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Abstract: Mitchel Lasser, in his acclaimed *Judicial Deliberations: a
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In his Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy (Oxford 2004), the American-French

scholar Mitchel Lasser has, among other things, tried to re-establish the strengths of the French cassation system. Using Lasser's approach and ideas as a starting point,

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3 Mitchel De S.-O.-L'E Lasser, *Judicial Deliberations. A Comparative Analysis of Judicial Transparency and Legitimacy* (OUP, New York 2004 (hardback) and 2009 (paperback)) 3. 4 Ibid 4. 5 Ibid 5. 6 Ibid 13. 7 Ibid. 8 Ibid 298. 9 JP Dawson, *The Oracles of the Law* (The University of Michigan Law School, Ann Arbor 1968) 413. 10 Lasser (n 3) 153, 176 ...

This chapter discusses some of the difficult, but fascinating, rule of law/democratic theory issues raised by the judicial approaches employed by the Cour de cassation of France, the Supreme Court of the United States, and the European Court of Justice. It examines what it means for legal and judicial systems to function in such bifurcated or integrated ways.

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29 Lasser observes this phenomenon as one of the main sources of legitimacy of the French Cour de cassation, in Lasser, M, *Judicial Deliberations. A Comparative Analysis of Judicial Transparency and Legitimacy* (Oxford, Oxford University Press, 2004)Google Scholar.

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3 Mitchel De S.-O.-L'E Lasser, *Judicial Deliberations. A Comparative Analysis of Judicial Transparency and Legitimacy* (OUP, New York 2004 (hardback) and 2009 (paperback)) 3. 4 Ibid 4. 5 Ibid 5. 6 Ibid 13. 7 Ibid. 8 Ibid 298. 9 JP Dawson, *The Oracles of the Law* (The University of Michigan Law School, Ann Arbor 1968) 413. 10 Lasser (n 3) 153, 176 ...

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Lasser M., *Judicial Deliberations – A Comparative Analysis of Judicial Transparency and Legitimacy*, Oxford 2004. MacCormick N., *Legal Reasoning*, Oxford 2003. Nelken D., *Using The Concept of Legal Culture*, “*Australian Journal of Legal Philosophy*” 2004, Vol. 29.

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argumentative practices of the French Cour de cassation, the US Supreme Court, and the European Court of Justice (ECJ), and examines how they achieve judicial legitimacy. In this review I firstly question the models of judicial legitimacy presented by Lasser. I believe that the French institutional model relies far more on the interplay ...

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104 *The Yale Law Journal* 1325; Mitchel De S. O. L'e Lasser, *Judicial Deliberations: A Comparative Analysis of Judicial Transparency and Legitimacy* (Oxford University Press 2009); Mitchel De S. O. L'e Lasser, ‘Transforming Deliberations’ in Nick Huls, Maurice Adams and Jacco Bomhoff (eds), *The Legitimacy of Highest Court's Rulings:*

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judicial bodies has reached the CFI, too. The peculiarity of the CFI is that it is a supra-national, European court that has substantial delegated power to exercise judicial control over EU institutions and member-states. Qt the meantime it is a first instance court under the review of the European Court of Justice.

[7] De Lasser, M. (2009) *Judicial deliberations: a comparative analysis of transparency and legitimacy*. Oxford University Press. [8] Edel, F. (2007) *The length of civil and criminal proceedings in the case-law of the European Court of Human Rights*. Strasbourg: Council of Europe Publishing. [9] Fuller, L. (1969) *The Morality of Law*.

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