

MAJORITY RULE OR MINORITY WILL

ADHERENCE TO PRECEDENT
ON THE U.S. SUPREME COURT

HAROLD J. SPAETH
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Majority Rule Or Minority Will Adherence To Precedent On The U S Supreme Court

Charles Gardner Geyh



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Majority Rule Or Minority Will Harold J. Spaeth, Jeffrey A. Segal, 2001-02-19 This book first published in 1999 examines the influence of precedent on the behavior of the US Supreme Court justices **Constitutional Landmarks**

Charles M. Lamb, Jacob R. Neihsel, 2020-12-01 This book examines leading Supreme Court decisions involving the powers of the Court the president and Congress as well as cases addressing American federalism and Americans economic rights By analyzing both the Court s opinions and voting patterns from 1791 through 2018 this volume presents an overview of the role of the Supreme Court in the legal and political system of the United States throughout its entire history regularly relying on Robert McCloskey s theory of the nation s three major constitutional eras and the Supreme Court Database in its organizational approach Over 100 of the Supreme Court s most significant rulings old and new are covered and clarified in this volume to provide an objective reliable and valuable resource for students academics legal professionals and the general public alike *The Oxford Handbook of U.S. Judicial Behavior* Lee Epstein, Stefanie A. Lindquist, 2017 The Oxford Handbook of U S Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U S Featuring contributions from leading scholars in the field the Handbook describes and explains how the courts political and social context formal institutional structures and informal norms affect judicial decision making The Handbook also explores the impact of judges personal attributes and preferences as well as prevailing legal doctrine influence and shape case outcomes in state and federal courts The volume also proposes avenues for future research in the various topics addressed throughout the book Consultant Editor for The Oxford Handbooks of American Politics George C Edwards III *Researching Public Law in Common Law Systems* Paul Daly, Joe Tomlinson, 2023-09-06 This original book fills a significant gap in legal literature by providing an exploration of research methodologies in public law a field of research in which research methods are becoming increasingly prominent and sophisticated Featuring thoughtful chapters written by leading scholars in the field this book provides a thorough explanation of the key features characteristics and challenges of distinct methodological approaches to public law research *The Oxford Handbook of Law and Politics* Keith E. Whittington, R. Daniel Kelemen, Gregory A. Caldeira, 2010-06-11 The study of law and politics is one of the foundation stones of the discipline of political science and it has been one of the most productive areas of cross fertilization between the various subfields of political science and between political science and other cognate disciplines This Handbook provides a comprehensive survey of the field of law and politics in all its diversity ranging from such traditional subjects as theories of jurisprudence constitutionalism judicial politics and law and society to such re emerging subjects as comparative judicial politics international law and democratization The Oxford Handbook of Law and Politics gathers together leading scholars in the field to assess key literatures shaping the discipline today and to help set the direction of research in the decade ahead **Routledge Handbook of Judicial Behavior** Robert M. Howard, Kirk A.

Randazzo,2017-10-02 Interest in social science and empirical analyses of law courts and specifically the politics of judges has never been higher or more salient Consequently there is a strong need for theoretical work on the research that focuses on courts judges and the judicial process The Routledge Handbook of Judicial Behavior provides the most up to date examination of scholarship across the entire spectrum of judicial politics and behavior written by a combination of currently prominent scholars and the emergent next generation of researchers Unlike almost all other volumes this Handbook examines judicial behavior from both an American and Comparative perspective Part 1 provides a broad overview of the dominant Theoretical and Methodological perspectives used to examine and understand judicial behavior Part 2 offers an in depth analysis of the various current scholarly areas examining the U S Supreme Court Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities

Does Privilege Prevail? Stacia L Haynie,Kirk A Randazzo,Reginald S Sheehan,2024-04-26 The first transnational comparative study of legal party capability theory Justice is supposed to be blind Cynics will say they know better But what do the facts say This groundbreaking study provides objective data driven answers to long standing questions about winners and losers in courtrooms across the world Does the party with the greater resources such as money and influence always prevail and if so why Does Privilege Prevail is the first book to evaluate these questions using a multi country approach and in doing so assess what legal professionals and political scientists call party capability theory Stacia Haynie Kirk Randazzo and Reginald Sheehan analyze over fifteen thousand litigation outcomes of the high courts of six countries Australia Canada India the Philippines South Africa and the United Kingdom from 1970 to 2000 This unprecedented trove of data reveals that while the haves of society do undoubtedly enjoy certain advantages in the judicial system a more complex explanation for legal outcomes is required than party capability theory provides especially when it comes to assessing the role of attorneys and their legal teams or the components of the docket where judges can provide avenues for the have nots to succeed

A New Introduction to American Constitutionalism Mark A. Graber,2015 A New Introduction to American Constitutionalism is the first truly interdisciplinary study of the American constitutional regime Mark A Graber explores the fundamental elements of the American constitutional order with particular emphasis on how constitutionalism in the United States is a form of politics and not a means of subordinating politics to law Empirical Gap in Jurisprudence Daved Muttart,2007-02-17 In jurisprudential writing single decisions are often held up as representative without any evidence to support their representative claims In order to address this problem Daved Muttart has made a systematic study encompassing every judgment of the Supreme Court of Canada between 1950 and 2003 Examining almost

5000 cases Muttart analyses these Supreme Court decisions employing several important criteria including whether the decisions overruled prior precedent the extent to which they were decided on fact law or policy and the legal and extra legal modes of reasoning utilized by the Court Muttart uses the results of this systematic examination to test the validity of extant jurisprudential theories Ultimately he concludes that the Court s method of operation is evolving as it moves into a new century While the court s reasoning is becoming less foundational it remains a predominantly legal as opposed to political institution Filling an important niche in the study of jurisprudence The Empirical Gap in Jurisprudence demonstrates that systematic studies based on large samples of cases will yield many insights that were obfuscated by prior efforts that relied on small and self selected samples

The Politics of Democratic Inclusion Christina Wolbrecht, Rodney E. Hero, 2005 How institutions foster and hinder political participation of the underrepresented

New Directions in Judicial Politics Kevin T. McGuire, 2012-03-15 With its often vague legal concepts and institutions that operate according to unfamiliar procedures judicial decision making is in many respects a highly enigmatic process New Directions in Judicial Politics seeks to demystify the courts offering readers the insights of empirical research to address questions that are of genuine interest to students In addition to presenting a set of conclusions about the way in which courts operate this book also models the craft of political research illustrating how one can account for a variety of factors that might affect the courts and how they operate The renowned scholars and teachers in this volume invite critical thinking not only about the substance of law and courts in America but also about the ways in which we study judicial politics

Legislative Deferrals George I. Lovell, 2003-03-31 Why do unelected federal judges have so much power to make policy in the United States Why were federal judges able to thwart apparent legislative victories won by labor organizations in the Lochner era Most scholars who have addressed such questions assume that the answer lies in the judiciary s constitutionally guaranteed independence and thus worry that insulated judges threaten democracy when they stray from baseline positions chosen by legislators This book argues for a fundamental shift in the way scholars think about judicial policy making Scholars need to notice that legislators also empower judges to make policy as a means of escaping accountability This study of legislative deference to the courts offers a dramatic reinterpretation of the history of twentieth century labor law and shows how attention to legislative deferrals can help scholars to address vexing questions about the consequences of judicial power in a democracy

Constitutional Politics in a Conservative Era Austin Sarat, 2008-05-05 Aims to bring together the work of leading scholars of Constitutionalism Constitutional law and politics in the United States to take stock of the field to chart its progress and point the way for its future development

Judicial Behavior and Policymaking Robert J. Hume, 2018-01-23 Judicial Behavior and Policymaking introduces students to the politics of judging exploring why judges make the decisions they do who has the power to influence judicial decision making and what the consequences of court decisions are for policymaking Further this text familiarizes students with the methods that professional political scientists use to conduct research about the courts

including the quantitative analysis of data Designed for undergraduates and graduate students alike this accessible and engaging text provides a thorough introduction to the world of judicial politics

The Pioneers of Judicial Behavior Nancy L. Maveety, 2009-11-16 Examines the contributions of the pioneers of research into judicial behavior

What's Law Got to Do With It? Charles Gardner Geyh, 2011-08-09 Top US legal scholars and political scientists examine how the law shapes judges behavior and decisions and what it means for society at large Although there is a growing consensus among legal scholars and political scientists significant points of divergence remain Contributors to *What's Law Got to Do with It* explore ways to reach greater accord on the complexity and nuance of judicial decision making and judicial elections while acknowledging that agreement on what judges do is not likely to occur any time soon As the first forum in which political scientists and legal scholars engage with one another on these hot button issues this volume strives to establish a true interdisciplinary conversation The inclusion of reactions from practicing judges puts into high relief the deep seated and opposing beliefs about the roles of law and politics in judicial work Praise for *What's Law Got to Do with It* Geyh associate dean for research and John F Kimberling professor of law Indiana Univ School of Law is well qualified to edit this reader about the interaction of law and politics in contemporary society The contributors are among the very best scholars in the legal and political science realm The writing is lively and easy to follow for the somewhat sophisticated reader Highly recommended Choice Readers will find these essays fascinating thoughtful and sometimes infuriating as conventional disciplinary wisdom is defended modified and refuted The result is a terrific text for all students of the legal process Mark A Graber University of Maryland This volume pulls together an excellent cast to examine one of the most intriguing and most difficult questions in the study of law and politics today what role does law play in the job of judging There is a lot to learn in these pages and this book does a fine job of pushing the conversation forward Keith Whittington Princeton University

Law's Allure Gordon Silverstein, 2009-02-09 *Law's Allure* explains how when and why America's reliance on legal rules and judicial decisions shapes constrains saves and sometimes even kills politics

The Behavior of Federal Judges Lee Epstein, William M. Landes, Richard A. Posner, 2013-01-07 Federal judges are not just robots or politicians in robes yet their behavior is not well understood even among themselves Using statistical methods a political scientist an economist and a judge construct a unified theory of judicial decision making to dispel the mystery of how decisions from district courts to the Supreme Court are made

High Courts and Economic Governance in Argentina and Brazil Diana Kapiszewski, 2012-09-24 This study analyzes how elected leaders and high courts in Argentina and Brazil interact over economic governance

Deciding to Leave Artemus Ward, 2012-02-01 While much has been written on Supreme Court appointments *Deciding to Leave* provides the first systematic look at the process by which justices decide to retire from the bench and why this has become increasingly partisan in recent years Since 1954 generous retirement provisions and decreasing workloads have allowed justices to depart strategically when a president of their own party occupies the White House Otherwise the justices remain

in their seats often past their ability to effectively participate in the work of the Court While there are benefits and drawbacks to various reform proposals Ward argues that mandatory retirement goes farthest in combating partisanship and protecting the institution of the Court

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