

Judicial Precedent

- Michael Zander in The Law- Making Process, he stated that 'it is difficult to conceive of a legal system in which J.P plays no part at all. In essence, J.P refers to a system where judges are obliged to adhere and apply propositions of law contained in previously decided cases sharing sufficiently similar facts.
- A. Godhart in Precedent in English and Continental Law ' it is a natural practice of the human mind, whether legal or non-legal, to accept the same pattern in similar or analogous cases'
- Smith, Bailey and Gunn on the Modern English Legal System stated 'a sense of grievance on the part of those affected and to a reasonable suspicion that people making the decisions do not know what they are about.
- Sir Rupert Cross in Precedent in English law define ratio decidendi as 'any rule expressly or impliedly treated by judge as a necessary step in reaching his conclusion, having regard to the line of reasoning adopted by him'
- David Vong in Binding precedent and English judicial law-making stated that 'what is unique is that English Precedents are capable of possessing the quality of a proper source of law and bind future judges suitably positioned in the judicial hierarchy'
- Alisdair Gillespie in The English Legal System put the ECJ in a parallel position to the HOL because the ECJ acts only as a 'supreme court' for the interpretation of European Union Law
- Robert J in U.S. case of Smith v Allwright 'a restricted railroad ticket, good for this day and train only'
- D.M. Goldrick in Can Stare Decisis Be Abolished? Said that 'to use a HOL precedent to establish the rule of that the House is bound by its own precedent is argue in a circle'
- Ashworth in The Binding Effect of Crown Court decisions suggested that Crown court decisions are merely persuasive authority whatever the status of the judge.
- B. Cardozo in The Nature of Judicial Process wrote that 'uniformity ceases to be good when it becomes uniformity of oppression