

Definition

Picture

**JUDICIAL
RESTRAINT**

Examples

Court Cases

Judicial Restraint

Judicial Restraint

Definition

Judges should always try to decide on cases on the basis of:

1. The original intent of those who wrote the constitution.
2. Precedent – past decisions in earlier cases.

Judicial Restraint

- Elected legislators, not appointed judges should make laws
- Regardless of what is going on in society, the judges refrain from making decisions that would drastically change society.
- They “restrain” themselves from setting new policies with their decisions.
- They make decisions strictly based on what the Constitution says.

Judicial Restraint

Picture – Draw a picture that represents this concept, you could use an example from one of the court cases you find



Judicial Restraint

Example – *Plessy v. Ferguson*

Give 5 examples of Supreme Court cases that used Judicial Restraint. Use the back of your book starting on page R23. Just list the court name.

Judicial Activism

Definition

DEFINITION

- Judges should act more boldly when making decisions on cases
- 1) Law should be interpreted and applied based on ongoing changes in conditions and values.
- 2) As society changes and their beliefs and values change, courts should then make decisions in cases that reflect those changes.

Judicial Activism

- Cases involving Civil Rights

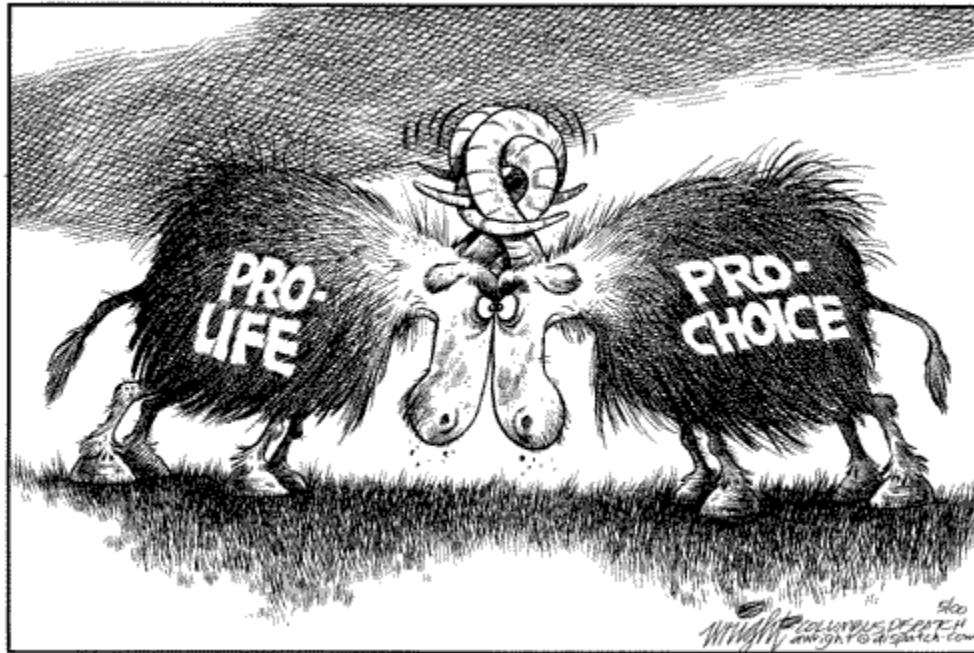
Those cases would have been decided much differently had the majority of nation not started wanting to eliminate discrimination

Social Welfare Issues

Think of *Roe v. Wade* cases that made abortions legal. This was a change in society where people started to find abortions more socially acceptable.

Judicial Activism

Draw a picture that represents this concept, you could use an example from one of the cases you find below.



Judicial Activism

Example – *Brown v. Board of Education-1954*

Give 5 examples of Supreme Court cases that used Judicial Activism. Use the back of your book starting on page R23. Just list the court case name.