**Field Political Science**

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The judiciary is a part of the government that is tasked with handling the authoritative legal process of deciding cases and resolving conflicts through the application of laws in the provided cases (Shughart et al., 2023). The judiciary plays a vital role in a country having the 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). According to Catherine Cook, 2009, legislating from the bench is a term that politicians mainly use, but the citizens need help to grasp or fully understand what the phrase means. From her research, she states that legislating from the bench can be described as a judicial system that is constituted of two different types of judges. The first judge is one whose role is merely to interpret the law, while the other group of judges has a political agenda, and their role is to create the laws (Cook, 2009). Additionally, legislating from the bench can be termed as the criticism law courts receive from other people, be it scholars, politicians, or citizens, in relation to the rulings they give on cases (Peabody, 2007). In conclusion, legislating from the bench is the difference in opinions between people who are not the judges and the judges towards a given case. According to research done by Ballotpedia, 2023, legislating from the bench can, at times, be referred to as judicial activism. Judicial restraint is considered the opposite of judicial activism. Judicial restraint is defined as the ability of a judge to oversee a case and not to use their personal preferences as a way to guide their rulings (Ballotpedia, 2023). Judicial restraint is a principle that limits judges from giving rulings on constitutional cases without a clear indication that there is conspicuous conflict between the parties involved (Rosevelt, 2023). A clear indication of conflict has to be shown before a judge makes their ruling.

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). Judicial activism needs clear guidelines for its definition since it defies a precise definition, thus making it subjective (Lindquist & Cross, 2009). Judicial criticism can be applied differently, depending on the person involved and their political perspective. Often, it has been used to criticize decisions that are seen to go beyond the designated role of the judiciary. There are two main branches of judicial activism, namely, institutional activism and ideological activism. Institutional activism refers to the willingness a judge has to strike legislation, while ideological activism refers to the judge's willingness to rule a conflict in relation to their personal preferences (Lindquist & Cross, 2009).

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. Thus, the criticism can come from both liberals and conservatives since they both have different perspectives and analyses of the criticism. Conservatives will often argue that they are returning to an older precedent where they are interpreting the law according to the historical understanding of the law and not the legal principles that are present. Although they make decisions from a historical perspective, they need to convince them that it is activism, and their explanations will mainly be that they are returning to the historical interpretation of the law before it was eroded (Easterbrook, 2002).

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 their personal beliefs, even when they can easily refer to their rulings from previous cases. They disagree with this method because when judges use their own personalized judgments, they are bound to provide a different outcome for the cases involved. Ideally, the term judicial activism is subjective and dependent on the interpretation of the different parties in question. Liberals dominantly support the Supreme Court, while conservatives do not appreciate activism. This, in turn, means that liberals want judges who opt for their independent analysis to stop and follow similar rulings that were made previously in their cases since following their analysis. This means they are likely to fall on a different ruling from the previous ones established (Easterbrook, 2002). Therefore, it is true that judicial activism is just a term used to describe court decisions that people disagree with. According to Easterbrook, 2002, both liberals and conservatives use the word activism to make their own choices or ideas sound right and deem their opposers as activists. 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 (Easterbrook, 2002).

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 abolish 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 there will never be a meeting point between the two different groups of people. On any particular day, there will always be a party opposing the verdict, and they will term the other group as activists.

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