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## Counterpoint - Introduction: The Judicial-Political Dialogue

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# Counterpoint

## Introduction: The Judicial-Political Dialogue

In the summer 1991 issue of the *Journal*,<sup>1</sup> Mark Jaffe and Kenneth Kersch argued that certain New Jersey Supreme Court's school finance decision<sup>2</sup> serve as "paradigmatic examples of a state court's using its state constitution to spur significant social reform."<sup>3</sup>

In the accompanying Counterpoint, Professor John Dayton takes issue with Jaffe and Kersch's assessment of the role of New Jersey's Supreme Court and the judiciary more generally.

Dayton is not at a 180° or even 90° angle from Jaffe and Kersch.<sup>4</sup> Rather, he argues that the judicial role is often necessary but not sufficient to achieve fiscal equity. he puts more emphasis on the other branches in the "judicial-political dialogue," with particular attention to educating the populace.

Thus, perhaps education should take a front seat to litigation, rather than vice versa, in achieving lasting school reform. In either event, this Counterpoint dialogue will help us better understand and evaluate the larger judicial-political dialogue.

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1. Mark Jaffe & Kenneth Kersch, *Guaranteeing a State Right to a Quality Education: The Judicial-Political Dialogue in New Jersey*, 20 J.L. & EDUC. 271 (1991).

2. They cited *Abbott v. Burke*, 119 N.J. 287, 575 A.2d 359 (1990) and *Robinson v. Cahill*, 62 N.J. 473, 303 A.2d 273 (1973). Jaffee & Kersch, *supra* note 1, at 271 nn.1, 2.

3. Jaffee & Kersch, *supra* note 1, at 271.

4. For a symbolic example, compare his citation, at note 6, of the New Jersey school finance decisions to theirs, *supra* note 2.

