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The Nature Of The Judicial Process

Benjamin Nathan Cardozo



The Nature Of The Judicial Process:

The Nature of the Judicial Process Benjamin Nathan Cardozo, 1921 The Storrs lectures delivered at Yale University
Half t p *The Nature of the Judicial Process* Benjamin N. Cardozo, 2010-06 This volume collects the four Storrs Lectures
Delivered at Yale University by Benjamin N Cardozo Included are The Method of Philosophy The Methods of History
Tradition and Sociology The Method of Sociology The Judge as a Legislator and Adherence to Precedent The Subconscious
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numerous typos and missing text Purchasers can usually download a free scanned copy of the original book without typos
from the publisher Not indexed Not illustrated 1921 edition Excerpt Lecture IV Adherence to Precedent The Subconscious
Element in the Judicial Process Conclusion THE system of law making by judicial decisions which supply the rule for
transactions closed before the decision was announced would indeed be intolerable in its hardship and oppression if natural
law in the sense in which I have used the term did not supply the main rule of judgment to the judge when precedent and
custom fail or are displaced Acquiescence in such a method has its basis in the belief that when the law has left the situation
uncovered by any pre existing rule there is nothing to do except to have some impartial arbiter declare what fair and
reasonable men mindful of the habits of life of the community and of the standards of justice and fair dealing prevalent
among them ought in such circumstances to do with no rules except those of custom and conscience to regulate their
conduct The feeling is that nine times out of ten if not oftener the conduct of right minded men would not have been different
if the rule embodied in the decision had been announced by statute in advance In the small minority of cases where
ignorance has counted it is as likely to have affected one side as the other and since a controversy has arisen and must be
determined somehow there is nothing to do in default of a rule already made but to constitute some authority which will
make it after the event Some one must be the loser it is part of the game of life we have to pay in countless ways for the
absence of prophetic vision No doubt the ideal system if it were attainable would be a code at once so flexible and so minute
as to supply in advance for every conceivable situation the just and fitting rule But life is too complex to **Cardozo** Andrew
L. Kaufman, 1998 Benjamin Nathan Cardozo unarguably one of the most outstanding judges of the twentieth century is a man
whose name remains prominent and whose contributions to the law remain relevant This first complete biography of the
longtime member and chief judge of the New York Court of Appeals and Justice of the Supreme Court of the United States
during the turbulent years of the New Deal is a monumental achievement by a distinguished interpreter of constitutional law
Cardozo was a progressive judge who understood and defended the proposition that judge made law must be adapted to
modern conditions He also preached and practiced the doctrine that respect for precedent history and all branches of
government limited what a judge could and should do Thus he did not modernize law at every opportunity In this book

Kaufman interweaves the personal and professional lives of this remarkable man to yield a multidimensional whole. Cardozo's family ties to the Jewish community were a particularly significant factor in shaping his life as was his father's scandalous career and ultimate disgrace as a lawyer and judge. Kaufman concentrates however on Cardozo's own distinguished career including twenty three years in private practice as a tough minded and skillful lawyer and his classic lectures and writings on the judicial process. From this biography emerges an estimable figure holding to concepts of duty and responsibility but a person not without frailties and prejudice. *Nature of the Judicial Process* B. N. Cardozo, 1957. *The Nature of the Judicial Process* Benjamin N. Cardozo, 2009-11. This replica edition of a rare 1921 work gathers in one volume four lectures given by American lawyer and jurist BENJAMIN NATHAN CARDOZO 1870-1938 renowned for his contributions to American common law from his benches on the New York Court of Appeals and the United States Supreme Court. Here Cardozo addresses one of the greatest challenges for the law dealing with gray areas and middle grounds. These lectures cover his solutions for the conundrums presented by The Method of Philosophy, The Methods of History, Tradition and Sociology, The Method of Sociology and the Judge as a Legislator, Adherence to Precedent and the Subconscious Element in the Judicial Process.

The Nature of the Judicial Process Andrew L. Kaufman (ed.), 2010-08-02. Modern compilation and Foreword by Harvard law professor Andrew L. Kaufman for a new generation to understand Justice Benjamin Cardozo's important and historic analysis of the way judges think and decide cases. Cardozo's frank discussion of the influences on judges and Kaufman's expert take on Cardozo and his work combine for an interesting study of judicial decision making still useful today. *Race, Rights, and Justice* J. Angelo Corlett, 2009-03-03. *Race, Rights, and Justice* explores questions of the nature of law and constitutional interpretation, international law and global justice and the nature, function and importance of rights each from a perspective that takes seriously the realities of race and racism. After a critical assessment of various contemporary theories of law is provided, a new theory of legal interpretation is set forth and defended. The respective words of Immanuel Kant and H. L. A. Hart on the possibility and desirability of international law are carefully explicated. Following this, *Race, Rights, and Justice* defends John Rawls' Law of Peoples from the cosmopolitan liberal critique of it. The nature and importance of rights both individual and collective are clarified while correcting some political philosophies that have propagated confused rhetoric about rights. And the collective right to humanitarian intervention is investigated philosophically in terms of the recent problems in Colombia with surprisingly original results. While the methodology of this book is thoroughly analytical, philosophically speaking, some of the conclusions drawn are substantially original, infusing the facts of race and racism into mainstream matters of philosophy of law. In this collection of essays, J. Angelo Corlett continues his important work of bringing the perspective of indigenous peoples and more generally of race into mainstream philosophical debates about justice and rights. Corlett's book also has very valuable insights into the nature of international law that will greatly enrich our contemporary debates. Larry May, Washington University in St. Louis, USA. Angelo Corlett is a prolific writer whose work is

invariably stimulating provocative and insightful Race Rights and Justice is an important addition to the oeuvre Corlett is not afraid to tackle big problems and big names See for example his scathing criticisms of Bork and Scalia on constitutional interpretation Burleigh T Wilkins University of California Santa Barbara USA

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