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Precedent

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Precedent

A precedent is a judicial decision regarded as providing a new rule for deciding similar cases that may later arise. Precedents from higher courts are typically binding upon lower courts within the same judicial system. The doctrine of *stare decisis*, or “stand by things decided,” directs a court to follow and uphold its own prior decisions as well; however, in many judicial systems, this is not an absolute duty. As traditionally formulated, precedent does not extend to the entirety of a prior decision but only to the considerations relevant to the result, otherwise called the *holding*.

The practice of following precedent is primarily associated with common law jurisdictions, such as Canada, England, and the United States. Some civil law systems, more commonly found in continental Europe, exhibit related, less stringent, practices of adhering to prior long-settled points of law. Justifications for the practice of following precedent include promoting stability and predictability, reducing decision costs, and constraining judicial discretion. In those exceptional circumstances in which a court overrules one of its precedents, the decision to do so is usually based on determinations that the precedent is no longer relevant due to changed societal or legal conditions, is obviously incorrect, or has proven itself unworkable in practice.

See also *Common Law; Judicial Review; Supreme Court.*

. AARON-ANDREW P. BRUHL