

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

Mark A. Graber



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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

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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

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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

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