

# Judicial Review and Constitutional Interpretation

## Abstract

Judicial review is a foundational principle of constitutional law that allows courts to evaluate the constitutionality of legislative and executive actions. It plays a central role in maintaining the balance of power and protecting individual rights.

## 1. Introduction

Constitutional law governs the structure of government and the relationship between the state and its citizens. Judicial review serves as a mechanism through which courts ensure that governmental actions comply with constitutional principles.

## 2. Origins of Judicial Review

In the United States, the doctrine of judicial review was firmly established in the Supreme Court case *Marbury v. Madison* (1803). The Court asserted its authority to declare acts of Congress unconstitutional.

## 3. Scope and Limits

Judicial review is not unlimited. Courts generally avoid political questions and defer to the legislative branch in matters involving policy judgments, unless a clear constitutional violation is present.

## 4. Constitutional Interpretation

Courts employ various methods of constitutional interpretation, including textualism, originalism, and the living Constitution approach. Each method reflects differing views on how constitutional meaning should evolve over time.

## 5. Judicial Review and Separation of Powers

By exercising judicial review, courts help maintain the separation of powers by preventing any one branch of government from exceeding its constitutional authority.

## 6. Democratic Legitimacy and Criticism

Critics argue that judicial review grants unelected judges excessive power, potentially undermining democratic decision-making. Supporters counter that it is essential for protecting minority rights and upholding constitutional supremacy.

## 7. Conclusion

Judicial review remains a cornerstone of constitutional governance. Despite ongoing debate, it continues to shape the development of constitutional law and democratic institutions.