments, governance reforms, or public criticism.

6.3 De Jure Independence versus De Facto Independence

Another major discussion emerging from the comparative analysis concerns the distinction between formal constitutional guarantees of judicial independence and the practical reality of judicial autonomy. All four countries examined in this study formally recognize judicial independence through constitutional principles, institutional

safeguards, or statutory protections. Nevertheless, effective judicial independence varies considerably depending upon political culture, institutional practice, and democratic norms.

James Melton and Tom Ginsburg argue that constitutional guarantees alone do not necessarily ensure effective judicial independence when political actors retain practical influence over appointments, promotions, or judicial governance structures (Melton & Ginsburg, 2014). Their work demonstrates that *de facto* independence frequently depends more upon institutional culture and political constraints than constitutional texts themselves.

Julio Ríos-Figueroa and Jeffrey Staton similarly criticize purely formal approaches to judicial independence, as many traditional constitutional indicators fail to capture the informal political pressures that shape judicial behavior (Ríos-Figueroa & Staton, 2014).

The comparative evidence strongly confirms these arguments. The United States possesses strong constitutional protections for judicial independence, including life tenure for federal judges. However, ideological polarization surrounding judicial nominations substantially affects public perceptions of judicial neutrality. Spain demonstrates strong constitutional guarantees but significant vulnerability to partisan influence through judicial governance institutions. France formally protects judicial autonomy while maintaining executive influence over prosecutorial administration. The United Kingdom relies heavily on constitutional conventions and institutional culture rather than codified constitutional safeguards.

Consequently, the study suggests that effective judicial independence depends not solely upon institutional design but also upon democratic restraint, constitutional culture, and broader respect for the rule of law.

6.4 Political Polarization and the Crisis of Judicial Legitimacy

The comparative analysis also demonstrates that political polarization is one of the principal contemporary threats to judicial legitimacy and public confidence in the courts. Increasing ideological conflict within democratic systems progressively transforms judicial institutions into objects of partisan competition and constitutional contestation.

Jack Balkin and Sanford argue that constitutional conflict within the United States increasingly reflects broader ideological polarization concerning constitutional interpretation and democratic governance (Balkin & Levinson, 2001). Courts consequently come to be perceived

not merely as neutral arbiters but as institutions associated with partisan constitutional agendas.

This phenomenon is particularly visible in the United States, where Supreme Court appointments increasingly resemble partisan electoral conflicts. Keith Whittington argues that judicial legitimacy in democratic systems depends significantly upon political support and institutional acceptance by elected authorities (Whittington, 2005).

Spain similarly experienced institutional polarization amid a prolonged political deadlock over the renewal of the General Council of the Judiciary. France continues to experience tensions concerning prosecutorial independence and anti-corruption investigations involving political elites. In the United Kingdom, political and media criticism directed at judges during Brexit litigation raised broader concerns about judicial legitimacy and democratic respect for constitutional institutions.

Kim Lane Scheppele warns that contemporary democratic systems increasingly face attempts by political actors to weaken judicial constraints through institutional manipulation, politicized appointments, and constitutional reforms rather than direct authoritarian suppression (Scheppele, 2018).

These developments suggest that judicial legitimacy increasingly depends upon maintaining public confidence in judicial neutrality despite growing political polarization within democratic societies.

6.5 Institutional Traditions and Varieties of Political Influence

The comparative discussion also demonstrates that political influence on justice varies across constitutional traditions and legal cultures. Common law systems such as the United States and the United Kingdom traditionally emphasize adversarial adjudication, judicial interpretation, and decentralized constitutional development. Civil law systems such as France and Spain historically developed more centralized judicial governance structures closely connected to state administration.

Carlo Guarnieri and Patrizia Pederzoli argue that these institutional traditions significantly shape relations between judicial institutions and political authorities (Guarnieri & Pederzoli, 2002). Common law systems generally produce stronger judicial visibility through constitutional adjudication, while civil law systems frequently maintain closer institutional coordination between the judiciary and executive administration.

The United States, therefore, experiences political influence primarily through ideological judicial appointments and constitutional litigation. Spain reveals political influence through judicial councils and parliamentary negotiation. France demonstrates executive-administrative influence rooted in centralized state traditions, while the United Kingdom illustrates tensions between parliamentary sovereignty and expanding judicial authority.

These differences confirm that political influence on justice cannot be reduced to a single institutional model because constitutional history, governance structures, and political culture deeply shape it.

6.6 Judicial Independence and Democratic Resilience

A final major issue concerns the relationship between judicial independence and democratic resilience. The comparative evidence strongly suggests that independent courts constitute essential safeguards against excessive concentration of political power and democratic erosion.

Lars Feld and Stefan demonstrate that effective judicial independence contributes to institutional stability, economic growth, and legal predictability by strengthening constitutional credibility and investor confidence (Feld & Voigt, 2003).

Stefan Voigt and Jerg Gutmann similarly conclude that judicial independence represents a fundamental institutional condition for democratic governance and long-term constitutional stability (Voigt & Gutmann, 2013).

The comparative analysis, therefore, demonstrates that protecting judicial autonomy requires not only constitutional safeguards but also broader democratic commitment to institutional balance, constitutional accountability, and respect for the rule of law.

Ultimately, the experiences of the United States, Spain, France, and the United Kingdom demonstrate that political influence over justice remains a persistent challenge in democratic governance. Although constitutional systems differ significantly, all four democracies reveal enduring tensions between political authority and judicial autonomy. The future of judicial independence consequently depends upon the capacity of democratic institutions to preserve constitutional balance while resisting excessive politicization of judicial governance and constitutional adjudication.

Conclusion

The study examines the impact of political influence on justice in contemporary constitutional democracies, focusing on the United States, Spain, France, and the United Kingdom. Judicial independence is a fundamental principle of democratic governance and the rule of law, but political dynamics, constitutional traditions, and institutional structures deeply influence its practical operation. The analysis confirms that judicial independence cannot be understood solely as a constitutional guarantee established through legal texts or institutional design. Judicial autonomy is an institutional condition requiring effective protection against political interference while preserving constitutional legitimacy and democratic accountability.

The four comparative case studies reveal distinct forms of political influence shaped by different constitutional and legal traditions. The United States experiences ideological polarization and partisan judicial appointments within a system characterized by strong constitutional review and extensive judicial authority. Ideological preferences significantly influence judicial behavior, reinforcing the political importance of Supreme Court appointments and constitutional adjudication. Spain demonstrates how judicial governance institutions intended to protect judicial independence may themselves become vulnerable to partisan negotiation and political deadlock. France reflects a distinct constitutional tradition characterized by centralized state authority and executive-administrative influence over judicial institutions.

The United Kingdom presents another important model illustrating tensions between parliamentary sovereignty and expanding judicial authority. Constitutional reforms such as the Constitutional Reform Act 2005 significantly strengthened institutional separation between the judiciary and executive power. However, Brexit-related litigation demonstrated the increasing political visibility of courts within British governance.

Judicialization of politics significantly intensifies the influence of politics on justice. As courts become more influential within democratic governance, political actors increasingly attempt to shape judicial institutions through appointments, reforms, and institutional pressures. Ran Hirschl argues that contemporary democracies increasingly transfer controversial political questions to judicial institutions, transforming courts into central arenas of political conflict.

The relationship between political polarization and judicial legitimacy is also central to the study. Increasing ideological conflict within democratic systems undermines public perceptions of judicial neutrality and institutional impartiality. The United States, Spain, France, and the United Kingdom all experience persistent tensions between political authority and judicial autonomy.

The study concludes that judicial independence should be understood not as an absolute separation between law and politics but as a dynamic institutional equilibrium requiring constant protection against excessive political interference. Democratic governance inevitably involves interaction between judicial institutions and political authorities, but preserving constitutional balance requires effective institutional safeguards that limit partisan capture and protect judicial legitimacy.

Protecting judicial independence is essential for democratic resilience and constitutional stability. Independent courts play a fundamental role in safeguarding constitutional order, protecting fundamental rights, and limiting abuses of governmental power. The future of democratic constitutionalism depends on the capacity of political institutions, legal systems, and democratic societies to preserve judicial autonomy while maintaining constitutional accountability and public confidence in the rule of law.

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