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The Genesis of Judicial Review in the American Constitutional Order – Constitutional Authorization or the Usurpation of Power

The article outlines the history of judicial review from the historical perspective, based on the most important decisions made by the Supreme Court in the first period of its operation – decisions that influenced the contemporary legal and political system of the United States. The author analyses the nature of the legal instrument nowhere mentioned in the text of the constitution which yet has become the source of vast influence and policymaking. The institution of judicial review has become a kind of constitutional phenomenon that had both good and bad effects on American society in different historical periods. The article attempts to deconstruct the venerated institution and explain the position of federal judges in the American political system by evaluating critically the positive and negative impacts of the Supreme Court’s policies.

Keywords: judicial review, the doctrine of judicial supremacy, federalism, cooperative federalism, the tripartite separation of powers, the doctrine of a broad interpretation of the Constitution, constitutional revolutions, methodology of judges’ work