This article describes how the rise of political polarization around the world destabilized the political legitimacy basis of apex courts in three main legal systems: The Westminster countries model (the professional basis), the U.S. (the pluralistic basis), and Continental Europe’s constitutional courts (the organic basis). We argue that there are two main strategies for regaining court legitimacy once polarization has unsettled its political legitimacy basis: depoliticization and balancing a political court. The first, depoliticization, includes attempts at dissociating the court from politics as much as possible. The second, balancing, does not attempt to depoliticize the court but only to balance it politically, so that it would not lose legitimacy as politically partisan biased or as politically unrepresentative. We conclude with some initial observations regarding the relative merits of the different strategies, taking into consideration contextual and comparative parameters.

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