



The Myth of Judicial Activism: Making Sense of Supreme Court Decisions

Kermit Roosevelt III

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This carefully considered book is a welcome addition to the debate over “judicial activism.” Constitutional scholar Kermit Roosevelt III offers an elegantly simple way to resolve the heated discord between conservatives, who argue that the Constitution is immutable, and progressives, who insist that it is a living document that must be reinterpreted in new cultural contexts so that its meaning evolves. Roosevelt uses plain language and compelling examples to explain how the Constitution can be both a constant and an organic document.

Recent years have witnessed an increasing drumbeat of complaints about judicial behavior, focusing particularly on Supreme Court decisions that critics charge are reflections of the Justices’ political preferences rather than enforcement of the Constitution. The author takes a balanced look at these controversial decisions through a compelling new lens of constitutional interpretation. He clarifies the task of the Supreme Court in constitutional cases, then sets out a model to describe how the Court creates doctrine to implement the meaning of the Constitution. Finally, Roosevelt uses this model to show which decisions can be justified as legitimate and which cannot.

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