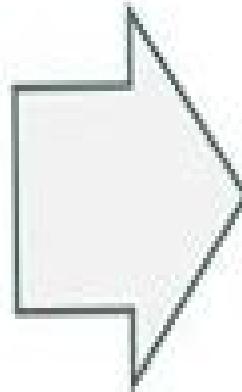


Stare Decisis Concept

Sets a precedent for

Previous court
decision or ruling in
a legal matter



Future cases with
similar
circumstances or
facts



Stare Decisis

Bar Association of Tennessee

Stare Decisis:

Judges and Unjust Laws Douglas E. Edlin, 2008-12-02 With keen insight into the common law mind Edlin argues that there are rich resources within the law for judges to ground their opposition to morally outrageous laws and a legal obligation on them to overturn it consequent on the general common law obligation to develop the law Thus seriously unjust laws pose for common law judges a dilemma within the law not just a moral challenge to the law a conflict of obligations not just a crisis of conscience While rooted firmly in the history of common law jurisprudence Edlin offers an entirely fresh perspective on an age old jurisprudential conundrum Edlin's case for his thesis is compelling Gerald J Postema Cary C Boshamer Professor of Philosophy and Professor of Law University of North Carolina at Chapel Hill and author of *Bentham and the Common Law Tradition* Douglas Edlin builds a powerful historical conceptual and moral case for the proposition that judges on common law grounds should refuse to enforce unjust legislation This is sure to be controversial in an age in which critics already excoriate judges for excessive activism when conducting constitutional judicial review Edlin's challenge to conventional views is bold and compelling Brian Z Tamanaha Chief Judge Benjamin N Cardozo Professor of Law St John's University and author of *Law as a Means to an End Threat to the Rule of Law* Professor Edlin's fascinating and well researched distinction between constitutional review and common law review should influence substantially both scholarship on the history of judicial power in the United States and contemporary jurisprudential debates on the appropriate use of that power Mark Graber Professor of Law and Government University of Maryland and author of *Dred Scott and the Problem of Constitutional Evil* Is a judge legally obligated to enforce an unjust law In *Judges and Unjust Laws* Douglas E Edlin uses case law analysis legal theory constitutional history and political philosophy to examine the power of judicial review in the common law tradition He finds that common law tradition gives judges a dual mandate to apply the law and to develop it There is no conflict between their official duty and their moral responsibility Consequently judges have the authority perhaps even the obligation to refuse to enforce laws that they determine unjust As Edlin demonstrates exploring the problems posed by unjust laws helps to illuminate the institutional role and responsibilities of common law judges Douglas E Edlin is

Associate Professor of Political Science at Dickinson College **The Encyclopedia of American Civil Liberties** Paul Finkelman, 2006 Publisher Description International and Foreign Legal Research Marci Hoffman, Mary Rumsey, 2008 International and Foreign Legal Research A Coursebook emphasizes legal research strategies applicable across the landscape of research sources Topics covered in the book range from a general chapter on basic concepts to five chapters on particular subjects of international law Each major aspect of research such as using periodical indexes is treated once in depth Elsewhere in the book other sections refer readers to that in depth treatment while adding information specific to the topic being discussed A companion website is also made available to help users of the book stay up to date on new sources and strategies **European Yearbook of International Economic Law 2011** Christoph Herrmann, Jörg Philipp

Terhechte,2011-01-12 Part one of Vol 2 2011 of the European Yearbook of International Economic Law addresses two major topics of current academic debate and public interest firstly it focuses on the State and the Global Economy secondly on Climate Change and International Economic Law Part two contains treatises of recent regional integration developments taking place in the major regions of the world Part three covers the legal and political developments in the major international organizations and fora dealing with international economic policy making Part four contains book reviews of recent works in the field of International Economic Law *ABA Journal*,1963-04 The ABA Journal serves the legal profession Qualified recipients are lawyers and judges law students law librarians and associate members of the American Bar Association **Separation of Powers in Practice** Thomas Campbell,2004 Each branch of American government possesses inherent advantages and disadvantages in structure In this book the author relies on a separation of powers analysis that emphasizes the advantage of the legislature to draft precise words to fit intended situations the judiciary's advantage of being able to do justice in an individual case and the executive's homogeneity and flexibility which best suits it to decisions of an ad hoc nature Identifying these structural abilities the author analyzes major public policy issues including gun control flag burning abortion civil rights war powers suing the President legislative veto the exclusionary rule and affirmative action Each issue is examined not from the point of view of determining the right outcome but with the intention of identifying the branch of government most appropriate for making the decision *A New Look at Plurality Decisions* United States. Department of Justice. Office of Legal Policy,1989 Synthesis Margaret Elizabeth McCallum,Christina L. Kunz,Deborah A. Schmedemann,2003 **The Western Jurist**,1878 Includes Table of cases determined in the Supreme Court of Iowa and published in v 19 29 Iowa reports v 5 Sept 1871 and the Constitution and the Proceedings of the Iowa State Bar Association 1874 78 The Virginia Law Register,1900 A Law Dictionary, Adapted to the Constitution and Laws of the United States of America, and of the Several States of the American Union John Bouvier,1891 **The Bar**,1899 American Jurisprudence ,1938 Washington State Bar News ,1998 Lawyers' Reports Annotated ,1892 Proceedings of the ... Annual Session of the Bar Association of Tennessee Bar Association of Tennessee,1884 Congressional Record USA. Congress,1898 **Michigan Law Review** ,2012 *Introduction to the Law and Legal System of the United States* William Burnham,2002 Previous edition 1st published in 1995 **Moore's Federal Practice** James William Moore,2010

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