



The Least Dangerous Branch

*The Supreme
Court at the Bar
of Politics*

ALEXANDER M. BICKEL

SECOND
EDITION

The Least Dangerous Branch The Supreme Court At The Bar Of Politics

Alexander Mordecai Bickel



The Least Dangerous Branch The Supreme Court At The Bar Of Politics:

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 citations 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 Least Dangerous Branch](#) Alexander M. Bickel, 1986-01-01 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 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 Least Dangerous Branch** Alexander Mordecai Bickel, 2011-10-01 [The Least Dangerous Branch: Separation of Powers and Court-Packing](#) Kermit L. Hall, 2014-07-22 Available as a single volume or as part of the 10 volume set Supreme Court in American Society [Least Dangerous Branch: The Supreme Court at the Bar of Politics](#) Bicke, **Book Review : The Least Dangerous Branch: The Supreme Court at the Bar of Politics, by Alexander M. Bickel** Mark De Wolfe Howe, Alexander M. Bickel, 1964 **The Supreme Court against the Criminal Jury** John A. Murley, Sean D. Sutton, 2014-06-12 The Supreme Court against the Criminal Jury Social Science and the Palladium of Liberty is an analysis of the United States Supreme Court decisions in what has come to be called the jury size and jury decision rule cases In Williams v Florida 1970 and Ballew v Georgia 1978 a majority of the Supreme Court looked to history empirical studies and functional analysis to support its claim that there was no discernible difference between the verdicts of juries of six and juries of twelve In the process the Court also decided that the number twelve was an historical accident and that the twelve

member jury was not an essential ingredient of trial by jury Two years later the Court following essentially the same line of reasoning used in *Williams* decided in the companion cases *Apodaca v Oregon* 1972 and *Johnson v Louisiana* 1972 that defendants were as well served with juries that reached verdicts by a majority vote of 11 1 10 2 and 9 3 as they were with unanimous jury verdicts In these cases the Supreme Court rejected the centuries old common law view that the unanimous jury verdict was an essential element of trial by jury With these four decisions the criminal jury as it had been known for more than six hundred years under the common law and the Constitution was in principle abandoned We critique these decisions from the perspective of unreliable jury studies and the impact of these decision on jury nullification

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

The Supreme Court Peter Charles Hoffer, William James Hoffer, N. E. H. Hull, 2007 For more than two centuries the U S Supreme Court has provided a battleground for nearly every controversial issue in our nations history This veteran team of talented historians produces the most readable astute and up to date single volume history of this venerated institution

American Democracy in Peril: Eight Challenges to America's Future, 7th Edition William E. Hudson, 2012-07-13 *American Democracy in Peril* encapsulates the tumultuous state of American politics By introducing the history of democratic theory in terms of four models of democracy Hudson provides readers with a set of criteria against which to evaluate the challenges discussed later This provocative book offers a structured yet critical examination of the American political system designed to stimulate students to consider how the facts they learn about American politics relate to democratic ideals This new edition incorporates the Trump Presidency and the polarization that has accompanied his leadership Provided by Publisher

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 *The Oxford Handbook of the U.S. Constitution* Mark Tushnet, Mark A. Graber, Sanford Levinson, 2015-07-31 The Oxford Handbook of the U S Constitution offers a comprehensive overview and introduction to the U S Constitution from the perspectives of history political science law rights and constitutional themes while focusing on its development structures rights and role in the U S political system and culture This Handbook enables readers within and beyond the U S to develop a critical comprehension of the literature on the Constitution along with accessible and up to date analysis The historical essays included in this Handbook cover the Constitution from 1620 right through the Reagan Revolution to the present Essays on political science detail how contemporary citizens in the United States rely extensively on political parties interest groups and bureaucrats to operate a constitution designed to prevent the rise of parties interest group politics and an entrenched bureaucracy The essays on law explore how contemporary citizens appear to expect and accept the exertions of power by a Supreme Court whose members are increasingly disconnected from the world of practical politics Essays on rights discuss how contemporary citizens living in a diverse multi racial society seek guidance on the meaning of liberty and equality from a Constitution designed for a society in which all politically relevant persons shared the same race gender religion and ethnicity Lastly the essays on themes explain how in a globalized world people living in the United States can continue to be governed by a constitution originally meant for a society geographically separated from the rest of the civilized world Whether a return to the pristine constitutional institutions of the founding or a translation of these constitutional norms in the present is possible remains the central challenge of U S constitutionalism today

Judicial Bricolage Tania Groppi, Marie-Claire Ponthoreau, Irene Spigno, 2025-02-06 This book represents a unique contribution to comparative legal studies by presenting the results of an empirical research project on the use of foreign precedents in constitutional interpretation in 31 jurisdictions worldwide It expands and updates the outcomes presented in the previous successful book *The Use of Foreign Precedents by Constitutional Judges* edited by Tania Groppi and Marie Claire Ponthoreau and published in 2013 as Volume 1 of the series *Hart Studies in Comparative Public Law* This new research covering countries from all the continents with special attention to some of the emerging jurisdictions of the Global South confirms that the practice of making explicit use of foreign precedents is still limited both quantitatively and qualitatively Judicial dialogue only exists in common law jurisdictions and even there judicial bricolage is much more common than judicial comparativism Since the previous edition this practice has gone hand in hand with new developments in constitutional law such as the democratic erosion and backsliding the emergence of populist movements the increasing role of regional human rights courts which in many cases overshadowed foreign sources and the end of a global vision of constitutionalism Applying a quantitative and a qualitative analysis with the support of tables and data the book gives a more

complete picture of the practice of citing foreign precedents in this new and challenging era resulting in essential reading for comparative and constitutional legal scholars *US Politics Today* Edward Ashbee, 2004-11-27 *US Politics Today* offers a broad introduction to US government As well as looking at institutions such as the Presidency Congress and the Supreme Court the book looks at the social and cultural context within which political issues are discussed **Constitutional Democracy in Crisis?** Mark A. Graber, Sanford Levinson, Mark Tushnet, 2018-08-23 Is the world facing a serious threat to the protection of constitutional democracy There is a genuine debate about the meaning of the various political events that have for many scholars and observers generated a feeling of deep foreboding about our collective futures all over the world Do these events represent simply the normal ebb and flow of political possibilities or do they instead portend a more permanent move away from constitutional democracy that had been thought triumphant after the demise of the Soviet Union in 1989 *Constitutional Democracy in Crisis* addresses these questions head on Are the forces weakening constitutional democracy around the world general or nation specific Why have some major democracies seemingly not experienced these problems How can we as scholars and citizens think clearly about the ideas of constitutional crisis or constitutional degeneration What are the impacts of forces such as globalization immigration income inequality populism nationalism religious sectarianism Bringing together leading scholars to engage critically with the crises facing constitutional democracies in the 21st century these essays diagnose the causes of the present afflictions in regimes regions and across the globe believing at this stage that diagnosis is of central importance as Abraham Lincoln said in his House Divided speech If we could first know where we are and whither we are tending we could then better judge what to do and how to do it The Judicialization of Politics in Pakistan Waris Husain, 2018-03-28 Since 2007 the Supreme Court of Pakistan has emerged as a dominant force in Pakistani politics through its hyper active use of judicial review or the power to overrule Parliament's laws and the Prime Minister's acts This hyper activism was on display during the Supreme Court's unilateral disqualification of Prime Minister Yousef Raza Gilani in 2012 under the leadership of Chief Justice Iftikhar Chaudhry Despite the Supreme Court's practical adoption of restraint subsequent to the retirement of Chief Justice Chaudhry in 2013 the Court has once again disqualified a prime minister Nawaz Sharif due to allegations of corruption in 2017 While many critics have focused on the substance of the Court's decisions in these cases sufficient focus is not paid to the amorphous case selection process of the Supreme Court of Pakistan In order to compare the relatively unregulated process of case selection in Pakistan to the more structured processes utilized by the Supreme Courts of the United States and India this book aims to understand the historical roots of judicial review in each country dating back to the colonial era extending through the foundational period of each nation impacting present day jurisprudence As a first in its kind this study comparatively examines these periods of history in order to contextualize a practical prescription to standardize the case selection process in the Supreme Court of Pakistan in a way that retains the Court's overall power while limiting its involvement in purely political issues This

publication offers a critical and comparative view of the Supreme Court of Pakistan's recent involvement in political disputes due to the lack of a discerning case selection system that has otherwise been adopted by the Supreme Courts of India and the United States to varying degrees. It will be of interest to academics in the fields of Asian Law, South Asian Politics and Law and Comparative Law.

Judicial Politics in the United States Mark C. Miller, 2018-09-03. *Judicial Politics in the United States* examines the role of courts as policymaking institutions and their interactions with the other branches of government and other political actors in the U.S. political system. Not only does this book cover the nuts and bolts of the functions, structures and processes of our courts and legal system, it goes beyond other judicial process books by exploring how the courts interact with executives, legislatures and state and federal bureaucracies. It also includes a chapter devoted to the courts' interactions with interest groups, the media and general public opinion, and a chapter that looks at how American courts and judges interact with other judiciaries around the world. *Judicial Politics in the United States* balances coverage of judicial processes with discussions of the courts' interactions with our larger political universe, making it an essential text for students of judicial politics.

The Judicial Branch Kermit L. Hall, 2005. Presents a collection of essays that provide an examination of the judicial branch of the American government, including its history, its impact and its future.

American Government in Black and White Paula Denise McClain, Steven C. Tauber, 2025. *American Government in Black and White: Diversity and Democracy*, Seventh Edition, is a unique introduction to American government that uses racial and ethnic equality as its underlying theme. Through the course of teaching students the standard topics about the American governmental system and politics, authors Paula D. McClain and Steven C. Tauber address issues of inequality in major facets of government, including the U.S. Constitution, key American political institutions and instruments of political behavior, and the making of public policy. Using the original voices of racial and ethnic actors in our nation's history, they show students how to measure and evaluate the quest for and importance of equality in America from its founding up to today.

A Quem Cabe Proteger a Constituição? Juliana Vasconcelos de Castro, 2024-07-10. Provavelmente todos nós em algum momento já chegamos a refletir sobre quem seria melhor para proteger a nossa Constituição. Estamos diante de instituições como o Tribunal Constitucional, mas há quem defenda que essa função deve recair sobre outros órgãos. As críticas circulam em torno de o Judiciário anular leis criadas pelo Legislativo democraticamente eleito. Assim, teremos parte nas visões de alguns doutrinadores como Bickel, Ely e Waldron. Analisaremos se existem razões por que os juízes constitucionais resguardam melhor os direitos fundamentais protegidos na Constituição que as legislaturas ordinárias eleitas pelo voto popular ou se há outros modos de tutelar essas garantias sem que se recorra ao Corte Constitucional. Contudo, não buscamos aqui resolver a problemática definitivamente e sim contribuir para um aprofundamento das discussões em busca das soluções mais adequadas.

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