

The politics of precedent on the u.s. supreme court

Law



Precedents and stare decisis go more hand-in-hand with each other than statutory law, though a statutory law is often created based on precedents, thus also sharing similarities.

The differences between precedents and stare decisis is that a stare decisis cannot happen without precedents. If there are no precedents, judges cannot use past knowledge and experience to determine a case, therefore not implementing stare decisis (Sri Ram, 2008). Statutory law can stand on its own, consisting of the laws set down by the legislative branch. However, statutory law can also consist of the laws and regulations that have been formed due to precedents; once a judge sees the usefulness of a precedent, the legislative branch can alter it to be a statutory law.

In my opinion, of the three terms provided, the one that has the most significance to criminal law is precedent. Precedent allows other courts and judges to make use of rulings or principles set forth by a past case; in the event that an unlikely or unusual case is made known, precedents can be used to determine what the outcome of the case should be. Precedents help to keep things moving in a criminal case, providing courts and judges with the information they need to determine the ruling of their case.