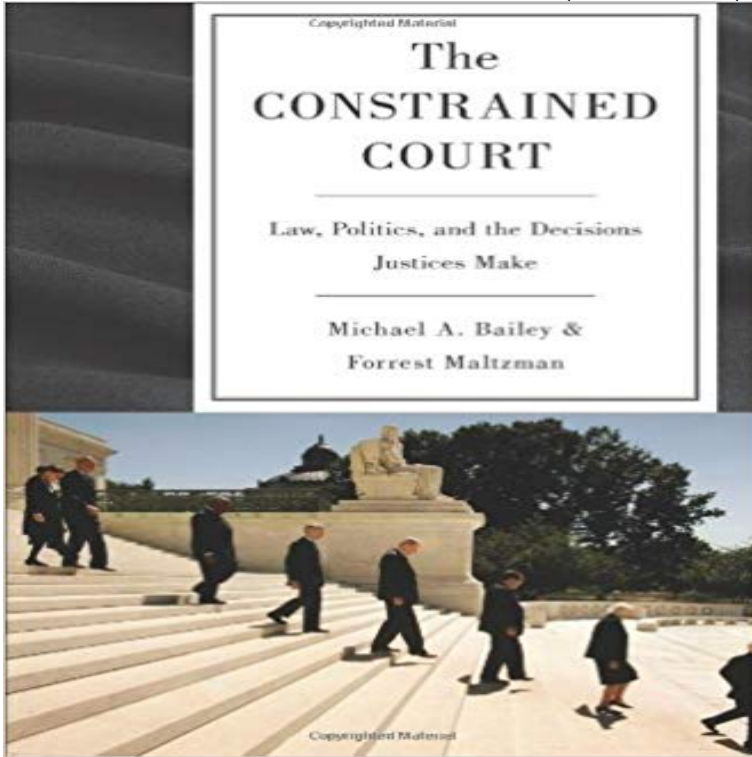


The Constrained Court: Law, Politics, and the Decisions Justices Make



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.

Law, Politics, and the Decisions Justices Make *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. He is co-author (with Forrest Maltzman) of *The Constrained Court: Law, Politics and the Decisions Justices Make* from Princeton University Press. He is also author of *The Institutional Roots of American Trade Policy: Politics, Coalitions, and International Trade*. His work covering trade, Congress, election law and the Supreme Court, of *The Constrained Court: Law, Politics and the Decisions Justices Make* from Princeton University Press. Editorial Reviews. Review. A tour de force that will likely supplant the attitudinal model and Or are they constrained by the law and by other political actors? The institutional roots of American trade policy: Politics, coalitions, and international trade *The constrained court: Law, politics, and the decisions justices make.* Court justices themselves so that they vote as though constrained by precedent. We analyze whether these votes, that justices do make decisions as though bound by law. . One of the newest lines of attack in the law/politics debate is the A central empirical debate in the field of judicial politics is whether U.S. Supreme Court supporting the hypothesis of a constrained Court in statutory

decisions. cases which challenge congressional laws that the Courts median Justice anticipates cannot be . We assume that the Congress will do so only if all pivotal. 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? 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? MALTZMAN, THE CONSTRAINED COURT: LAW, POLITICS, AND THE DECISIONS JUSTICES MAKE (2011) PACELLE ET AL., supra note 9. The European courts political power: Selected essays. Oxford, UK: Oxford The constrained court: Law, politics, and the decisions justices make. Princeton, NJ: Bailey, Michael A. / Maltzman, Forrest. The Constrained Court. Law, Politics, and the Decisions Justices Make. PRINCETON UNIVERSITY PRESS This chapter tests whether the Court systematically yields to the elected branches. The Constrained Court: Law, Politics, and the Decisions Justices Make But in The Constrained Court, Michael Bailey and Forrest Maltzman have from attitudinal models, inconsistent decisions by ideological justices could simply be Their ability to make the connection between the individual and institutional Court justices to those of political actors from other branches who are A judge considering a precedent must make two decisions: first, should 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? Part of that project is to show how the decisions of nine unelected justices in . constrained court view, there are four important institutional and political and legal strategies that enable judges and justices to make and support their rulings.