**Field Political Science**

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The judiciary is a part of the government tasked with handling the authoritative legal process of deciding cases and resolving conflicts by applying laws (Shughart et al., 2023). The judiciary plays a vital role in a country's proper governance; this is because, in as much as societies have rules, regulations, and procedures when conflicts arise, they all have to be settled in a court of law (Sabharwal, n.d). Courts are perfect interpreters of the law. It is paramount to know that the judiciary is tasked with ruling cases and not creating laws. Legislating from the bench is when the judiciary opts to make rulings on cases that, in normal circumstances, require the use of debates and democracy, which is interpreted as breaching the role of the legislature (City Journal, 2023). According to research done by Ballotpedia, 2023, legislating from the bench can sometimes be referred to as judicial activism. The essay aims to show the important role of the word judicial activism in judicial cases despite there being a massive challenge in concisely defining it.

In the field of legal adjudication, the term judicial restraint holds a crucial role. Judicial restraint is the opposite of judicial activism (Enders, 2023). Judicial restraint is defined as the ability of a judge to oversee a case and not to use their personal preferences to guide their rulings (Ballotpedia, 2023). Judicial restraint is a principle that limits judges from giving rulings on constitutional cases without clearly indicating conspicuous conflict between the parties involved. A clear indication of conflict has to be shown before a judge makes their ruling. Moreover, judicial restraint means that judges have to avoid making rulings that will be seen as opposing to the already existing laws (Rosevelt, 2023: Enders, 2023). They can only oppose existing laws when there is a clear breach of the constitution. However, stare decisis can be used where the judge opts to make a ruling and concur with the decision opted for from a different case in the past (Enders, 2023). Stare decisis is a rare and excusable situation for judges where once a rule has been priorly passed by a court is allowed to remain unchanged and the judges are obligated to follow the rulings (The Editors of encyclopedia Britannica, 2023). Judges with judicial restraint were said to be those who chose to look at the law broadly rather than just follow what the legislature has passed as laws (Zarbiyev, 2018).

Having explained about judicial restraint it is vital to explore Judicial activism. Judicial activism needs clear and concise guidelines to explain it since it defies a precise definition, thus making it subjective with no mutual acceptance. Mutual acceptance of its meaning makes it possible to have it as a descriptive terminology for judicial decisions (Roux, 2021). Judicial activism can be applied differently, depending on the person involved and their political perspective. Judicial activism is, in turn, described as a practice of judicial review, and it refers to how willing a judge is to stop executive or legislative actions that relate to constitutional challenges (Ballotpedia, 2023). An article by Zarbiyev, 2018, supports the ambiguity of clearly defining the term judicial activism in a way that can be used in courts.

Zarbiyev, 2018) talks about the first time the term judicial activism was used and states that it was introduced by Schlesinger, who divided the United States Supreme Court into two parts, namely judicial restraint and judicial activism. Judicial activists were referred to as judges who used their power to promote rulings that they viewed as aligning with their views and socially beneficial. In many cases, judicial activism is said to be in play when a judge is seen or thought to have decided according to their personal beliefs rather than strictly following the precedent law to the latter. A judge who employs judicial activism interprets the Constitution as a living and breathing document rather than strictly following what it says (Enders, 2023). The term activist has been in play for a long, and no one has been able to sum up what it should stand for, which has, in different situations, called for its abolition rather than both conservatives and liberals misusing it to favor or reject given verdicts (Roux, 2021).

Ideally, criticism can come from both liberals and conservatives since they both have different perspectives and analyses. This is true since conservatives are known to be people who resist change and accommodate social inequality. In contrast, liberals are known to be people who accommodate change and resent social inequality. Conservatives will often argue that they are returning to an older precedent where they interpret the law according to the historical understanding of the law and not the legal principles present (Clifton, 2023). On the other hand, liberals support their accusations against conservative judges by stating that they are purposedly choosing interpretations of laws that mainly align with societal needs rather than being fixated on laws that have not evolved with time (Enders, 2023). Therefore, it is true that judicial activism is just a term used to describe court decisions that people disagree with. Both liberals and conservatives use the word activism to make their own choices or ideas sound right and deem their opposers as activists. However, both conservatives and liberals have to agree that some cases are bound to be resolved using constitutions rather than being debated. This is because debating upon cases distorts the role played by the judiciary and forces the courts to play the role of legislatures (City Journal, 2023).

In a nutshell, judicial activism remains subjective since no clear definition of the word can be tied to it. With a clear definition of the word, it is easy to use it to fit the needs of the parties involved. But it remains undefined, making it easy for conservatives and liberals to alter its meaning to favor their needs. Judicial activism is a term that is used to describe court rulings that people disagree with. This is supported by the fact that both conservatives and liberals can use the same term when they feel a ruling did not follow their expectations. It would be appropriate to create a better definition of the word "judicial activism" to prevent people from using the words for their gain. Both liberals and conservatives can support their reasons for opposing the law and terming the rulings as activism through their ways, which means that creating a concise definition of the word will create a meeting point between the two different groups of people. To avoid on any particular day, having a party opposing the verdict, and calling those supporting the verdict activists.

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