

JUDICIAL ACTIVISM



The Concept Of Judicial Activism Its Nature And Function In United States Constitutional Law

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The Concept Of Judicial Activism Its Nature And Function In United States Constitutional Law:

The Concept of Judicial Activism Ronald Edward Fisher, 1977 **The Concept of Judicial Activism** Ronald Edward Fisher, 1973 **ILSA Journal of International & Comparative Law**, 2001 *Homosexuality in the Jurisprudence of the Supreme Court of India* Yeshwant Naik, 2017-04-07 The book analyses the Indian Supreme Court's jurisprudence on homosexuality its current approach and how its position has evolved in the past ten years It critically analyses the Court's landmark judgments and its perception of equality family marriage and human rights from an international perspective With the help of European Court of Human Rights judgments and international conventions it compares the legal and social discrimination meted out to the Indian LGBTI community with that in the international arena From a social anthropological perspective it demonstrates how gay masculinity although marginalized serves as a challenge to patriarchy and hegemonic masculinity This unique book addresses the lack of in depth literature on gay masculinity elaborately narrating and analysing contemporary gay masculinity and emerging gay lifestyles in India and highlighting the latest research on the subject of homosexuality in general and in particular with respect to India It also discusses several new issues concerning the gay men in India supported by the living law approach put forth by Eugen Ehrlich *Judicial Activism* Luís Pereira Coutinho, Massimo La Torre, Steven D. Smith, 2015-05-26 This volume offers different perspectives on judicial practice in the European and American contexts both arguably characterized in the last decades by the emergence of novel normative and even policy arguments by judges The central question deserving the attention of the contributors concerns the degree in which judicial exercises in practical reasoning may amount to forms of judicial usurpation of the legislative function by courts Since different views as to the nature and scope of legal reasoning lead to different degrees of tolerance regarding what should be admissible to courts that same nature and scope is thoroughly debated The main disciplinary approach is that of general jurisprudence but the contributions take stock of other disciplines in which judicial activism has been addressed namely positive theories of judicial behavior Accordingly the book also explores the development of interdisciplinary dialogue about the theme *Supreme Court of the United States* George H. Rutland, 2006 The Supreme Court of the United States is in the midst of a generation change which will no doubt result in societal imperatives different than those in the past The Supreme Court of the US has a profound effect on ideas thoughts and behaviour of the people of the US This new bibliography presents hundreds of citations of the important literature dealing with this beacon of society **Catalog of Copyright Entries. Third Series** Library of Congress. Copyright Office, 1979 *Toward a Theory of Governance* Jacques Lenoble, Marc Maesschalck, 2003-01-01 For more than a century Western democracies have struggled to keep faith with both economic efficiency and social justice Yet reconciliation of these factors remains as baffling as ever Among the many voices clamoring today for a theory of collective action we hear most often of the great chasm between legitimacy and efficiency It is the contention of the authors of this ground breaking book that these antinomies can be seen as distinct moments of

application in the operation of normative judgement and that a reflexive treatment of norms of collective action by clarifying limitations in rules and beliefs allows us to develop mechanisms to correct the limiting effects of such judgements and act accordingly Drawing on and developing recent trends in the social sciences The Action of Norms presents a powerful new theory of governance with far reaching implications for the future of law the judiciary and justice itself Among the contributing modern ideas that are explained and developed as pillars of the authors thesis are the following critiques of the political theory of interest groups the economic theory of efficiency deliberative democracy rational choice theory the evolutionist debate learning process theory and the theory of risk Lenoble and Maesschalck achieve a remarkable synthesis of relevant thought about forms of social organization from Kant and Fichte through Hayek Rawls and Habermas to current theory and place it at the service of a new and effective theory of the norm that promises to greatly elucidate the role of law and legal practice in the continuing development of democratic institutions

The Supreme Court and the Constitution

Salman Khurshid, Lokendra Malik, Yogesh Pratap Singh, 2020 *Justice, Judocracy and Democracy in India* Sudhanshu Ranjan, 2014-03-21 This book offers an innovative approach to studying judicial activism in the Indian context in tracing its history and relevance since 1773 While discussing the varying roles of the judiciary it delineates the boundaries of different organs of the State judiciary executive and legislature and highlights the points where these boundaries have been breached especially through judicial interventions in parliamentary affairs and their role in governance and policy Including a fascinating range of sources such as legal cases books newspapers periodicals lectures historical texts and records the author presents the complex sides of the arguments persuasively and contributes to new ways of understanding the functioning of the judiciary in India This paperback edition with a new Afterword updates the debates around the raging questions facing the Indian judiciary It will be of great interest to students and scholars of law political science and history as well as legal practitioners and the general reader

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Social Inclusion and the Legal System Gerry Whyte, 2002 Proposed Improvements in the Congressional Budget

Act of 1974 United States. Congress. Senate. Committee on the Budget, 1983 *Courts, Politics and Constitutional Law*

Martin Belov, 2019-10-16 This book examines how the judicialization of politics and the politicization of courts affect representative democracy rule of law and separation of powers This volume critically assesses the phenomena of judicialization of politics and politicization of the judiciary It explores the rising impact of courts on key constitutional principles such as democracy and separation of powers which is paralleled by increasing criticism of this influence from both liberal and illiberal perspectives The book also addresses the challenges to rule of law as a principle preconditioned on independent and powerful courts which are triggered by both democratic backsliding and the mushrooming of populist constitutionalism and illiberal constitutional regimes Presenting a wide range of case studies the book will be a valuable

resource for students and academics in constitutional law and political science seeking to understand the increasingly complex relationships between the judiciary executive and legislature **The Democratic Constitution** Brian E. Butler, 2017-08-21 The Supreme Court is seen today as the ultimate arbiter of the Constitution Once the Court has spoken it is the duty of the citizens and their elected officials to abide by its decisions But the conception of the Supreme Court as the final interpreter of constitutional law took hold only relatively recently Drawing on the pragmatic ideals characterized by Charles Sanders Peirce John Dewey Charles Sabel and Richard Posner Brian E Butler shows how this conception is inherently problematic for a healthy democracy Butler offers an alternative democratic conception of constitutional law democratic experimentalism and applies it in a thorough reconstruction of Supreme Court cases across the centuries such as *Brown v Board of Education* *Citizens United v Federal Election Commission* *Lucas v South Carolina Coastal Council* and *Lochner v New York* In contrast to the traditional tools and conceptions of legal analysis that see the law as a formally unique and separate type of practice democratic experimentalism combines democratic aims and experimental practice Butler also suggests other directions jurisprudential roles could take for example adjudication could be performed by primary stakeholders with better information Ultimately Butler argues persuasively for a move away from the current absolute centrality of courts toward a system of justice that emphasizes local rule and democratic choice

Communication Activism Lawrence R. Frey, Kevin M. Carragee, 2007 These two texts showcase how scholars have engaged in communication activism to assist individuals groups organizations and communities to secure social reform Volume 2 focuses on research studies that show how media can be managed to promote social change and how performance can serve as an important form of communication activism Together these two volumes demonstrate the significant effects that communication scholars working from many different theoretical and methodological traditions can have on promoting social change especially for those who are most marginalized when they engage in communication activism

The Equilibrium of Parliamentary Law-making Viktor Kazai, 2024-08-01 This book is a response to the dangers posed to constitutional democracy by the continuous growth of executive power and the simultaneous decline of parliaments role in policy formation These phenomena are often manifested in the manipulation and even the violation of the rules of parliamentary law making called irregularities If left without consequences these irregularities can ultimately lead to the elimination of the procedural constraints imposed on the ruling political forces to prevent their arbitrary exercise of power This work investigates the constitutional significance of the irregularities of parliamentary law making and explores the role that courts play in the remedy of these flaws The analysis is premised on the concept of equilibrium This explanatory concept denotes an ideal state in which parliamentary law making complies with the requirements of constitutionalism and judicial review is conceptualized as a mechanism suitable to achieve this aim The volume places the judicial review of the regulation and the practice of parliamentary law making at its center and discusses all the relevant legal concepts institutions and doctrines It combines

theoretical analysis with case law centered comparative research covering a large number of decisions delivered by apex courts operating in various jurisdictions Due to this methodological choice the book aims to simultaneously contribute to the scholarly discourse and provide useful information to practicing lawyers and policymakers working in the areas of constitutional law and politics and comparative law

Progressive Constitutionalism Robin West,1994 The Fourteenth Amendment guarantees all citizens equal protection under the law as well as immunity from laws that deprive them of life liberty or property without due process of law In *Progressive Constitutionalism* Robin West develops an interpretation of this amendment that contrasts with the views conservative and liberal of the Rehnquist Burger and Warren Courts and with the radical antistatist account provided by the critical legal studies movement and many prominent feminist and critical race theorists Her interpretation consists of a substantive argument regarding the Amendment's core meaning and a jurisprudential argument regarding the role of the courts and Congress in fulfilling the Amendment's progressive promise West shows how the equal protection clause far from insulating the private spheres of culture market and home life as is commonly held directly targets abuses of power within those spheres She develops a number of arguments for the modern relevance of this understanding from the failure of the state to provide equal protection against private domestic violence permitting a private sovereignty of patriarchal power within the home to the state's failure to provide equal protection against material deprivation allowing private sovereignty between economically privileged and desperate people in private markets West's argument extends to the liberty prong of the due process clause seen here as a protection of the positive not negative liberty of citizens covering rights in such typically controversial areas as welfare education and domestic safety This interpretation recasts a number of contemporary constitutional issues such as affirmative action and hate speech and points to very different problems notably private unchecked criminal violence and extreme economic deprivation as the central constitutional dilemmas of our day *Progressive Constitutionalism* urges a substantive institutional and jurisprudential reorientation of our understanding of the Fourteenth Amendment one that would necessarily be pursued through Congressional rather than judicial channels In doing so with attention to history and both feminist and critical race scholarship it should reinvigorate our politics and our constitutional conversations and perhaps point us toward a more just society

Congressional Record United States. Congress,1982 The Congressional Record is the official record of the proceedings and debates of the United States Congress It is published daily when Congress is in session The Congressional Record began publication in 1873 Debates for sessions prior to 1873 are recorded in *The Debates and Proceedings in the Congress of the United States 1789-1824* the *Register of Debates in Congress 1824-1837* and the *Congressional Globe 1833-1873*

Minority Rights and Social Change Kyriaki Topidi,Eugenia Relaño Pastor,2024-09-19 Minority movements tirelessly continue to engage in the process of social change trying to promote and enforce minority protection norms and to have their world views cultural practices and norms recognized by the state Through an examination of selected cases this book

problematizes how collective identities are not structurally guaranteed but rather constructed in dialectically interrelated positions and identity layers The authors show the kind of impact that these processes can or fail to have on minority norms actors and strategies Going beyond abstract normative principles this collection reflects both Global North as well as Global South perspectives and examines through a variety of angles the role that race and ethnicity culture or religion play within social mobilization towards social change The volume offers global insight on actor and strategy attempts to foster social change through the instrumental use and interpretation of minority rights as norms This book will be of interest to those researching minority rights broadly understood within the disciplines of law anthropology sociology and political science

The Top Books of the Year The Concept Of Judicial Activism Its Nature And Function In United States Constitutional Law The year 2023 has witnessed a remarkable surge in literary brilliance, with numerous compelling novels captivating the hearts of readers worldwide. Lets delve into the realm of top-selling books, exploring the fascinating narratives that have captivated audiences this year. The Must-Read : Colleen Hoover's "It Ends with Us" This heartfelt tale of love, loss, and resilience has captivated readers with its raw and emotional exploration of domestic abuse. Hoover skillfully weaves a story of hope and healing, reminding us that even in the darkest of times, the human spirit can prevail. Uncover the Best : Taylor Jenkins Reids "The Seven Husbands of Evelyn Hugo" This spellbinding historical fiction novel unravels the life of Evelyn Hugo, a Hollywood icon who defies expectations and societal norms to pursue her dreams. Reids compelling storytelling and compelling characters transport readers to a bygone era, immersing them in a world of glamour, ambition, and self-discovery. Discover the Magic : Delia Owens "Where the Crawdads Sing" This evocative coming-of-age story follows Kya Clark, a young woman who grows up alone in the marshes of North Carolina. Owens weaves a tale of resilience, survival, and the transformative power of nature, captivating readers with its evocative prose and mesmerizing setting. These bestselling novels represent just a fraction of the literary treasures that have emerged in 2023. Whether you seek tales of romance, adventure, or personal growth, the world of literature offers an abundance of engaging stories waiting to be discovered. The novel begins with Richard Papen, a bright but troubled young man, arriving at Hampden College. Richard is immediately drawn to the group of students who call themselves the Classics Club. The club is led by Henry Winter, a brilliant and charismatic young man. Henry is obsessed with Greek mythology and philosophy, and he quickly draws Richard into his world. The other members of the Classics Club are equally as fascinating. Bunny Corcoran is a wealthy and spoiled young man who is always looking for a good time. Charles Tavis is a quiet and reserved young man who is deeply in love with Henry. Camilla Macaulay is a beautiful and intelligent young woman who is drawn to the power and danger of the Classics Club. The students are all deeply in love with Morrow, and they are willing to do anything to please him. Morrow is a complex and mysterious figure, and he seems to be manipulating the students for his own purposes. As the students become more involved with Morrow, they begin to commit increasingly dangerous acts. The Secret History is a brilliant and gripping novel that will keep you wondering until the very end. The novel is a warning tale about the dangers of obsession and the power of evil.

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