

The Supreme Court: Activism Versus Restraint

John Allen



Supreme Court Activism And Restraint

Jennifer Leigh Mattox



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 Measuring Judicial Activism Stefanie Lindquist, Frank Cross, 2009-04-23

Measuring Judicial Activism supplies empirical analysis to the widely discussed concept of judicial activism at the United States Supreme Court. The book seeks to move beyond more subjective debates by conceptualizing activism in non ideological terms.

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.

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.

The Supreme Court and Constitutional Theory, 1953-1993 Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA, this study aims to demystify the workings of the United States Supreme Court and its place in democracy.

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

A Legal and Political Interpretation of Articles 224 and 225 of the Treaty of Rome Constantin Stefanou, Helen Xanthaki, 2019-01-15 First published in 1997 Article 224 is one of the most powerful Articles of the Treaty of Rome allowing a member state to take unilateral measures and to suspend some or all its Treaty based obligations in times of what can loosely be described as serious internal turmoil or external threat It is for this reason that the very next Article of the Treaty Article 225 allows the Commission or a member state to challenge invocation of Art 224 before the European Court of Justice ECJ on grounds of improper use In practice the use of Art 224 by a member state presents multiple problems The obvious connection with defence and security issues has inhibited the ECJ which still has not given an authentic interpretation of this Article As the recent former Yugoslav Republic of Macedonia FYROM cases Greek referral for the embargo on FYROM indicate unless the use of Art 224 is blatantly flippant the ECJ is not in a position to challenge a member state s unilateral measures

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 **Judicial Conflict and Consensus** Sheldon Goldman, Charles M. Lamb, 2014-07-15 These original essays by major scholars of judicial behavior explore the frequency intensity and especially the causes of conflict and consensus among judges on American appellate courts Together these studies provide new insights into judges attitudes and values role perceptions and small group interactions **Judicial Activism and Restraint and the Role of the United States Supreme Court in Environmental Regulation** Jennifer Leigh Mattox, 2004 **Encyclopedia of American Civil Rights and Liberties** Kara E. Stooksbury, John M. Scheb II, Otis H. Stephens Jr., 2017-09-21 Thoroughly updated and featuring 75 new entries this monumental four volume work illuminates past and present events associated with civil rights and civil liberties in the United States This revised and expanded four volume encyclopedia is unequalled for both the depth and breadth of its coverage Some 650 entries address the full range of civil rights and liberties in America from the Colonial Era to the present In addition to many updates of material from the first edition the work offers 75 new entries about recent issues and events among them dozens of topics that are the subject of close scrutiny and heated debate in America today There is coverage of controversial issues such as voter ID laws the use of drones transgender issues immigration human rights and government surveillance There is also expanded coverage of women s rights gay rights gay marriage and Native American rights Entries are enhanced by 42 primary documents that have shaped modern understanding of the extent and limitations of civil liberties in the United States including landmark statutes speeches essays court decisions and founding documents of influential civil rights organizations Designed as an up to date reference for students scholars and others interested in the expansive array of topics covered the work will broaden readers understanding of and appreciation for the people and events that secured civil rights guarantees and concepts in this country At the same time it will help readers better grasp the reasoning behind and ramifications of 21st century developments like changing applications of Miranda Rights and government access to private Internet data Maintaining an impartial stance throughout the entries objectively explain the varied perspectives on these hot button issues allowing readers to draw their own conclusions **Federalism, the Supreme Court, and the Seventeenth Amendment** Ralph A. Rossum, 2001-01-01 Abraham Lincoln worried that the walls of the constitution would ultimately be leveled by the silent artillery of time His fears materialized with the 1913 ratification of the Seventeenth Amendment which by eliminating federalism s structural protection altered the very nature and meaning of federalism Ralph A Rossum s provocative new book considers the forces unleashed by an amendment to

install the direct election of U S Senators Far from expecting federalism to be protected by an activist court the Framers Rossum argues expected the constitutional structure particularly the election of the Senate by state legislatures to sustain it In Federalism the Supreme Court and the Seventeenth Amendment Rossum challenges the fundamental jurisprudential assumptions about federalism He also provides a powerful indictment of the controversial federalist decisions recently handed down by an activist U S Supreme Court seeking to fill the gap created by the Seventeenth Amendment s ratification and protect the original federal design Rossum s masterful handling of the development of federalism restores the true significance to an amendment previously consigned to the footnotes of history It demonstrates how the original federal design has been amended out of existence the interests of states as states abandoned and federalism left unprotected both structurally and democratically It highlights the ultimate irony of constitutional democracy that an amendment intended to promote democracy even at the expense of federalism has been undermined by an activist court intent on protecting federalism at the expense of democracy

Judicial Power, Democracy and Legal Positivism Tom D. Campbell, Jeffrey Goldsworthy, 2017-03-02 In this book a distinguished international group of legal theorists re examine legal positivism as a prescriptive political theory and consider its implications for the constitutionally defined roles of legislatures and courts The issues are illustrated with recent developments in Australian constitutional law

The USA and The World 2023-2024 David M. Keithly, 2023-07-20 The World Today Series USA and The World describes not only what happened but puts events in the context of the past and criticizes policy actions as appropriate The result goes deeper than most of what appears in current publications Updated annually and part of the renowned World Today Series USA and the World presents an unusually penetrating look into America and its relationship to the rest of the world The combination of factual accuracy and up to date detail along with its informed projections make this an outstanding resource for researchers practitioners in international development media professionals government officials potential investors and students Now in its 18th edition the content is thorough yet perfect for a one semester introductory course or general library reference

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