Abstract

This article evaluates several proposals about the argumentation as a necessary requirement in any exercise of judicial review. The proposals are analysed through many doctrinal approaches. For instance, the argumentative democracy; the interpretation and the justification of the decisions; the balancing and the principles. Our intention in this study is neither to analyze some problems and its solutions; rather, it is to present the state of the art in several theories about the role of argumentation in the context of judicial review.

Keywords