

The Role of the Supreme Court in American Politics

The Least Dangerous Branch?



Richard L. Pacelle Jr.

Role Of The Supreme Court In American Politics The Least Dangerous Branch

Richard Pacelle



Role Of The Supreme Court In American Politics The Least Dangerous Branch:

The Role Of The Supreme Court In American Politics Richard Pacelle, 2018-03-05 When the Supreme Court s effectively decided the presidential election of 2000 it decision illustrated a classic question in American politics what is the appropriate role for the Supreme Court The dilemma is between judicial activism the Court s willingness to make significant changes in public policy and judicial restraint the Court s willingness to confine the use and extent of its power While the Framers of the Constitution felt that the judiciary would be the least dangerous branch of government many have come to the conclusion that courts govern America a notion at odds with democratic government Richard Pacelle traces the historical ebb and flow of the Court s role in the critical issues of American politics slavery free speech religion abortion and affirmative action Pacelle examines the arguments for judicial restraint including that unelected judges making policy runs against democratic principles and the arguments for judicial activism including the important role the court has played as a protector of minority rights Pacelle suggests that there needs to be a balance between judicial activism and restraint in light of the constraints on the institution and its power Stimulating and sure to generate discussion *The Supreme Court in American Politics* is a concise supplemental text for American Government and Judicial Politics course *The Least Dangerous Branch* Alexander M. Bickel, 1986-09-10 This classic book on the role of the Supreme Court in our democracy traces the history of the Court assessing the merits of various decisions along the way Eminent law professor Alexander Bickel begins with Marbury vs Madison which he says gives shaky support to judicial review and concludes with the school desegregation cases of 1954 which he uses to show the extent and limits of the Court s power In this way he accomplishes his stated purpose to have the Supreme Court s exercise of judicial review better understood and supported and more sagaciously used The book now includes new foreword by Henry Wellington Reviews of the Earlier Edition Dozens of books have examined and debated the court s role in the American system Yet there remains great need for the scholarship and perception the sound sense and clear view Alexander Bickel brings to the discussion Students of the court will find much independent and original thinking supported by wide knowledge Many judges could read the book with profit Donovan Richardson Christian Science Monitor The Yale professor is a law teacher who is not afraid to declare his own strong views of legal wrongs One of the rewards of this book is that Professor Bickel skillfully knits in ations from a host of authorities and since these are carefully documented the reader may look them up in their settings Among the author s favorites is the late Thomas Reed Powell of Harvard whose wit flashes on a good many pages Irving Dillard Saturday Review Alexander M Bickel was professor of law at Yale University

The Supreme Court in a Separation of Powers System Richard Pacelle, 2015-01-09 The U S Supreme Court is not a unitary actor and it does not function in a vacuum It is part of an integrated political system in which its decisions and doctrine must be viewed in a broader context In some areas the Court is the lead policy maker In other areas the Court fills in the gaps of policy created in the legislative and executive branches In either instance the Supreme Court s work is

influenced by and in turn influences all three branches of the federal government as well as the interests and opinions of the American people Pacelle analyzes the Court's interaction in the separation of powers system detailing its relationship to the presidency Congress the bureaucracy public opinion interest groups and the vast system of lower courts The niche the Court occupies and the role it plays in American government reflect aspects of both the legal and political models The Court has legal duties and obligations as well as some freedom to exercise its collective political will Too often those studying the Court have examined it in isolation but this book urges scholars and students alike to think more broadly and situate the highest court as the balance wheel in the American system **The View of the Courts from the Hill** Mark C. Miller, 2009-05-29

The View of the Courts from the Hill explores the current interactions and relationship between the U S Congress and federal courts using a governance as dialogue approach which argues that constitutional interpretation in the United States is a continuous and complex conversation among all the institutions of government Expanding on his previous work on this important theme Mark C Miller has interviewed numerous key players specifically for this book His subjects include members of Congress federal judges congressional staff employees of the judicial branch lobbyists and others with an interest in the courts Their candid and thorough comments provide an invaluable resource for students and scholars eager to explore the dynamics between congressional and judicial forces as they have evolved over the past two decades The book examines customary interactions between Congress and the federal courts especially the U S Supreme Court as well as extraordinary conflicts between the two branches of government both today and throughout American history Miller gives special attention to recent attempts by social conservatives in Congress to silence the voice of the courts in the inter-institutional dialogue through the use of court stripping measures threats of impeachment of federal judges and a proposal for an inspector general for the courts Particular focus is placed on the interactions between the courts and the House Judiciary Committee under Republican control as well as the approach taken by the Religious Right toward federal judges and the federal courts in general The book concludes with a call for the protection of judicial independence in order to preserve the voice of the federal courts in the constitutional interpretation dialogue American Government Cal

Jillson, 2025-01-30 How politics in America works today how it got that way and how it's likely to change through reform these are the themes that pervade every chapter of Cal Jillson's highly lauded American Government Political Development and Institutional Change Even in the midst of current challenges America's past is present in all aspects of the contemporary political system Jillson uses political development and the dynamics of change as a thematic tool to help students understand how politics works now and how institutions participation and policies have evolved over time to produce the contemporary political environment In addition Jillson helps students think critically about how American democracy might evolve further focusing in every chapter on reform and further change New to the Thirteenth Edition Assesses the results of the Biden administration and the impact on the 2024 campaign of Biden's unexpected replacement by Kamala Harris at the top of the

ticket Describes numerous ways in which the American political system has been affected by recovery from the Covid 19 pandemic the demise of Roe v Wade inflation and the border Assesses the implications of the January 6 2021 attack on the Capitol the Trump trials and what they mean for our political culture and partisan politics Assesses the implication of fake news and the move to mobile for our politics Explores the evidence for increasing polarization in public opinion voting behavior and the work of Congress and the courts Details the impact that the Russian invasion of Ukraine and the war in Israel and Gaza had on U S foreign policy and national security alliances

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

Keeping the Republic: Power and Citizenship in American Politics, 6th Edition The Essentials

Christine Barbour, Gerald C. Wright, 2013-01-15 Keeping the Republic s lively discussion of who gets what and how develops students critical thinking abilities in the intro American government course Every section and every feature in the book has one goal in mind to get students to think critically and be skeptical of received wisdom Serving as a true aid to teachers each chapter is designed to build students analytical abilities By introducing them to the seminal work in the field and showing them how to employ the themes of power and citizenship this proven text builds confidence in students who want to take an active part in their communities and government to play their part in keeping the republic and to consider the consequences of that engagement

Decision Making by the Modern Supreme Court

Richard L. Pacelle, Jr, Brett W. Curry, Bryan W. Marshall, 2011-06-13 There are three general models of Supreme Court decision making the legal model the attitudinal model and the strategic model But each is somewhat incomplete This book advances an integrated model of Supreme Court decision making that incorporates variables from each of the three models In examining the modern Supreme Court since Brown v Board of Education the book argues that decisions are a function of the sincere preferences of

the justices the nature of precedent and the development of the particular issue as well as separation of powers and the potential constraints posed by the president and Congress To test this model the authors examine all full signed civil liberties and economic cases decisions in the 1953 2000 period Decision Making by the Modern Supreme Court argues and the results confirm that judicial decision making is more nuanced than the attitudinal or legal models have argued in the past The Encyclopedia of Civil Liberties in America David Schultz, John R. Vile, 2015-04-10 Driven by the growing reality of international terrorism the threats to civil liberties and individual rights in America are greater today than at any time since the McCarthy era in the 1950s At this critical time when individual freedoms are being weighed against the need for increased security this exhaustive three volume set provides the most detailed coverage of contemporary and historical issues relating to basic rights covered in the United States Constitution The Encyclopedia of Civil Liberties in America examines the history and hotly contested debates surrounding the concept and practice of civil liberties It provides detailed history of court cases events Constitutional amendments and rights personalities and themes that have had an impact on our freedoms in America The Encyclopedia appraises the state of civil liberties in America today and examines growing concerns over the limiting of personal freedoms for the common good Complete with selected relevant documents and a chronology of civil liberties developments and arranged in A Z format with multiple indexes for quick reference The Encyclopedia of Civil Liberties in America includes in depth coverage of freedom of speech religion press and assembly as outlined in the first amendment protection against unreasonable search and seizure as outlined in the fourth amendment criminal due process rights as outlined in the fifth sixth seventh and eighth amendments property rights economic liberties and other rights found within the text of the United States Constitution Supreme Court justices presidents and other personalities focusing specifically on their contributions to or effect on civil liberties concepts themes and events related to civil liberties both practical and theoretical court cases and their impact on civil liberties *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 **The SAGE Encyclopedia of Political Behavior** Fathali M. Moghaddam, 2017-05-03 The SAGE Encyclopedia of Political Behavior explores the intersection of psychology political science sociology communications and human behavior to better understand why and how people interact with political processes Bringing together scholars from around the world the encyclopedia

integrates theories research and case studies from a variety of disciplines to help readers better understand the complexities of political behavior Contributors analyze the forces that shape the behavior of individuals groups and social movements and how that behavior impacts political outcomes and public policy debates In over 360 entries the encyclopedia focuses broadly on the following topics Cognitive processes Group identities and influence Individual political behavior International comparative perspectives Justice and political behavior Media discourse and communications Policies and political behavior Political systems Security and terrorism Social political movements Theories of political behavior Voting behavior and political campaigns Aimed at college and university students this one of a kind reference covers voting patterns interactions between groups what makes different types of government systems appealing to different societies and the impact of early childhood development on political beliefs among others Topics explored by political psychologists are of great interest in fields beyond either psychology or political science with implications for instance within business and management This title will be available online on SAGE Knowledge the ultimate social sciences library

Constitutional Law and Precedent

Monika Florczak-Wątor,2022-03-30 This collection examines case based reasoning in constitutional adjudication that is how courts decide on constitutional cases by referring to their own prior case law and the case law of other national foreign and international courts Argumentation based on judicial authority is now fundamental to the resolution of constitutional disputes At the same time it is the most common form of reasoning used by courts This volume shows not only the strengths and weaknesses of such argumentation but also its serious methodological shortcomings The book is comparative in nature with individual chapters examining similar problems that different courts have resolved in different ways The research covers three types of courts namely the civil law constitutional courts of Germany Italy Poland Lithuania and Hungary the common law supreme courts of the United States Canada and Australia and the European international courts represented by the European Court of Human Rights and the Court of Justice of the European Union The authors are distinguished scholars from various countries who specialise in constitutional justice issues This book will be of interest to legal theorists and practitioners and will be especially insightful for constitutional court judges The Open Access version of this book available at www.taylorfrancis.com has been made available under a Creative Commons Attribution Non Commercial No Derivatives 4 0 license

Principles and Practice of American Politics Steven S. Smith,2024-08-28 Combining timeless readings with cutting edge current selections Principles and Practice of American Politics effectively animates today s institutions and political arrangements in the study of American Government and politics Each selection is artfully framed by contextual headnotes and many of the readings are written specifically for the volume The Eighth Edition includes readings that present institutions of majority rule the nature of racial discrimination the proper role of the court and other issues that provide students an opportunity to think through and discuss their views on the future direction of American civic life

Judicial Deference in International Adjudication Johannes Hendrik Fahner,2020-08-06 International courts and tribunals are

increasingly asked to pass judgment on matters that are traditionally considered to fall within the domestic jurisdiction of States Especially in the fields of human rights investment and trade law international adjudicators commonly evaluate decisions of national authorities that have been made in the course of democratic procedures and public deliberation A controversial question is whether international adjudicators should review such decisions de novo or show deference to domestic authorities This book investigates how various international courts and tribunals have responded to this question In addition to a comparative analysis the book provides a normative argument discussing whether different forms of deference are justified in international adjudication It proposes a distinction between epistemic deference which is based on the superior capacity of domestic authorities to make factual and technical assessments and constitutional deference which is based on the democratic legitimacy of domestic decision making The book concludes that epistemic deference is a prudent acknowledgement of the limited expertise of international adjudicators whereas the case for constitutional deference depends on the relative power of the reviewing court vis vis the domestic legal order

Principles and Practice of American Politics Samuel Kernell, Steven S. Smith, 2018-04-03 Principles and Practice of American Politics is a well balanced reader covering all the major topics of an American Government course Blake Jones Ohio Valley University Combining timeless readings with cutting edge articles and essays Principles and Practice of American Politics Seventh Edition enriches students understanding of the American political system by examining the strategic behavior of key players in U S politics This collection of classic and contemporary readings brings concepts to life by providing students with real examples of how political actors are influenced by the strategies of others and are governed by the Constitution the law and institutional rules Carefully edited by award winning authors Samuel Kernell and Steven S Smith each reading is put into context to help students understand how political actions fall within a major national political forum New to the Seventh Edition Nine new and updated essays encourage students to reflect on the continuing debates over the polarization of the American electorate and Congress the role of social media and fake news in influencing public views of politicians and issues the fragile Trump coalition the efficacy of polling in tracking public opinion and other issues more relevant than ever in the wake of the 2016 elections Additional essays challenge students to think more carefully about alternative institutions and political arrangements The new essays present institutions of majority rule the nature of racial discrimination and the proper role of the court as less settled issues that provide students an opportunity to think through and discuss their views on the future direction of American civic life Each selection is artfully framed by Kernell and Smith s contextual headnotes to make them appropriate for classroom use Original readings written specifically for the volume give the book a coherent treatment of the performance of U S political institutions

Politics USA Robert J. McKeever, Philip Davies, 2014-05-22 Politics USA is a lively and authoritative introduction to American politics giving students a rich and varied resource for all aspects of their course The book provides expert and comprehensive analysis of US politics and government including in depth coverage of

the presidency the Congress the Supreme Court and American foreign policy This third edition of Politics USA has been thoroughly updated to include analysis of Challenges and policies of the first Obama administration Recent results and developments in US elections Latest major decisions of the US Supreme Court Contemporary American Foreign Policy This is an ideal introduction for students of US politics as well as anyone seeking to understand any or all aspects of politics in one of the world s most powerful and globally influential countries

The Supreme Court in American Politics Howard Gillman, Cornell W. Clayton, 1999 For decades political scientists studying the Court have adopted behavioral approaches and focused on the relatively narrow question of how the justices policy preferences influence their voting behavior This emphasis has illuminated important aspects of Supreme Court politics but it has also left unaddressed many other important questions about this unique and fascinating institution Drawing on the new institutionalism in the social sciences the distinguished contributors to this volume attempt to fill this gap by exploring a variety of topics including the Court s institutional development and its relationship to broader political contexts such as party regimes electoral systems social movements social change legal precedents political identities and historically evolving economic structures The book s initial chapters examine the nature of the Court s distinctive norms as well as the development of its institutional powers and practice A second section relates the development of Supreme Court politics to the historical development of other political institutions and social movements Concluding chapters explore how its decision making in particular areas of law or periods of time is influenced by and influences its socio political milieu These contributions offer provocative insights regarding the Court s role in maintaining or disrupting political and economic structures as well as social structures and identities tied to ideology class race gender and sexual orientation

The Supreme Court in American Politics shows how we can develop an enriched understanding of this institution and open up exciting new areas of research by placing it in the broader context of politics in the United States

The Politics of the Pill Rachel VanSickle-Ward, Kevin Wallsten, 2019 The announcement of a Health and Human Services HHS rule requiring insurance providers to cover the costs of contraception as part of the Affordable Care Act sparked widespread political controversy How did something that millions of American women use regularly become such a fraught political issue In *The Politics of the Pill* Rachel VanSickle Ward and Kevin Wallsten explore how gender has shaped contemporary debates over contraception policy in the U S Within historical context they examine the impact that women and perceptions of gender roles had on media coverage public opinion policy formation and legal interpretations from the deliberation of the Affordable Care Act in 2009 to the more recent Supreme Court rulings in *Burwell v Hobby Lobby Stores Inc* and *Zubic v Burwell* Their central argument is that representation matters who had a voice significantly impacted policy attitudes deliberation and outcomes While women s participation in the debate over birth control was limited by a lack of gender parity across institutions women nevertheless shaped policy making on birth control in myriad and interconnected ways Combining detailed analyses of media coverage and legislative records with data from

public opinion surveys survey experiments elite interviews and congressional testimony The Politics of the Pill tells a broader story of how gender matters in American 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

New Directions in Interest Group Politics Matt Grossmann, 2013-10-23 Reflecting cutting edge scholarship but written for undergraduates New Directions in Interest Group Politics will help students think critically about influence in the American political system There is no shortage of fear about the special interests in American political debate but reliable information about what interest groups do who they represent and how they influence government is often lacking This volume comprised of original essays by leading scholars is designed to summarize and explain contemporary research that helps address popular questions and concerns making studies accessible to undergraduate students and providing facts to buttress informed debate The book covers the mobilization of interest groups their activities and their influence Each chapter briefly reviews research on a central question of scholarship before focusing on a particular empirical project designed to shed light on the topic Rather than simply providing a descriptive overview the chapters are designed to foster critical thinking by getting students to assess the role of interest groups in the American political system and supplying evidence of their effects Importantly a set of web resources associated with the book offer instructions for research and writing assignments Students will be able to collect and analyze data on campaign finance lobbying and interest group involvement in governance The eResource website includes materials for several classroom simulations such as an interest group legislative battle a Netroots convention and a rule making process As they read about key questions in democratic government and current research trends students can practice serving as interest group activists and conduct original research on topics that most interest them

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