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# Constitutional Law and Judicial Policy-making

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# Constitutional Law And Judicial Policy Making

**Malcolm M. Feeley, Edward L. Rubin**



## **Constitutional Law And Judicial Policy Making:**

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**Judicial Politics and Policy-making in Western Europe** Mary L. Volcansek, 2014-04-08 Focusing on the intersection of politics and law in six western European countries and in two supra national bodies the contributors here aim to debunk the myth that judges are merely la bouche de la loi and analyze similarities in policy making of the judiciaries from one nation to the next

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the social and political background and without losing sight of the changes that came before in each chapter the contributors analyze the principle themes and assess the legal and political forces that have shaped its development Each author addresses a specific topic event or theme from the European Court of Justice to Treaty reform the enlargement of the EU to administrative law the effect of EU law on culture to climate change Together the chapters tell the story of the rapid development of EU law its past present and future Making Policy, Making Law Mark C. Miller, Jeb Barnes, 2004-08-23 The functioning of the U S government is a bit messier than Americans would like to think The general understanding of policymaking has Congress making the laws executive agencies implementing them and the courts applying the laws as written as long as those laws are constitutional Making Policy Making Law fundamentally challenges this conventional wisdom arguing that no dominant institution or even a roughly consistent pattern of relationships exists among the various players in the federal policymaking process Instead at different times and under various conditions all branches play roles not only in making public policy but in enforcing and legitimizing it as well This is the first text that looks in depth at this complex interplay of all three branches The common thread among these diverse patterns is an ongoing dialogue among roughly coequal actors in various branches and levels of government Those interactions are driven by processes of conflict and persuasion distinctive to specific policy arenas as well as by the ideas institutional realities and interests of specific policy communities Although complex this fresh examination does not render the policymaking process incomprehensible rather it encourages scholars to look beyond the narrow study of individual institutions and reach across disciplinary boundaries to discover recurring patterns of interbranch dialogue that define and refine contemporary American policy Making Policy Making Law provides a combination of contemporary policy analysis an interbranch perspective and diverse methodological approaches that speak to a surprisingly overlooked gap in the literature dealing with the role of the courts in the American policymaking process It will undoubtedly have significant impact on scholarship about national lawmaking national politics and constitutional law For scholars and students in government and law as well as for concerned citizenry this book unravels the complicated interplay of governmental agencies and provides a heretofore in depth look at how the U S government functions in reality **Friends of the Supreme Court: Interest Groups and Judicial Decision Making** Paul M. Collins, Jr., 2008-08-15 The U S Supreme Court is a public policy battleground in which organized interests attempt to etch their economic legal and political preferences into law through the filing of amicus curiae friend of the court briefs In Friends of the Supreme Court Interest Groups and Judicial Decision Making Paul M Collins Jr explores how organized interests influence the justices decision making including how the justices vote and whether they choose to author concurrences and dissents Collins presents theories of judicial choice derived from disciplines as diverse as law marketing political science and social psychology This theoretically rich and empirically rigorous treatment of decision making on the nation s highest court which represents the most comprehensive examination ever undertaken of the influence of U S

Supreme Court amicus briefs provides clear evidence that interest groups play a significant role in shaping the justices choices

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**Judicial Decision Making** Lawrence S. Wrightsman, 2012-12-06 In the mid 1970s as a social psychologist dedicated to the application of knowledge I welcomed our field's emerging interest in the legal system I have always been fascinated by jury trials something about the idea that two conceptions of the truth were in irrevocable conflict and jurors could choose only one of them More important the criminal justice system is a major social force that has been ignored by social psychologists for most of the twentieth century As I systematically began to explore the applications of social psychological concepts to the law 20 years ago I experienced the delight of discovery similar to that of a child under a Christmas tree It has been satisfying to be among the cohort of researchers who have studied the legal system especially trial juries from a psychological perspective I believe we have learned much that would be useful if the system were to be revised Half the system were to be revised there's the rub As I have stated my original motivation was the application of knowledge Like other social scientists I believed perhaps arrogantly that the results of our research efforts could be used to make trial juries operate with more efficiency accuracy and satisfaction Over the last two decades much knowledge has accumulated How can we put this knowledge to work Judges are the gatekeepers of the legal system

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*The Cambridge Companion to Comparative Constitutional Law* Roger Masterman, Robert Schütze, 2019-10-03 Comparing constitutions allows us to consider the similarities and differences in forms of government as well as the normative philosophies behind constitutional choices The objective behind this Companion is to present the reader with a succinct yet wide ranging companion to a modern comparative constitutional law course

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the legislature Some political actors have argued that courts have assumed too much power and politics has been extremely judicialized Yet the extent to which this aggregation of power may have constrained the dominant political actors room for manoeuvre has never been examined accurately and systematically This volume fills this gap in the literature To explore the diversity and measure the strength of judicial decisions the authors have elaborated a new methodology that is intended to give a more nuanced picture of the practice of constitutional adjudication in Europe The work opens with an assessment of the existing literature on empirical analysis of judicial decisions with a special focus on Western Europe and a short summary of the methodology of the project This is followed by 11 country studies and a concluding chapter providing a comprehensive comparative analysis of the results A further ten countries are explored in the counterpart volume to this book Constitutional Review in Central and Eastern Europe Judicial Legislative Relations in Comparative Perspective The collection will be an invaluable resource for those working in the areas of empirical legal research and comparative constitutional law as well as political scientists interested in judicial politics Chapters 1 and 13 of this book are freely available as a downloadable Open Access PDF at <http://www.taylorfrancis.com> under a Creative Commons Attribution Non Commercial No Derivatives CC BY NC ND 4.0 license

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