




Importance of Writing Scholarly Comments on Supreme Court Decisions ✓

The Supreme Court is a house of ideas. Just like any house of ideas, its “thoughts,” declarations or disquisitions are subject to detailed dissection, even criticism, via commentaries. As the final arbiter of contentious or confusing issues, it renders many novel ideas, some unacceptable or disagreeable, especially to the losing litigants, as they deviate from a widely accepted rule. But having the final say-so on a particular contestable issue does not mean that the Supreme Court is infallible. It just means that whatever the Court says, whether it be correct or erroneous, is the final resolution on the matter, for now — until a new case is brought before it that calls for a rethinking of the fashioned rule.

Inasmuch as the Supreme Court is a collegial body whose members sit therein only until the compulsory retirement age of 70 years, the opinions and decisions of each of its members are diverse. Invariably, a dissenting opinion in one case may become the majority opinion in another case. Commentaries have noted that due to the massive number of cases each of the fifteen justices have to study, it cannot be helped that a decision in one case may be diametrical to that of another with the same particular set of circumstances. Commentaries reveal that the resolutions of the Supreme Court on contentious issues are often dictated by revisions in procedural rules, developments in the judicial systems of the world, particularly the Federal Supreme Court of the United States, and changes in socio-economic-political scenarios.

Commentaries on Supreme Court decisions aid not only law students, practitioners and lay people in understanding the intricacies of the law, but the framers of these decisions in exposing the flaws therein, whether perceived or not, thereby developing further new trains of knowledge. Commentaries often cross-reference related decisions, thus, time-strapped students of law are guided with the evolution of the mind of the Court on a particular issue and, thereby, assuage the researcher’s tedious task of unearthing pertinent authorities.


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