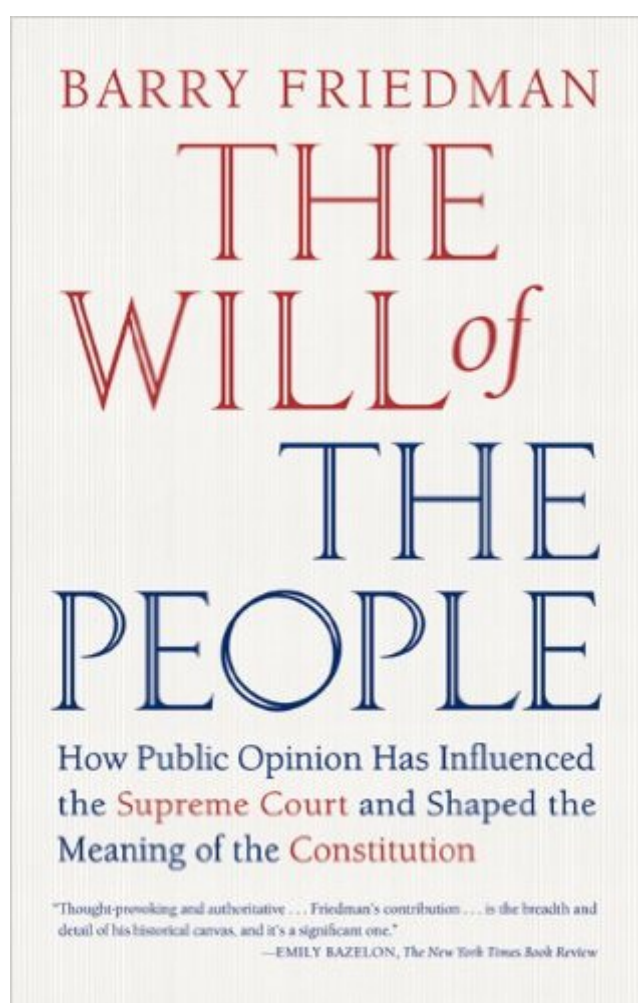


The book was found

# The Will Of The People: How Public Opinion Has Influenced The Supreme Court And Shaped The Meaning Of The Constitution



## Synopsis

In recent years, the justices of the Supreme Court have ruled definitively on such issues as abortion, school prayer, and military tribunals in the war on terror. They decided one of American history's most contested presidential elections. Yet for all their power, the justices never face election, and hold their offices for life. This combination of influence and apparent unaccountability has led many to complain that there is something illegitimate—even undemocratic—about judicial authority. In *The Will of the People*, Barry Friedman challenges that claim by showing that the Court has always been subject to a higher power: the American public. Judicial positions have been abolished, the justices' jurisdiction has been stripped, the Court has been packed, and unpopular decisions have been defied. For at least the past sixty years, the justices have made sure that their decisions do not stray too far from public opinion. Friedman's pathbreaking account of the relationship between popular opinion and the Supreme Court—from the Declaration of Independence to the end of the Rehnquist Court in 2005—details how the American people came to accept their most controversial institution and, in so doing, shaped the meaning of the Constitution.

## Book Information

Paperback: 624 pages

Publisher: Farrar, Straus and Giroux; First Edition edition (August 17, 2010)

Language: English

ISBN-10: 0374532370

ISBN-13: 978-0374532376

ASIN: B005B1E26Q

Product Dimensions: 5.5 x 1.6 x 8.3 inches

Shipping Weight: 1.6 pounds (View shipping rates and policies)

Average Customer Review: 4.3 out of 5 stars— See all reviews— (7 customer reviews)

Best Sellers Rank: #597,256 in Books (See Top 100 in Books) #220 in Books > Politics & Social Sciences > Politics & Government > United States > Judicial Branch #319 in Books > Law > Rules & Procedures > Courts #420 in Books > Textbooks > Law > Constitutional Law

## Customer Reviews

Barry Friedman brings happy news: the anti-democratic nature of judicial review is "radically overstated" (9) because the Court's "decisions tend to converge with the considered judgment of the American people" (14). In fact, the American people have "tailored" (9) the Court to suit its needs as it has "come to understand what it wanted" from the Court (11).

Consequently, the Court's opinions tend to find support in the latest Gallup poll • (14). Anyone reading this will have one response: Lochner. What about the Lochner Era, when the Court mowed down dozens of laws? Friedman actually begins the book at the tail end of the Lochner Era, in 1937, with FDR having just asked Congress to allow him to pack the Court with new Justices. Of course, starting in 1937 tends to foreshorten the Lochner Era so that it seems like a mere personal dispute between FDR and the Supreme Court, when, in fact, Lochner Era activism stretched from 1897 (or even 1887) all the way to 1937. In other words, for fifty years (yes, HALF A CENTURY!) the Supreme Court shot down democratically passed laws "you know, the kind of laws that represent the considered judgment of the American people." Yet the Court didn't care. Boom. Boom. Boom. Boom. Boom. Down they went. How does Friedman explain away the Lochner Era? How does he show that the Court was ultimately responsive to public opinion? Not very convincingly, I must say. He breaks the Lochner Era up into two parts, the better to tackle the job.

[Download to continue reading...](#)

The Will of the People: How Public Opinion Has Influenced the Supreme Court and Shaped the Meaning of the Constitution  
Landmark Supreme Court Cases: The Most Influential Decisions of the Supreme Court of the United States  
A People's History of the Supreme Court: The Men and Women Whose Cases and Decisions Have Shaped Our Constitution: Revised Edition  
Marriage: monogamy and polygamy on the basis of divine law, of natural law and of constitutional law : an open letter to the Massachusetts members of ... the opinion of the Supreme Court in Reynold  
The US Constitution: A Pocket Reference w/Constitution, Bill of Rights, Amendments, Declaration of Independence, History of the Constitution, Questions ... Quotes, and Free Download for 10 works  
The Constitution in Exile: How the Federal Government Has Seized Power by Rewriting the Supreme Law of the Land  
Supreme Conflict: The Inside Story of the Struggle for Control of the United States Supreme Court  
May It Please the Court: The Most Significant Oral Arguments Made Before the Supreme Court Since 1955  
The First Amendment: Transcripts of the Oral Arguments Made Before the Supreme Court in Sixteen Key First Amendment Cases (May It Please the Court)  
How To Analyze People: Mastering Analyzing and Reading People: (How To Read People, Analyze People, Psychology, People Skills, Body Language, Social Skills)  
California Rules of Court - State, 2015 ed. (Vol. I, California Court Rules) (California Rules of Court. State and Federal)  
The Bible, the School, and the Constitution: The Clash that Shaped Modern Church-State Doctrine  
American Public Opinion: Its Origins, Content and Impact  
The Macro Polity (Cambridge Studies in Public Opinion and Political Psychology)  
How Voters Decide: Information Processing in Election Campaigns (Cambridge Studies in Public Opinion and Political Psychology)  
In Time of War:

Understanding American Public Opinion from World War II to Iraq (Chicago Studies in American Politics) The Constitution and the Declaration of Independence: A Pocket Constitution Prakriti: Your Ayurvedic Constitution (Your Ayurvedic Constitution Revised Enlarged Second Edition) The Constitution of the State of Colorado (Us Constitution) Flavors of Africa Cookbook : Spicy African Cooking - From Indigenous Recipes to Those Influenced by Asian and European Settlers

[Dmca](#)