

# Restraining Judicial Activism By David Barton



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suggests that 'judicial activism' has become code language for .. In point of constitutional theory the power to legislate for the protection.

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Judicial activism refers to judicial rulings that are suspected of being based on personal .. Judicial Activism: A Restrained Defense (London: Austin & Winfield

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Judicial restraint is a theory of judicial interpretation that encourages judges to limit the exercise of their power. Judicial restraint is sometimes regarded as the opposite of judicial activism. In deciding cases, judicially restrained judges respect *stare decisis*, the principle of upholding established precedent handed down by past judges.

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Critiques of judicial activism are, in the end, rarely critiques of . are found to contravene the 14th Amendment's equal-protection guarantee,

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J.R. Franke and D.A. Ballam, New Applications of Consumer Protection Law: Judicial Activism or Legislative Directive?, 32 Santa Clara L. Rev. 347 (1992).

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judicial role conception permits such influence. A judge who is restrained by a narrow role orientation may not legitimately allow his or her own preferences to

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Ch. 1 defines activism as involving four judicial practices: refusing to take an attitude of deference for legislative or executive power or judgment; relaxing

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This means that judicial activism has a great role in formulating social policies on issues like protection of rights of an individual, civil rights,

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