

## Michael Mazzone in Judicature: Thinking Fundamentally about Judicial Review -- A Book Review

---

May 10, 2016 Michael Mazzone

---

**PRACTICES** Litigation, Energy Litigation, Oil and Gas Litigation

---

Tara Smith Asks, “How should courts interpret the law? By fidelity to the text? To the will of the people? To certain moral ideals?” In *Judicial Review in an Objective Legal System*, Tara Smith, philosopher of law and professor at the University of Texas at Austin, provides fresh new answers to these longstanding questions. By cutting straight to the core of objectivity and its place in a legal system, Smith lays fertile ground for assessing the arena’s major theories of judicial review, emerging ultimately with a theory of interpretation that solves the problems inherent in the current approaches.

Though all its components cannot be covered here, several features of Smith’s account warrant special attention: (1) She takes time to clarify why we should care about judicial review; (2) she sharpens our grasp of objectivity and its role in judicial review; (3) she succinctly surveys the major theories of review, revealing their subjectivity; (4) she presents a fresh theory of her own that embraces objectivity’s demands; and (5) she provides her uniquely philosophical approach to judicial review, which makes it more accessible, not less.

***Excerpted from Judicature magazine published by the Duke Law Center for Judicial Studies. To read the full review, [please click here.](#)***