

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.