

Week 8 dq 2

[History](#)



**ASSIGN
BUSTER**

Running head: WEEK 8 DQ 2 Week 8 DQ 2 Educational WEEK 8 DQ 2 2 Week 8 DQ 2 According to Commager (1943), " Few American political institutions have been more elaborately explained and documented than judicial review; none, it is safe to say, is less understood." However, it is nigh to impossible to say that judicial review poses a problem for democracy. To clarify, a judicial review gives or denies judicial sanction to an act passed by the majority of a legislative body and by an executive as well as a majority vote for its constitutionality.

It must be noted that the Supreme Court's power is great. It can even overrule the decisions of elected officials. Federal Court judges are appointed for life. This poses a problem for majority rule, for American democracy. However, perhaps, they actually protect the rights of minorities and thus have the kind of open system that causes democracy to flourish (Edwards, et al, 2008).

The federal courts are also quite powerful and have a large scope of judicial power in American society. Many argue that they should not be involved in policy making but in settling disputes. The United States judicial system is basically adversarial in that opposing civil law cases are presented to an arbiter. It consists of statutes and common law, the latter an accumulation of judicial decisions (ibid.)

In the Judiciary Act of 1789, Congress established constitutional courts and subsequently legislative courts for specialized purposes. Courts with original jurisdiction are those where a case is first heard whereas appellate courts can review the legal issues in cases brought to them.

Branches of government reviewing the legislation of others does not concentrate too much power in one branch, rather it does just the opposite.

<https://assignbuster.com/week-8-dq-2/>

WEEK 8 DQ 23

References

Commager, Henry Steele. (1943 Summer). Judicial review and democracy.

The Virginia

Quarterly Review. University of Virginia: Charlottesville, VA. 22904-4223,

Copyright 2012.

Edwards III, George C., Wattenburg, Martin P., and Roberts L. Government in America:

People, Politics, and Policy. Brief Ninth Edition. Study Edition. Published by Longman. Copyright 2008 by Pearson Education, Inc.