

Majority Rule and the Judiciary

An Examination of Current Proposals for
Constitutional Change After



WILLIAM L. MARSHALL

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Bradley C. S. Watson



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Majority Rule and the Judiciary William Lynn Ransom, 2008 Majority Rule and the Judiciary William Lynn Ransom, 1912 **Constitutional Government** James A. Curry, Richard B. Riley, Richard M. Battistoni, 2003 **Majority Rule Or Minority Will** Harold J. Spaeth, Jeffrey A. Segal, 2001-02-19 This book first published in 1999 examines the influence of precedent on the behavior of the US Supreme Court justices *Supermajority Voting in Constitutional Courts* Cristóbal Caviedes, 2024-08-02 This book challenges the wide use of majority rule in many constitutional courts for declaring statutes unconstitutional and argues that these courts should rather perform constitutional review by using supermajority rules Considering that constitutional courts often tackle hard moral issues it is questionable whether a bare majority of judges should suffice for settling them especially considering these courts counter majoritarian nature Further the wide use of majority rule for checking the constitutionality of legislation may increasingly risk their reputation Such a concern is developing in the United States following a series of Supreme Court decisions This book argues that majority rule is unjustified in constitutional review This means that in constitutional review considering majority rule's traits there are no decisive reasons for using this voting rule over other voting rules Additionally the book argues that when checking the constitutionality of legislation constitutional courts should replace majority rule with supermajority rules Thus for declaring statutes unconstitutional it is argued that more than 50% of the judges present plus one judge present should be needed This book will be of interest to academics researchers and policy makers working in the areas of Constitutional Law and Politics

Accountability of Judicial Power Piotr Mikuli, 2025-04-29 This book brings together a group of international scholars to discuss theoretical and comparative considerations of judicial accountability Accountability of the judiciary is an essential element in a democratic state ruled by law Its design must take into account the need to ensure both the legitimacy of the judiciary and its independence The work discusses accountability in the light of recent research including studies on the crisis of the rule of law in the contemporary world The book adopts a broad approach to accountability which has various facets referring both to the courts that is the organisational element of the judicial branch of government and to judges its individual dimension It is divided into four parts the first deals with the essence of the concept of accountability of the judiciary the second discusses the emerging standards relating primarily to the individual accountability of judges and the third discusses the position of constitutional judges through the lens of accountability The fourth and final part provides a detailed consideration of the specific accountability mechanisms The book will be a valuable resource for academics researchers and policymakers working in the areas of constitutional law and politics and accountability studies **Judicial Nominations, Filibusters, and the Constitution** United States. Congress. Senate. Committee on the Judiciary. Subcommittee on the Constitution, Civil Rights, and Property Rights, 2003 **Judicial Vetoes** Lydia Tiede, 2022-08-04 How does the selection of judges influence the work they do in important constitutional courts Does mixed judicial selection which

allows more players to choose judges result in a court that is more independent and one that can check powerful executives and legislators Existing literature on constitutional courts tends to focus on how judicial behaviour is motivated by judges political preferences Lydia Brashear Tiede argues for a new approach showing that under mixed selection institutions choose different types of judges who represent different approaches to constitutional adjudication and thus have different propensities for striking down laws Using empirical evidence from the constitutional courts of Chile and Colombia this book develops a framework for understanding the factors external and internal to courts which lead individual judges as well as the courts in which they work to veto a law **Operations of Federal Judicial Misconduct Statutes** United States.

Congress. House. Committee on the Judiciary. Subcommittee on Courts, the Internet, and Intellectual Property, 2001

Supreme Court Nominations: Presidential Nomination, the Judiciary Committee, Senate Consideration, Cloture, and the Use of the Filibuster Denis Steven Rutkus, Elizabeth Rybicki, **Majority Rule and the Judiciary** William Lynn

Ransom, 1971 **Supermajorities in Constitutional Courts** Mauro Arturo Rivera León, 2024-04-05 Constitutional adjudication is a subject of fascination for scholars Judges may annul the will of a democratically elected Parliament in counter majoritarian fashion Although conceived as a remedy against majoritarianism judges also decide cases by voting Whether they do so through simple majorities or supermajorities is not trivial The debate around supermajorities has awakened anew amidst theories of judicial limitation and new conceptions of judicial review This book advances our knowledge of systems employing supermajorities in constitutional adjudication by performing a comparative analysis of ten jurisdictions and twelve supermajority models It introduces a typology of the main models of institutional design the reasons leading policymakers to establish them and the impact supermajorities have on courts It explores the question of whether supermajorities grant deference and foster consensus or if they disable constitutional courts from exercising judicial review By analyzing the history practice and effects of supermajority rules in courts this book contributes to an ongoing conversation on the democratic implications of voting protocols in constitutional courts It will be a valuable resource for policy makers scholars and researchers working in the areas of comparative constitutional law and constitutional politics The Open Access version of this book available at <http://www.taylorfrancis.com> has been made available under a Creative Commons Attribution CC BY 4.0 license

Courts and the Culture Wars Bradley C. S. Watson, 2002-01-01 For much of the second half of the twentieth century America's courts state and federal have injected themselves into what many critics consider to be fundamentally moral or political disputes By constitutionalizing these disputes many feel that the courts have reduced the ability of Americans to engage in traditional political modes of settling differences over issues that excite particular passion While legal discourse is well suited to choosing decisive winners and losers political discourse is perhaps more conducive to reasonable compromise and accommodation In *Courts and the Culture Wars* Bradley C. S. Watson has brought together some of America's most distinguished names in constitutional theory and practice to consider the impact of

judicial engagement in the moral religious and cultural realms including such issues as school prayer abortion gay rights and expressive speech **Antitrust Law Journal** ,1986 *Majority Rule in the Supreme Court* Herbert George Pillen,1924

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Judges and Adjudication in Constitutional Democracies: A View from Legal Realism Pierluigi Chiassoni,Bojan Spaić,2020-12-11 The book offers contributions to a philosophical and realistic approach to the place of adjudication in contemporary constitutional democracies Bringing together scholars from different legal and philosophical backgrounds the book purports to cast light on the role s of judges and the function of judicial interpretation inside of constitutional states from the standpoint of legal realism as a revisited and sophisticated jurisprudential outlook In so doing the book also copes with a few major jurisprudential issues like e g determining the ideas that make up the core of legal realism exploring the relation between legal realism and legal positivism identifying the boundaries of judicial interpretation as they appear from a realist standpoint as well as considering some skeptical outlooks on the very claims of contemporary legal realism

Judicial Dissent in European Constitutional Courts Katalin Kelemen,2017-09-28 Dissent in courts has always existed It is natural and healthy that judges disagree on legal issues of a certain importance and difficulty The question is if it is reasonable to conceal dissent Not every legal system allows judges to explain their disagreement to the public in a separate opinion attached to the judgment of the court Most constitutional courts do This book presents a comparative analysis of the practice of judicial dissent in constitutional courts from the perspective of the civil law tradition It discusses the theoretical background presents the history of the institution and today s practice thus laying down the basis for an accurate

consideration of the phenomenon from a legal perspective

The Judicial Branch Kermit L. Hall, Kevin T.

McGuire, 2005-10-27 Edited by Kermit L Hall and Kevin T McGuire this collection of essays examines the role of the judicial branch in American democracy and the dynamic between the other branches of government compares international models and discusses possible measures for reform The contributors consider the impact of courts on American life and address such central questions as Is the Supreme Court an institution of social justice Is there a case for judicially created and protected social rights Have the courts become sovereign when interpreting the Constitution

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William L. Ransom, 1971-08-21

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