Foreword: A Good Place in the Middle:
The Israeli Constitutional Revolution from a Global
and Comparative Perspective

Joseph H. H. Weiler and Doreen Lustig

This article challenges the conventional narrative of the Israeli constitutional revolution as a local history informed primarily by internal processes within Israeli society. Instead, it reads the Israeli constitutional history within a comparative and global context and seeks to show that, without detracting from specific local circumstances, the Israeli development was part of a world wide evolution taking place during the same period and with, at least in some respects, a similar phenomenology. Our key cartographical device, in homage to Mauro Cappelletti, is the wave metaphor – which allows both a temporal and spatial representation. We map three sequential and overlapping worldwide, global waves of constitutionalization and use constitutionalization as a proxy for the adoption of judicial review within a constitutional order. The first wave is the series of “constitutional revolutions” within national legal orders, with the two historical turning points at the end of WWII and at the end of the Cold War; the second wave is the emergence of international law as the source of the higher law which state courts use in their exercise of their power of judicial review. The third wave is a response and reaction to the second wave: the subjection of international law itself, as well as the norms emanating from international organizations, to a higher law and critically to some form of judicial review. The interplay between the three waves and their dialectical features constitute the explanatory framework we offer in the article. This framework challenges the dominant narrative on constitutionalization processes in the twentieth century as progressive and evolutionary. Against the backdrop of this broader framework we revisit the history of Israeli constitutionalization processes.