

Activism vs Restraint

- Judicial Activism – philosophy that the supreme court should play an active role in shaping national policies
 - Social and Political issues
 - ***Obergefell v. Hodges***
 - ***Roe v Wade***
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Supreme Court Activism And Restraint

Richard Pacelle



Supreme Court Activism And Restraint:

Supreme Court Activism and Restraint Stephen C. Halpern, Charles M. Lamb, 1982 *The Supreme Court in American Politics* David F. Forte, 1972 **Principled Judicial Restraint: A Case Against Activism** Jerold Waltman, 2015-06-12 Like many books this one argues for a more restrained Supreme Court Unlike most other books however this one grounds that call in a fully elaborated constitutional theory that goes beyond the counter majoritarian difficulty **David's Hammer** Clint Bolick, 2007-04-10 Judicial activism is condemned by both right and left for good reason lawless courts are a threat to republican government But challenging conventional wisdom constitutional litigator Clint Bolick argues in David's Hammer that far worse is a judiciary that allows the other branches of government to run roughshod over precious liberties For better or for worse only a vigorous judiciary can enforce the limits on executive and legislative action protect constitutional rights and tame unelected bureaucrats That Bolick demonstrates is exactly the role the framers intended the courts to play envisioning a judiciary deferential to proper democratic governance but bold in defense of freedom But the historical record is painfully uneven During the Warren era courts protected freedom of speech and equal protection of the law but denigrated other important rights and took on executive and legislative powers that brought disrepute to the judiciary The Rehnquist Court restored some balance reining in judicial excesses and protecting property rights but stopped far short of the activist judicial role the framers charted for the courts in policing conduct of other branches of government that exceeds constitutional boundaries Bolick showcases numerous real world examples of people whose rights to free speech economic liberty equal protection of the law and private property were violated by government victims of government oppression whose only recourse is the courts David's Hammer reclaims for the judiciary its intended role as the ultimate safeguard of a free society **Supreme Court** J. P. Bansal, 1985 **The Role Of The Supreme Court In American Politics** Richard Pacelle, 2001-10-18 Concern for the appropriate role of the Supreme Court as a policy maker has been one of the most enduring questions of American politics 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 **The Burger Court** Charles M. Lamb, Stephen C. Halpern, 1991 This volume offers valuable insights into the thirteen justices who served on the Supreme Court while Warren E Burger was chief justice from 1969 to 1986 Each chapter focuses on one of the thirteen beginning with a brief introduction and biographical sketch and then analyzing the individual justice's contributions to major areas and issues of constitutional law *The Role of the Supreme Court: Judicial Activism Or Self-restraint?* Archibald Cox, 1988

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. Law and the Culture of Israel Menachem Mautner, 2011-01-27. Menachem Mautner offers a compelling account of Israeli law as a site for the struggle over the shaping of Israeli culture. On the one hand a secular liberal group wishes to associate Israel with Western culture and to link Israeli law to Anglo American liberalism. On the other hand a religious group wishes to associate Israeli culture with traditional Jewish culture and to found Israeli law on traditional Jewish law. The struggle between secular and religious Jews has been part of the life of the Jewish people in the past 300 years. It resurged in the 1970s with the rise of religious fundamentalism and the decline of the political and cultural hegemony of the Labor movement. The secular group reacted by shifting much of its political action to the Supreme Court which since the establishment of the state has been the state organ most identified with entrenching liberal values in the country's political culture. In a short span of time in the early 1980s the Court effected extensive changes in its jurisprudence most strikingly adoption of sweeping judicial activism which is widely regarded as the most far reaching in the world. The Court's activism provided the secular group with the means for intervening in decisions of the state branches over which the group had lost control. With Arabs being a fifth of the country's population an additional divide in Israel is that between Jews and Arabs. Drawing on notions of multiculturalism political liberalism and republicanism the book offers fresh insights as to how to manage Israel's divisive situation.

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