

The Supreme Court and American Political Development



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著者:Kahn, Ronald (EDT)/ Kersch, Kenneth Ira (EDT)

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This innovative volume explores the evolution of constitutional doctrine as elaborated by the Supreme Court. Moving beyond the traditional "law versus politics" perspective, the authors draw extensively on recent studies in American Political Development (APD) to present a much more complex and sophisticated view of the Court as both a legal and political entity. The contributors--including Pam Brandwein, Howard Gillman, Mark Graber, Ronald Kahn, Tom Keck, Ken Kersch, Wayne Moore, Carol Nackenoff, Julie Novkov, and Mark Tushnet--share an appreciation that the process of constitutional development involves a complex interplay between factors internal and external to the Court. They underscore the developmental nature of the Court, revealing how its decision-making and legal authority evolve in response to a variety of influences: not only laws and legal precedents, but also social and political movements, election returns and regime changes, advocacy group litigation, and the

interpretive community of scholars, journalists, and lawyers. Initial chapters reexamine standard approaches to the question of causation in judicial decision-making and the relationship between the Court and the ambient political order. Next, a selection of historical case studies exemplifies how the Court constructs its own authority as it defines individual rights and the powers of government. They show how interpretations of the Reconstruction amendments inform our understanding of racial discrimination, explain the undermining of affirmative action after Bakke, and consider how Roe v. Wade, has yet to be overturned. They also tell how the Court has collaborated with political coalitions to produce the New Deal, Great Society, and Reagan Revolution, and why Native Americans have different citizenship rights than other Americans. These contributions encourage further debate about the nature and processes of constitutional change.

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