Name

Professor name

Subject

Date

Marbury v. Madison

1- What is Judicial review?

The judicial review reflects the powers held by the courts of United States that allow them to declare what acts of the constitution are unconstitutional. This power reflects that court has an authority to rule in many events when it finds the actions of the political leaders or state as unlawful or when they deviate from the constitution. The purpose of judicial review is to ensure that constriction remains the most important entity that works to promote equality and justice. It must be flexible and capable of meeting the growing and changing needs of the society. It is the court or judicial power that decides if the law passed by the congress is constitutional or not. The principle of judicial review is linked to the separation of powers and stated that constitution must be regarded by the judiciary.

2- What is the impact of Marbury v. Madison on Judicial review?

Marbury v. Madison plays significant role in the history of the judicial review of the US. It emphasized on avoiding the congressional conflict due to the power of federal courts. It was for the first time in the history of US that the members of state and the court implied the use of writ. The case resolved the issue of the power of writ to the members of commission and its implementation. The case was resolved by applying the Section 13 of the Judiciary Act 1789 which gave absolute right of writ to Madison. This also allowed the public ministers and consuls to bring cases to the court. This case is important because it clarified when congress could exceed its authority. It also assured that whenever congress’s decision is in conflict the judicial review will offer just solution.

3- Who are the main/leading characters in this landmark case?

The main leading character include Thomas Jefferson who defeated John Adams, the leader of the Federalist party in the elections of 1800. The situation created panic for the part of Adams and he appointed justices for peace after getting approval from the senate. James Madison was the appointed secretary of state of Thomas Jefferson. Marbury is also another leading character who was the appointee, petitioned by the court and claimed that he is eligible to receive commission (Kelly). He argued that Madison must show him the cause.

John Marshall played important role in this landmark case and wrote the decision. He was the leading person who resolved thee case by analyzing different factors associated with the situation (History). He asked had Marbury the right to writ the petition? Did court gave him the right to such a writ? Finally is it appropriate for the court to issue writ?

4- Overall reflection

I think that the Marbury v. Madison is one of the important case of the US constitution that also paved the way for the judicial review. It was for the first time that the court evaluated the powers and limitations of the members of congress in 1800. Before this case there was no tradition of challenging the congressional decisions in the court. Marshall also played prominent role in this case because he used Section 13 of the Judiciary Act 1789 for resolving the case. This decision of Marshall proved that court has a power to examine and approve the decisions of the congress. Also this case has historical importance because it set the tradition of challenging the decisions of the members of the congress. It also assured that the court has power to check if congress is exceeding its rights.

Work Cited

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