

Index

- Acheson, Dean, 297
Ackerman, Bruce, 383n. 15
Adamany, David, 42n. 39, 287, 369,
383n. 11
Adams, Herbert Baxter, 6
Allen, David, 184
Allen, Florence, 181–82, 185
Almond, Gabriel, 42n. 42
Alpert, Lenore, 176
American Political Science Association, 6, 8, 12, 37n. 7, 39n. 29,
120, 154, 173, 184, 187n. 5, 249,
289–90, 295, 307, 361
Aristotle, 40n. 35
Arnold, Thurmond, 297
Arrington, Theodore, 275
Arrow, Kenneth, 337
Atkins, Burton, 176
attitudinal model, and judicial studies, 5, 15, 22–23, 27, 29, 31, 35,
41nn. 37–39, 43nn. 45, 48,
53–56, 64, 70, 78–79, 80–81,
83–87, 89–90, 95–96, 108–10,
115n. 42, 116, 118–29, 148,
177–78, 186, 193, 194, 206, 211,
219n. 10, 229–32, 235–36,
238–42, 243n. 3, 261–62,
270–71, 276, 291, 308, 389, 390,
401, 406, 408, 418
early manifestations of, 8, 16, 24,
25, 27, 40n. 35, 41n. 36, 59–63,
65, 66, 71, 120, 174, 195, 200,
233–34, 260, 263, 286
Axelrod, Robert, 272
Baade, Hans, 120
Baas, Larry, 377
Baker, Gordon, 316
Bales, Robert, 252
Barber, Sotirios, 289
Barnum, David, 373
Barrow, Deborah, 183
Barthes, Roland, 37n. 9
Baum, Lawrence, xi, 30, 39n. 25, 54,
105–6, 115n. 42, 124, 126, 186n.
4, 187n. 9, 231, 271, 276, 368,
383n. 19
Beard, Charles, 2, 301, 305, 306
Beck, Paul, 369–70
Becker, Theodore, 18, 21, 42n. 42,
78, 86, 96n. 3, 261
behavioralism, and judicial studies, 2,
7–12, 14, 16–22, 24, 26, 27–28,
29–31, 36n. 3, 37n. 8, 39–40n.
30, 40n. 33, 40–41n. 35, 41nn.
36, 39, 42n. 45, 53, 55, 80, 120,
155, 157–62, 164–66, 168, 169n.
3, 174, 193, 195, 210, 229, 231,
232, 285–86, 290–91, 304,
305–8, 309, 336, 343, 363, 365,
408
Benesh, Sara, 55
Bentley, Arthur, 2, 7, 10, 37n. 13,
410n. 3
Berger, Raoul, 122
Berkowitz, Leonard, 252
Berns, Walter, 38n. 20
Beveridge, Albert, 317
Bickel, Alexander, 299, 303, 321,
366, 367, 383n. 14, 389
Black, Charles, 365–66
Black, Hugo, 62, 92, 123, 233, 254,
346
Blackmun, Harry, 173, 376

- Blackstone, William, 302
 Bonneau, Chris, 277, 280
 Bork, Robert, 122, 259
 Boucher, Robert, 94
 Bradley, Robert, 40n. 31, 55
 Brandeis, Louis, 203, 262–63,
 319–21, 322, 323, 325, 326, 329,
 333n. 4
 Brandwein, Pamela, 35n. 1
 Breckinridge, Sophonisba, 172
 Brennan, William, 93, 261, 376
 Brenner, Saul, xi, 93, 94, 127, 195,
 206, 211, 235, 236, 241–42,
 243n. 3, 256, 270, 271, 274, 275,
 278, 280, 405
 Bueno de Mesquita, Bruce, 126
 Burger, Warren, 185, 256
 Burger Court, 130, 139, 150, 173,
 277
 Burgess, John, 1, 2, 6, 7, 8, 9, 16,
 36n. 5
 Burgess, Susan, 308
 Burke, Edward R., 297–98
 Burton, Harold, 83, 263
 Bush, George H., 375, 376
 Butler, Pierce, 257, 258, 259, 262–63
 Byrnes, James, 256
- Caldeira, Gregory, 94, 95, 103, 104,
 122, 178–79
 Cameron, Charles, 219n. 5
 Campbell, Angus, 20
 Campbell, Donald, 206
 Canon, Bradley, 118, 122, 369–70
 Cardozo, Benjamin, 79, 229
 Carp, Robert, 40n. 31, 55–56, 176
 Carr, Robert, 161
 Carswell, G. Harrold, 259
 Carter, Jimmy, 106, 183, 375
 Casper, Jonathan, 370
 Casto, William, 353
 Chalmers, A. F., 125
 Choper, Jesse, 367–68
 Church, Thomas, 178
- Clark, Charles, 297
 Clark, Thomas, 83, 346, 349
 Clay, Lucius, 298
 Clayton, Cornell, 38n. 14, 43n. 47,
 231, 285–86, 353, 387
 Clinton, William, 183, 375, 376
 comparative judicial studies, 4, 15,
 16, 24–25, 42n. 41, 95, 96n. 1,
 151–53, 161–62, 163, 165–66,
 167, 198, 243n. 1, 263–65, 287,
 353, 396–401, 411
 Cook, Beverly Blair, xii, 40–41n. 35,
 56, 172–87, 193
 Cooley, Thomas, 292, 300
 Coombs, Clyde, 64, 84, 206
 Corwin, Edward, 2, 7, 8, 9, 27, 38n.
 14, 40n. 33, 161, 173, 285–86,
 289–311, 317, 318, 333n. 3, 337,
 341, 351, 363, 387, 388
 Cox, Archibald, 389
 Crews, Kenneth, 291, 310n. 8
 Cross, Frank, 122, 123, 124, 126,
 129, 219n. 5
 Crowe, Nancy, 183
 Cummings, Homer S., 297
 Cushman, Robert, 2, 7, 8, 9, 23,
 40n. 33, 161, 163, 173, 291, 297,
 305
- Dahl, Robert, 10, 42n. 39, 43n. 49,
 96, 110, 286–87, 337, 341, 354n.
 4, 355n. 10, 356n. 12, 361–83,
 388, 410n. 3
 Danelski, David, 67, 165, 169n. 2,
 194, 195, 248–65, 286, 328, 388
 Davis, John W., 298
 Davis, Sue, 183, 286, 310n. 5
 Day, William Rufus, 257
 Dixon, Robert, 17, 355n. 9
 Dixon, William, 328
 Dodds, Harold, 297
 Dolbeare, Kenneth, 409
 Dorff, Robert, 236
 Douglas, William, 62, 92, 233, 346

- Downs, Anthony, 38n. 21, 95, 205, 209
- Drewry, Gavin, 411n. 12
- Easton, David, 42n. 42, 169n. 1
- Edwards, Harry, 410n. 4
- Eisenhower, Dwight, 298, 349, 376
- Eisenstein, James, 178
- Ely, John Hart, 366–67
- Epstein, Lee, xi, 36n. 3, 39n. 24, 41n. 36, 43nn. 46, 47, 56, 90, 130, 138, 139, 153, 162, 187n. 12, 193, 219n. 6, 238–39, 251, 255, 256, 270, 274, 277, 328
- Erikson, Robert, 180
- Eskridge, William, 212–13, 219nn. 5, 6
- Ewing, Cortez, 65
- Fairman, Charles, 161
- Farber, Daniel, 219n. 5
- Fellman, David, 363
- Ferejohn, John, 218n. 3, 219n. 6
- Fisher, Charles Brent, 161
- Flango, Victor, 128
- Fleming, James, 289
- Flemming, Roy, 178, 180, 374
- Ford, Gerald, 375, 376
- Frank, Jerome, 36n. 6, 79
- Frank, John P., 317
- Frankfurter, Felix, 62, 63, 65, 66–67, 72n. 3, 120, 321, 349
- Freeman, Donald, 37n. 8
- Freud, Sigmund, 79
- Freund, Paul, 321
- Funston, Richard, 369
- Galanter, Marc, 400
- Garrison, Marsha, 177
- Garvey, Gerald, 291, 310n. 10
- Geis, Gilbert, 410n. 2
- Gibson, James, 105, 137, 138
- Giles, Michael, 274
- Gillman, Howard, 42n. 39, 231, 238, 240, 286, 308, 331–32, 387, 410nn. 1, 2
- Glick, Henry, 102
- Goldberg, Arthur, 349
- Goldman, Sheldon, 102, 181
- Goldwater, Barry, 168n. 1
- Graber, Mark, 1, 35n. 1, 43n. 49, 308, 352, 380–81
- Griffin, Stephen, 43n. 49
- Grossman, Joel, xi, 102, 160–61, 207
- Gruhl, John, 184
- Grunbaum, Werner, 164
- Guilford, J. P., 206
- Hagle, Timothy, 235–36, 278
- Haines, Charles Grove, 2, 3, 7, 8, 40n. 33, 79, 161, 163, 291, 297, 305, 307, 337, 341
- Haire, Susan, 183
- Hall, Melinda Gann, 118, 122
- Hammond, Thomas, 277, 280
- Harding, Warren G., 258, 259
- Hartz, Louis, 338
- Hayakawa, Takeo, 264
- Haynesworth, Clement, 259
- Henckaerts, Jean-Marie, 162
- Heumann, Milton, 176
- historical institutionalism, and judicial studies, 5, 16, 24, 25, 27–28, 35, 42n. 39, 43n. 47, 65, 110, 177–78, 231, 237–38, 240, 241, 285–88, 291–92, 304, 308–9, 316, 318, 328, 329, 331–33, 337–38, 343, 351–53, 364, 380–81, 387, 388–90, 406, 408–9
- Hoekstra, Valerie, 378–79
- Holmes, Oliver Wendell, 36n. 6, 62, 203, 306, 325
- Hoover, Herbert, 295–96, 325–26
- Howard, J. Woodford, xi, xiiin. 1, 194, 195, 205–6, 211, 228–43, 260, 261, 270, 271, 286

- Hughes, Charles Evans, 91, 203, 253, 254, 255, 261, 293, 326, 327, 328
- Jacob, Herbert, 42n. 40, 409
- Jahnige, Thomas, 102
- Jay Court, 345
- Johnson, Charles, 131
- Johnson, Lyndon, 219n. 9, 349, 376
- Kahn, Ronald, 308
- Kalman, Laura, 36n. 6
- Kao, Richard, 206
- Kaplan, Abraham, 355n. 10
- Kennedy, John F., 333n. 5, 349, 376
- Kennedy, Joseph P., 333n. 5
- Keohane, Robert, 126
- Key, V. O., 364, 395
- King, Gary, 126
- Klein, Joan, 185
- Knight, Jack, 36n. 3, 39n. 24, 41n. 36, 43nn. 46, 47, 193, 238–39, 251, 255, 256, 270
- Krasner, Stephen, 126
- Krislov, Samuel, 40n. 33, 250, 354n. 6
- Kritzer, Herbert, 70, 178, 179, 184, 287
- Krol, John, 94
- Kuhn, Thomas, 19, 21, 37n. 8, 41n. 37, 44n. 51, 418
- Kuklinski, James, 179
- Lasswell, Harold, 38n. 15, 355n. 10
- Law and Society Association, 24, 39n. 29
- legal realism, 2, 7–8, 9, 30, 36n. 6, 60, 68, 69, 78–79, 129, 163, 203, 261, 299, 302, 305–6, 310–11n. 15, 318, 344, 388
- Lerner, Max, 128
- Levinson, Sanford, 289, 350, 354n. 2, 356n. 13
- Lincoln, Abraham, 295, 302
- Lindblom, Charles, 37n. 8, 401
- Llewellyn, Karl, 36n. 6, 402
- Locke, John, 302
- Lodge, Henry Cabot, 294
- Loss, Richard, 291
- Lowell, A. Lawrence, 37n. 13
- MacKuen, Michael, 180
- Madison, James, 300–301, 304
- Maltese, John Anthony, 194
- Maltzman, Forrest, 37n. 8, 217, 231, 239, 256, 271, 277
- March, James, 41n. 36, 90, 337, 401
- Marks, Brian, 202, 219n. 6
- Marshall, John, 163, 294, 301, 304, 345, 348, 352
- Marshall, Thomas, 179–80, 373, 377
- Marshall, Thurgood, 261
- Marshall Court, 345
- Martin, Elaine, 187n. 11
- Mason, Alpheus Thomas, 9, 27, 40n. 33, 205, 228, 286, 289, 294, 310n. 5, 316–33, 341, 351, 387, 388
- Mather, Lynn, 56, 193
- Maveety, Nancy, 194, 197–98
- McCloskey, Robert, 27, 42n. 39, 286, 336–56, 387, 388, 410nn. 1, 2
- McLaughlin, Andrew, 292, 297
- McMahon, Kevin, 352
- McMaster, John Bach, 292
- McReynolds, James, 330, 375
- Meinhold, Stephen, 42n. 39, 287
- Mendelson, Wallace, 12, 17, 38n. 20, 83, 86, 120, 121, 363, 389
- Merriam, Charles, 2, 8, 10, 37–38n. 14, 38n. 17
- Mershon, Carol, 90, 274, 277
- Miller, Arthur, 168n. 1
- Miller, Warren, 168n. 1
- Minton, Sherman, 349
- Mishkin, Paul, 389
- Mishler, William, 180, 373

- Mott, Rodney, 65
- Murphy, Frank 62, 92, 228, 233, 349
- Murphy, Walter, 8, 26, 38n. 23, 39n. 24, 40n. 33, 58, 69, 93, 102, 151, 152, 155, 156, 157, 160, 163, 164, 165–66, 168–69n. 1, 174, 193–94, 195, 197–220, 232–33, 239, 240, 250, 254, 255, 256, 260, 261, 270, 271, 272, 273, 289, 305, 317, 333n. 7, 336, 337, 346, 347, 351, 354n. 6, 355nn. 7, 10, 388, 409
- Nagel, Stuart, 95, 102
- Nardulli, Peter, 178
- Neustadt, Richard, 336, 355n. 10
- Nixon, Richard, 96, 128, 180, 298, 375, 376
- Norpoth, Helmut, 180
- O'Brien, David M., 328
- O'Connor, Sandra Day, 181, 182–83, 185, 186n. 4
- Olsen, Johan, 41n. 36, 90
- Olson, Mancur, 95
- Osgood, Charles, 262
- Palmer, A. Mitchell, 323
- Palmer, Jan, 94
- Paul, Alice, 172
- Peltason, Jack, 40n. 33, 41n. 39, 173, 295, 317, 337, 354n. 6, 355n. 10
- Perry, H. W., 94
- Piaget, Jean, 79
- Pocock, J. G. A., 44n. 51
- Pollock, Louis, 361
- Powe, Lucas, 353, 356n. 13
- Powell, Lewis, 139, 261, 376
- Powell, Thomas Reed, 2, 7, 8, 36n. 6, 161, 291, 304, 305, 337
- Pritchett, C. Herman, 4, 8, 9, 10, 11, 13, 14, 18, 20, 24, 25, 30, 38n. 18, 39nn. 27, 30, 40n. 33, 54, 56, 57–72, 80, 102, 129, 155, 161, 163, 174, 198, 203, 205, 210, 219n. 9, 249, 254, 261, 286, 337, 346, 351, 354n. 6, 355n. 10, 363, 382n. 9, 388, 389
- process-based judicial studies, 10, 11, 23–25, 41–42n. 39, 42n. 41, 173, 174, 285, 354–55n. 6, 409
- Provine, Doris Marie, 93
- public law, the field of, 1–3, 6–7, 8–9, 10, 11, 12, 14, 15, 16–19, 21, 28, 31, 39nn. 28, 29, 40n. 30, 43n. 47, 55–56, 119, 148, 153–56, 158–68, 169n. 3, 173, 205, 228, 229, 237, 239, 242, 285, 286, 291, 292, 295, 305, 307, 339, 343, 354, 361, 389, 418–19
- Rathjen, Gregory, 280
- Reagan, Ronald, 182, 375, 376, 396
- Rehnquist, William, 183
- Rehnquist Court, 130, 308, 353
- Richardson, Richard, 409
- Riker, William, 38n. 21, 205, 209, 272, 273, 337
- Roane, Spencer, 345
- Roberts, Owen, 91, 203, 326
- Rohde, David, 38n. 22, 39n. 24, 42–43n. 45, 87, 118, 126, 128, 194–95, 270–81
- Rokeach, Milton, 206
- role theory, and judicial studies, 62, 72n. 3, 86, 105, 174, 175, 193, 206, 228, 229, 232, 234, 235, 237, 251
- Roosevelt, Franklin Delano, 182, 296–97, 298, 325, 326, 327, 349, 352, 375, 376, 381n. 4
- Roosevelt, Theodore, 293
- Roosevelt Court, 80, 203, 328
- Rosenberg, Gerald, 118–19, 122, 350
- Rosenblum, Victor, 173
- Rosenthal, Albert, 87
- Rossiter, Clinton, 291

- Rutledge, Wiley, 62, 92, 349
 Ryan, John Paul, 176, 187n. 6
- Sarat, Austin, 102
 Scalia, Antonin, 391–92
 Schmidhauser, John, 122
 Schubert, Glendon, 13, 14, 15, 16,
 17, 18, 26, 37n. 11, 38n. 22,
 38–39n. 24, 42nn. 41, 45,
 54–55, 56, 62, 63, 64, 78–96,
 102, 116, 119, 120, 121, 122,
 130, 153, 160, 168, 169n. 3, 174,
 200, 203, 204, 205, 206, 209,
 255, 260, 261, 264–65, 270, 287,
 336, 363, 388
 and the Hughberts Game, 91, 203,
 204
 Schwartz, Edward, 208
 Schwartz, Herman, 162
 Segal, Jeffrey, 38n. 24, 43nn. 48, 49,
 43–44n. 50, 54, 63, 64, 88, 89,
 94, 115n. 42, 118, 122, 125, 126,
 127, 138, 180, 210, 213, 241–42,
 262, 271, 378–79, 405
 Segal-Cover measure, 67, 89, 124,
 263
 Segal, Jennifer, 183–84
 Shapiro, Fred, 43n. 49
 Shapiro, Martin, xiiin. 1, 36n. 3, 39n.
 28, 42n. 42, 173, 174, 287, 337,
 351, 353–54, 354nn. 3, 6, 355n.
 9, 356n. 17, 387–412
 Sheehan, Reginald, 180, 277, 280,
 373–74
 Shepsle, Kenneth, 41n. 36
 Sherry, Suzanna, 183
 Simon, Herbert, 38n. 16, 337
 Slater, Philip, 252
 Slotnick, Elliot, 255
 Smith, Rogers, 36n. 1, 37n. 8, 119,
 122, 238, 351–52
 Snyder, Eloise, 388
 socio-psychological paradigm of
 behavior, 10, 11, 14, 26, 53, 81,
 102, 104–5, 107–8, 110, 112,
 158, 166, 179, 193, 194, 203,
 206–7, 208–11, 243n. 2, 249,
 251–52, 254, 257–59, 261, 388
 Somit, Albert, 1, 36n. 1, 37nn. 8, 12,
 38n. 17, 154–55, 156–57
 Songer, Donald, 183
 Souter, David, 376
 Spaeth, Harold, xii, 38nn. 20, 22,
 40n. 32, 41n. 38, 42–43n. 45,
 43n. 49, 43–44n. 50, 55, 56, 62,
 63, 64, 72nn. 3, 6, 78, 84, 87–88,
 95, 96n. 2, 115n. 42, 116–45,
 210, 235–36, 260, 262, 271, 278,
 280, 405
 Spencer, Herbert, 306, 331
 Spillenger, Clyde, 316, 321
 Spiller, Pablo, 213, 219n. 5
 Spitzer, Matthew, 219n. 5
 Spohn, Cassia, 176–77, 184
 Sprague, John, 81, 84
 Spriggs, James, 37n. 8, 217, 231, 256,
 271, 277
 Stanga, John, 179
 Stimson, James, 180
 Stone, Harlan Fiske, 253, 254, 255,
 256, 322–28, 329, 331
 Stone Court, 353
 Story, Joseph, 300
 strategic (neoinstitutionalist)
 approach to judicial studies, 5,
 16, 25–29, 35, 38–39n. 24, 39n.
 29, 41n. 36, 43nn. 47, 48,
 63–64, 69, 72nn. 5, 9, 88, 90,
 108–10, 111, 118, 193–95, 197,
 200–204, 206, 217, 218, 219n. 7,
 220n. 13, 231–32, 238–42,
 243nn. 1–3, 258–59, 270–71,
 276, 281, 285, 286, 291, 304,
 308, 408, 418
 early manifestations of, 15,
 38–39n. 24, 42n. 45, 72n. 2, 80,
 87, 91–95, 174, 209–11, 215,
 233, 255–57, 278, 321

- and small-group theory, compared, 26, 105, 193, 194, 207–8, 230, 232, 234–37, 240, 242, 243n. 2, 251, 276–77, 388, 408
and SoP games, 26, 88, 212–16, 217, 218–19n. 4, 219n. 6, 240–42
- Strauss, Leo, 198
- Sumner, William Graham, 329
- Sundquist, James, 382n. 10
- Sunstein, Cass, 43n. 49
- Sutherland, George, 330
- Taft, William Howard, 253, 255, 256, 258, 259, 323, 325, 328, 329–31
- Tanenhaus, Joseph, xi, 1, 8, 36n. 1, 37nn. 8, 12, 38n. 17, 40n. 31, 55–56, 83, 96n. 4, 102, 120, 121, 148–69, 207, 286, 305, 409
- Taylor, John, 371, 375, 383nn. 12, 17
- Thomas, Clarence, 259, 376
- Thomas, Dan, 377
- Tiller, Emerson, 219n. 5
- Truman, David, 10, 40n. 34, 337, 354n. 6, 388, 410n. 3
- Truman, Harry S., 95, 182, 185, 349, 376
- Tulchin, Joseph, 261
- Tushnet, Mark, 43n. 49
- Uhlman, Thomas, 184
- Ulmer, S. Sidney, 40n. 31, 55, 56, 78, 91, 95, 101–15, 160, 200, 255, 260, 270, 271, 273, 275, 278, 279, 363, 369–70, 388
- Vanberg, Georg, 243n. 1
- Van der Jeught, Stefaan, 162
- Van Devanter, Willis, 253, 258, 330
- Verba, Sidney, 126
- Vines, Kenneth, 41n. 39, 121
- Vinson, Fred, 185
- Vinson Court, 13, 130, 174, 235, 342, 353
- Wahlbeck, Paul, 37n. 8, 72n. 10, 217, 231, 239, 256, 271, 277
- Walker, Thomas, 101–2, 104, 169n. 2, 174, 183, 186n. 2, 194, 219n. 6, 328
- Wall, Diane, 184
- Warren, Charles, 337, 341
- Warren, Earl, 120, 255, 376
- Warren Court, 12, 130, 150, 168n. 1, 273, 275, 278, 280, 337, 341, 342, 345, 347, 348, 362, 370, 383n. 14
- Wechsler, Herbert, 12, 13, 299, 390
- Weingast, Barry, 218n. 3, 219n. 6
- Welch, Susan, 184
- Wheeler, Russell, 176
- White, Byron, 376
- White, G. Edward, 261
- White, Ralph, 262
- Whittaker, Charles Evans, 349
- Whittington, Keith, 177, 308, 310n. 13
- Wildavsky, Aaron, 402
- Will, George, 96n. 1
- Williams, Charlotte, 172
- Wilson, Woodrow, 2, 289, 292–93, 294, 375
- Wisdom, John Minor, 121
- Wolfe, Arthur, 168n. 1
- Wood, B. Dan, 180, 374
- Wright, John, 94, 95
- Zemans, Frances, 178
- Ziller, Robert, 176
- Zorn, Christopher, 94, 95