"When you approach a case, you don't decide it on the basis of how you like it to come out. You have to reckon with all of the precedents out there on that proposition of law."

Sandra Day O'Connor

O'Connor: Looking Back On A Career
April 16, 2006

(CBS)

O'Connor was a trailblazer, but she found the spotlight uncomfortable. Her judgments were scrutinized, her politics debated. Considered a conservative when she was appointed by Regan, she appeared to move to the center, becoming the swing vote in many important cases.

"I don't care for labels," O'Connor says. "There isn't room for a lot of personal discretion in decision making. When you approach a case, you don't decide it on the basis of how you like it to come out. You have to reckon with all of the precedents out there on that proposition of law. You have to deal with the language of the statute you're interpreting, or the provision of the constitution. There isn't as much flexible in making decisions as most people, perhaps, think there is."

This misunderstanding, O'Connor believes, is perpetuated by the media. She says the media could do a better job by giving the court credit for not making political decisions and for trying to solve issues fairly.

How would a legal theorist such as Ronald Dworkin respond to O'Connor’s comments regarding decision making? How does this compare to other legal theories we examined (positivism and legal realism in particular)?

For later: How would a Critical Legal Studies theorist such as Andrew Altman respond to O'Connor’s comments regarding decision making?