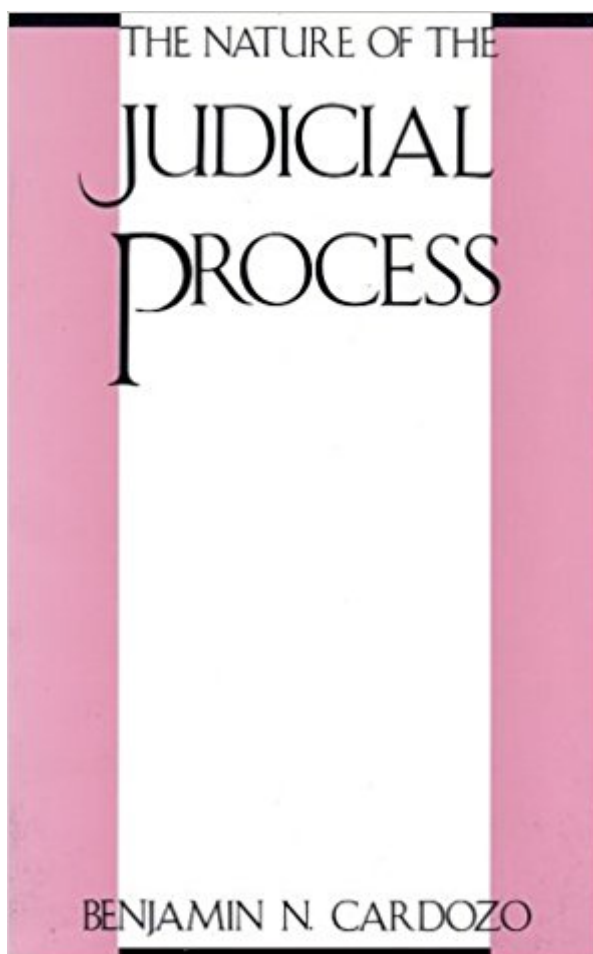


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The Nature Of The Judicial Process (The Storrs Lectures Series)



Synopsis

In this famous treatise, a Supreme Court Justice describes the conscious and unconscious processes by which a judge decides a case. He discusses the sources of information to which he appeals for guidance and analyzes the contribution that considerations of precedent, logical consistency, custom, social welfare, and standards of justice and morals have in shaping his decisions.

Book Information

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Customer Reviews

Benjamin Nathan Cardozo has often been held up as one of the leading Supreme Court Justices in history, despite serving a mere six years on the high court (1932-38). Prior to this tenure, he served on the New York Court of Appeals, one of the principal courts of the nation, particularly during his time, from 1913-1932. Cardozo's opinions on interstate commerce, conflict of laws between federal and state, and congressional power are still required reading not only for law school students, but also for those engaged in understanding the general manner in which Constitutional law is developed and regarded. This book, first published in 1921, is a series of four lectures by then Judge Cardozo outlining his method of judicial process. The first lecture lays out a philosophical method. He explores the implications of Constitutional priority as well as the principle of stare decisis. 'Stare decisis is at least the everyday working rule of our law.' Cardozo is well aware of judicial power, be it in the Supreme Court or the lower courts. 'Every judgment has generative power,' he wrote, 'it

begets in its own image.' However, precedent is not all powerful, and a good dose of reason and logic must be present in decision making. In his second lecture, Cardozo looks at the issues of history (apart from precedent and particular case law), tradition and sociology in the judicial process. These all speak to the way in which society influences and shapes what kinds of judicial decisions and processes are needed. The third lecture develops this further, even going so far as to have the subtitle 'The Judge as Legislator.' This goes to the heart of one of the principles heavily in debate in the current Supreme Court and lower court selections.

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