

THE SUPREME COURT AND THE ATTITUDINAL MODEL REVISITED



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Supreme Court And The Attitudinal Model Revisited

Robert M. Howard, Amy Steigerwalt



Supreme Court And The Attitudinal Model Revisited:

The Supreme Court and the Attitudinal Model Revisited Jeffrey A. Segal, Harold J. Spaeth, 2002-09-16 Two leading scholars of the Supreme Court explain and predict its decision making
Supreme Court Confirmation Hearings and Constitutional Change Paul M. Collins, Lori A. Ringhand, 2013-06-24 This book demonstrates that the hearings to confirm Supreme Court nominees are in fact a democratic forum for the discussion and ratification of constitutional change

Concurring Opinion Writing on the U.S. Supreme Court Pamela C. Corley, 2010-03-24 When justices write or join a concurring opinion they demonstrate their preferences over substantive legal rules Concurrences provide a way for justices to express their views about the law to engage in a dialogue of law with each other the legal community the public and Congress This important study is the first systematic examination of the content of Supreme Court concurrences While previous work on Supreme Court decision making focuses solely on the outcome of cases Pamela C Corley tackles the content of Supreme Court concurring opinions to show the reasoning behind each justice s decision Using both qualitative and quantitative methods of analysis *Concurring Opinion Writing on the U S Supreme Court* offers a rich and detailed portrait of judicial decision making by studying the process of opinion writing and the formation of legal doctrine through the unique lens of concurrences Pamela C Corley is Assistant Professor of Political Science at Vanderbilt University
The Most Activist Supreme Court in History Thomas M. Keck, 2010-02-15 When conservatives took control of the federal judiciary in the 1980s it was widely assumed that they would reverse the landmark rights protecting precedents set by the Warren Court and replace them with a broad commitment to judicial restraint Instead the Supreme Court under Chief Justice William Rehnquist has reaffirmed most of those liberal decisions while creating its own brand of conservative judicial activism Ranging from 1937 to the present *The Most Activist Supreme Court in History* traces the legal and political forces that have shaped the modern Court Thomas M Keck argues that the tensions within modern conservatism have produced a court that exercises its own power quite actively on behalf of both liberal and conservative ends Despite the long standing conservative commitment to restraint the justices of the Rehnquist Court have stepped in to settle divisive political conflicts over abortion affirmative action gay rights presidential elections and much more Keck focuses in particular on the role of Justices O Connor and Kennedy whose deciding votes have shaped this uncharacteristically activist Court
Courts and LGBTQ+ Rights in an Age of Judicial Retrenchment Rehan Abeyratne, 2025-03-19 Over the past two decades liberal constitutionalism has been in decline Yet some courts including the U S Supreme Court the Supreme Court of India and the Hong Kong Court of Final Appeal have continued to progressively realize the rights of lesbian gay bisexual transgender and queer LGBTQ persons How can the seeming paradox of LGBTQ rights advancement amid liberal constitutional regression be understood And what in turn does that tell us about the state of liberal constitutionalism and rights adjudication *Courts and LGBTQ Rights in an Age of Judicial Retrenchment* addresses these questions by exploring rights adjudication within the

broader context of declining liberal constitutionalism within the U S India and Hong Kong By analysing landmark LGBTQ rights judgments and topical case studies in increasingly challenging political and institutional contexts this book provides detailed qualitative accounts of constitutionalism in these jurisdictions over the past two decades Progressive and original this book explores how courts often use LGBTQ rights to demonstrate their rhetorical commitment to liberal and global constitutionalism even as their judgments may fall short of or even undermine those ideals The Chief Justice Artemus Ward,David J. Danelski,2016-08-18 The Chief Justice brings together leading scholars of the courts who employ social science theory and research to explain the role of the Chief Justice of the U S Supreme Court They consider the chief justice s appointment office powers and influence both within the Court and in the American system of government more generally The chief justice presides over oral arguments and the justices private conferences The chief justice speaks first in those conferences presents cases and other matters to the other justices and assigns the Court s opinions in all cases in which the chief justice votes with the majority In addition the chief justice presides over the Judicial Conference of the United States a policy making body composed of lower court federal judges As Chief Justice Charles Evans Hughes wrote the Chief Justice of the U S Supreme Court is the most important judicial officer in the world *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 examining the U S Supreme Court Part 3 moves from the Supreme Court to examining other U S federal and state courts and Part 4 presents a comprehensive overview of Comparative Judicial Politics and Transnational Courts Each author in this volume provides perspectives on the most current methodological and substantive approaches in their respective areas along with suggestions for future research The chapters contained within will generate additional scholarly and public interest by focusing on topics most salient to the academic legal and policy communities The Oxford Handbook of Comparative Judicial Behaviour ,2024-10-18 These are momentous times for the comparative analysis of judicial behaviour Once the sole province of U S scholars and mostly political scientists at that now researchers throughout the world drawing on history economics law and psychology are illuminating how and why judges make the choices they do and what effect those choices have on society Bringing together leading scholars in the field The Oxford Handbook of Comparative Judicial Behaviour consists of ten sections each devoted to

important subfields fundamentals providing overviews designed to identify common trends in courts worldwide approaches to judging data methods and technologies staffing the courts advocacy litigation and appellate review opinions relations within between and among courts judicial independence court and society and frontiers of comparative judicial behaviour dedicated to expanding on opportunities for advancement Rather than focusing on particular courts countries or regions the organization of the individual chapters is topical Each chapter explores an important topic critically evaluating the state of that topic and identifying opportunities for future work While the forty two chapters share a common interest in explaining the causes and effects of judicial choices the range of approaches to comparative research is wide inclusive and interdisciplinary from contrasts and similarities to sophisticated research agendas reflecting the emerging field of judicial behaviour around the world

The Oxford Handbook of Political Institutions R. A. W. Rhodes, Sarah A. Binder, Bert A. Rockman, 2008-06-12 The study of political institutions is among the founding pillars of political science With the rise of the new institutionalism the study of institutions has returned to its place in the sun This volume provides a comprehensive survey of where we are in the study of political institutions covering both the traditional concerns of political science with constitutions federalism and bureaucracy and more recent interest in theory and the constructed nature of institutions The Oxford Handbook of Political Institutions draws together a galaxy of distinguished contributors drawn from leading universities across the world Authoritative reviews of the literature and assessments of future research directions will help to set the research agenda for the next decade

The Oxford Handbook of Political Science Robert E. Goodin, 2009-06-18 Drawing on the rich resources of the ten volume series of The Oxford Handbooks of Political Science this one volume distillation provides a comprehensive overview of all the main branches of contemporary political science political theory political institutions political behavior comparative politics international relations political economy law and politics public policy contextual political analysis and political methodology Sixty seven of the top political scientists worldwide survey recent developments in those fields and provide penetrating introductions to exciting new fields of study Following in the footsteps of the New Handbook of Political Science edited by Robert Goodin and Hans Dieter Klingemann a decade before this Oxford Handbook will become an indispensable guide to the scope and methods of political science as a whole It will serve as the reference book of record for political scientists and for those following their work for years to come

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

The Occurrence of Separate Opinions at the Federal Constitutional Court Caroline Wittig, 2016-12-31 Courts with the right to constitutional review exert considerable power in a political system However especially for Kelsenian constitutional courts there are hardly any large N studies This is mainly due to a lack of data For the German Federal Constitutional Court this gap has been closed by building a novel database the development of which is depicted in this book Employing data from this database the occurrence of separate opinions in general and their different types in particular are analyzed The book introduces a new universal theory that reconciles and expands existing explanations In a second step the theory is applied to the German Federal Constitutional Court It can be proven that one factor that has been neglected so far plays a decisive role The judges behavior depends on the profession they pursue after their time in office Moreover the study shows that contrary to the common literature it is not mainly the topic that determines a case s conflict potential but rather the number of issues a decision has to address

The Pioneers of Judicial Behavior Nancy L. Maveety, 2009-11-16 Examines the contributions of the pioneers of research into judicial behavior

Battle over the Bench Amy Steigerwalt, 2010-08-16 Who gets seated on the lower federal courts and why Why are some nominees confirmed easily while others travel a long hard road to confirmation What role do senators and interest groups play in determining who will become a federal judge The lower federal courts have increasingly become the final arbiters of the important political and social issues of the day As a result who gets seated on the bench has become a major political issue In Battle over the Bench Amy Steigerwalt argues that the key to understanding the dynamics of the lower court confirmation process is to examine the process itself She offers a new analytic framework for understanding when nominations become contested and shows when and how key actors can influence the fate of nominations and ultimately determine who will become a federal judge Given the increasing salience of lower court decisions it is not surprising that interest groups and partisan agendas play an important role Steigerwalt inventories the means by which senators push through or block nominations and why interest groups decide to support or oppose certain nominations The politics of judicial confirmations do not end there however Steigerwalt also reveals how many nominees are blocked for private political reasons that have nothing to do with ideology while senators may use their support for or opposition to nominees as bargaining chips to garner votes for their positions on unrelated issues Battle over the Bench showcases the complex and at times hidden motivations driving the staffing of the federal bench

Values in the Supreme Court Rachel Cahill-O'Callaghan, 2020-02-20 This book examines the significance of values in Supreme Court decision making Drawing on theories and techniques from psychology it focuses on the content analysis of judgments and uses a novel methodology to reveal the values that underpin decision making The book centres on cases which divide judicial opinion Dworkin s hard cases in which the result is not clearly dictated by statute or precedent In hard cases there is real uncertainty about the legal

rules that should be applied and factors beyond traditional legal sources may influence the decision making process. It is in these uncertain cases where legal developments can rest on a single judicial decision that values are revealed in the judgments. The findings in this book have significant implications for developments in law, judicial decision making, and the appointment of the judiciary.

[The Oxford Handbook of U.S. Judicial Behavior](#) Lee Epstein, Stefanie A. Lindquist, 2017-06-08

The Oxford Handbook of U.S. Judicial Behavior offers readers a comprehensive introduction and analysis of research regarding decision making by judges serving on federal and state courts in the U.S. Featuring contributions from leading scholars in the field, the Handbook describes and explains how the courts' political and social context, formal institutional structures, and informal norms affect judicial decision making. The Handbook also explores the impact of judges' personal attributes and preferences, as well as prevailing legal doctrine, influence and shape case outcomes in state and federal courts. The volume also proposes avenues for future research in the various topics addressed throughout the book.

Consultant Editor for The Oxford Handbooks of American Politics: George C. Edwards III

The Oxford Handbook of Political Networks Jennifer Nicoll Victor, Alexander H. Montgomery, Mark Lubell, 2017-08-23

Networks are omnipresent in our natural and social world, and they are at the heart of politics. Relationships of many types drive political institutions, processes, and decision making. Therefore, it is imperative for the study of politics to include network approaches. Already, these approaches have advanced our understanding of critical questions such as: Why do people vote? How can people build problem-solving coalitions? How can governments and organizations foster innovations? How can countries build ties that promote peace? What are the most fruitful strategies for disrupting arms or terrorist networks? This volume is designed as a foundational statement and resource. The contributions offer instruction on network theory and methods at both beginner and advanced levels, as well as an assessment of the state of the discipline on a variety of applied network topics in politics. Through this dynamic collection of essays, The Oxford Handbook of Political Networks elucidates how the field is transforming and what that means for the future of political science.

Thinking Like a Lawyer Frederick Schauer, 2012-04-02

This primer on legal reasoning is aimed at law students and upper-level undergraduates. But it is also an original exposition of basic legal concepts that scholars and lawyers will find stimulating. It covers such topics as rules, precedent, authority, analogical reasoning, the common law, statutory interpretation, legal realism, judicial opinions, legal facts, and burden of proof.

Judging Law and Policy Robert M. Howard, Amy Steigerwalt, 2012-03-22

To what extent do courts make social and public policy, and influence policy change? This innovative text analyzes this question generally and in seven distinct policy areas that play out in both federal and state courts: tax policy, environmental policy, reproductive rights, sex equality, affirmative action, school finance, and same-sex marriage. The authors address these issues through the twin lenses of how state and federal courts must and do interact with the other branches of government, and whether judicial policy making is a form of activist judging. Each chapter uncovers the policymaking aspects of judicial process by investigating the current state of the law, the extent of court involvement in policy

change the responses of other governmental entities and outside actors and the factors which influenced the degree of implementation and impact of the relevant court decisions Throughout the book Howard and Steigerwalt examine and analyze the literature on judicial policy making as well as evaluate existing measures of judicial ideology judicial activism court and legal policy formation policy change and policy impact This unique text offers new insights and areas to research in this important field of American politics

The Constrained Court Michael A. Bailey, Forrest Maltzman, 2011-09-11 How do Supreme Court justices decide their cases Do they follow their policy preferences Or are they constrained by the law and by other political actors The Constrained Court combines new theoretical insights and extensive data analysis to show that law and politics together shape the behavior of justices on the Supreme Court Michael Bailey and Forrest Maltzman show how two types of constraints have influenced the decision making of the modern Court First Bailey and Maltzman document that important legal doctrines such as respect for precedents have influenced every justice since 1950 The authors find considerable variation in how these doctrines affect each justice variation due in part to the differing experiences justices have brought to the bench Second Bailey and Maltzman show that justices are constrained by political factors Justices are not isolated from what happens in the legislative and executive branches and instead respond in predictable ways to changes in the preferences of Congress and the president The Constrained Court shatters the myth that justices are unconstrained actors who pursue their personal policy preferences at all costs By showing how law and politics interact in the construction of American law this book sheds new light on the unique role that the Supreme Court plays in the constitutional order

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