This chapter articulates the challenges that any empirically oriented scholar would have in devising a measure of judicial preferences. It shows that it is impossible to make robust across-time comparisons using only Court voting. However, if we incorporate additional data we can create a measure of ideology that meets our needs and has face validity. The estimates we produce accord much better with the general understanding of Court movements over time as they indicate that Nixon's appointees moved the Court modestly to the right but that the Court remained quite moderate in historical terms in the early 1970s. The fundamental challenge is that it is hard to separate preference change from agenda change.

Disentangling Law and Policy Preferences
Michael A. Bailey and Forrest Maltzman
in The Constrained Court: Law, Politics, and the Decisions Justices Make
Published in print: 2011 Published Online: October 2017
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Item type: chapter

This chapter provides a theoretical framework for disentangling the political and legal perspectives on Court behavior. It shows that, indeed, the problem is knotty and how it is impossible to fully separate legal from policy-motivated behavior using only Supreme Court voting data. The knottiness of the problem is exacerbated by the fact that legal factors can exert a decisive effect on a Supreme Court case even when the voting breaks down along ideological lines. This is an incredibly important point. The relentless flow of cases in which justices break
down in ideologically sensible ways should not be taken as evidence that justices' decisions are dominated by ideological policy orientations. Instead, the model makes it clear that law can be decisive even when we observe ideological patterns in Court voting. This is especially true when the justices share a consensus about the legal values in question.

Political Actors in the Lords
Meg Russell

in The Contemporary House of Lords: Westminster Bicameralism Revived
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This chapter considers the House of Lords’ membership, and the role and behaviour of its different groups. It briefly describes the key groups - Labour, Conservatives, Liberal Democrats, independent Crossbenchers and bishops - and how they are organised. It then analyses attendance and voting patterns in the chamber, considering factors such as party cohesion, rebellion and the role of the whips. It also asks who are the ‘pivotal voters’ or ‘veto players’ in the Lords, in terms of which group(s) in practice hold the balance of power. This analysis, based on all votes in the chamber during 1999-2012, demonstrates the key role of the Liberal Democrats in inflicting defeat under Labour, and the growing importance of the Crossbenchers under the 2010 coalition government. The chapter also discusses how this delicate party balance helps create the chamber’s famous ‘less political’ culture, and affects relationships between its different groups.

The Roots of Pragmatism
Tomiko Brown-Nagin

in Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement
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Item type: chapter

This chapter discusses the voting rights activism of A. T. Walden and other black leaders in Atlanta. It also considers the impact of Supreme Court’s 1944 decision in Smith v. Allwright, which declared Texas’s white primary unconstitutional. It shows that even before the victory in Smith v. Allwright, blacks in Atlanta managed to bring pressure to bear on
municipal government. After the white primary’s fall, the size of the black electorate expanded exponentially, and an African-American voting bloc developed that had significantly more influence in electoral politics than ever before. However, apportionment rules and other forms of white resistance kept black influence in statewide elections to a minimum.

“New Politics”

Tomiko Brown-Nagin

in Courage to Dissent: Atlanta and the Long History of the Civil Rights Movement

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Item type: chapter

This chapter discusses the passage of the Voting Rights Act of 1965. It chronicles pivotal turning points in the constellation of social movements that developed during the late 1960s, in all of which lawyer Howard Moore, the Student Non-Violent Coordinating Committee’s (SNCC) general counsel, had a hand. The chapter provides a window onto the SNCC’s work in the civil rights, antipoverty, and peace movements.