

Interpretations of statutes by judges essay

[Experience](#), [Belief](#)



Many scholars and jurists believe that judges and scholars differ in statute interpretations. Most of the debate focuses on when judges should differ and operationalize the regime of doctrines as a matter of stare decisis. According to CRJU, the justices in the Supreme Court in U. S. A do not always agree on a single approach or philosophy; in their approach in construing the constitutional interpretation of statutes. When they are faced with cases, they always apply values and policies they believe accomplish the purpose of the American society and the constitution.

Evidently, this statement is true because, in America, difference in precedence in most regimes is a statutory construction, whereby application is episodically reflecting on deeper commitments in the judiciary.

Additionally, this is not like binding precedents which are faithfully applied, overruled or distinguished. Certainly, the difference in legal precedents, which have the effect of stare decisis are seen at the Supreme Court levels as provided by the policies. Justices do not give regime precedent that is close to stare decisis. However, different regimes are having a justice system affected by different ideologies.

An excellent case law is the Smith v City of Jackson, where the Supreme Court in the United States reversed a principle that was held concerning ADEA laws. They held that ADEA outlaws have a disparate impact on employees who are older. In such cases, the lower courts provided that the disparate impact claims were not provided for in title VII of ADEA. The lower courts also held that only disparate treatment can form the basis to claim age discrimination. This case is an important law precedent on employment and debate on justices and precedence. This case show how courts apply

precedence, construing law differently to suit their different values and not circumstances. Therefore, courts are not very rigid on applying particular laws and precedence in different cases.

The doctrine of stare decisis requires that the previous principle of law, as decided in a higher court, is binding and should be followed by other courts. However, most of the time, courts do not strictly follow such principles unless the court further commands that it is a rule and should be followed by other courts. Also, it cannot always be ascertained that the rule provided is being followed, because obedience to a certain imperative is discerned only when something that can be disagreeable is commanded. Therefore, compliance to a doctrine of a precedent that is binding is seen to be exhibited only when a court holds that the previous rule must be followed. Therefore, providing a general rule which the court approves and constrains the court to reach a conclusion based on a particular rule, given by the court.

Additionally, courts are not advised to adhere to strict precedents as seen in *London Street Tramways v London County Council*, where the court held that the rigid adherence to precedence may prevent the development of the law and can lead to injustices. Courts are seen to depart from past decisions in different cases so that they may judge a case according to the given circumstances, thus preventing injustices. This is seen in *Elliot V C*, where the *R V Caldwell* test was said to be irrelevant. The court reached a conclusion based on their own view, despite the fact of the cases being similar. The court departed from previous decisions to prevent future problems, and avoid the dilemma where courts have to decide which past

cases can be followed.

Conclusion