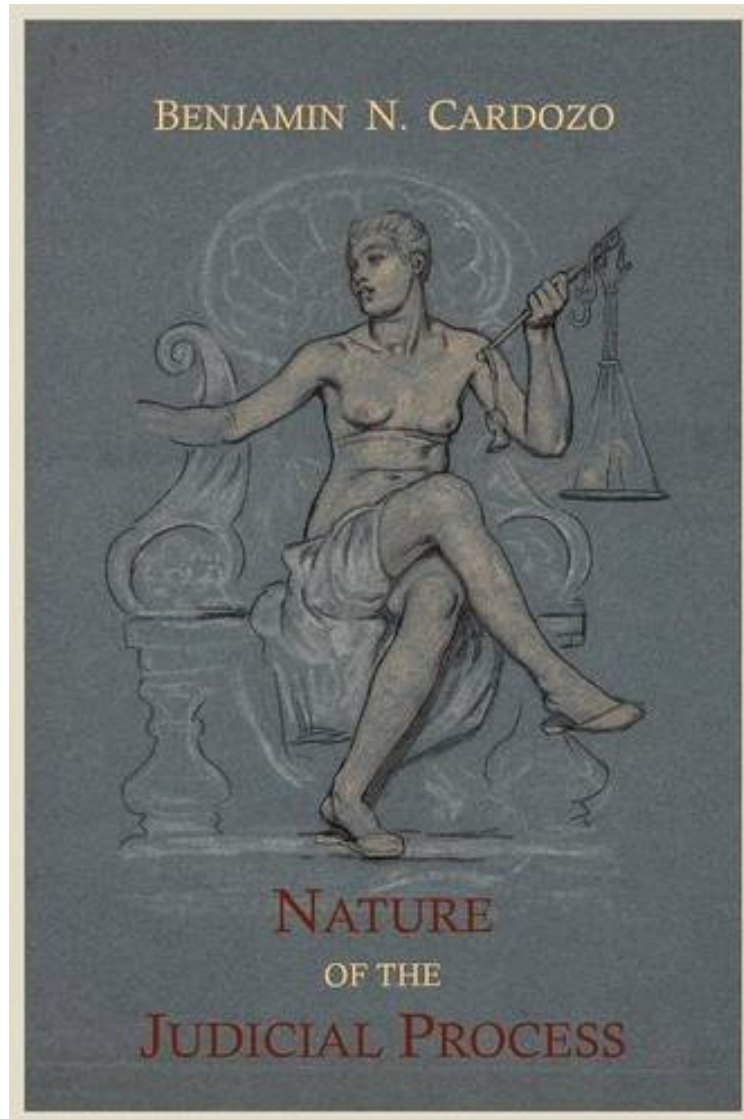


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## The Nature of the Judicial Process

*Benjamin N. Cardozo*

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**Benjamin N. Cardozo : The Nature of the Judicial Process** before purchasing it in order to gage whether or not it would be worth my time, and all praised The Nature of the Judicial Process:

0 of 0 people found the following review helpful. Beautifully written, timeless ideas.By SofiaThis book is one of my absolute favorites. As anybody familiar with Justice Cardozo's opinions will well know, his writing is absolutely beautiful and (to me, at least) is unparalleled. This book -- which is a collection of talks that he gave at Yale in 1921 -- highlights his amazing abilities with language. I have re-read passages of this just to enjoy his writing, which

sometimes feels more like poetry. Beyond the writing, the substance of this book is also great. He basically explains of how judges decide cases -- and why they use different approaches. It is compelling and illustrating. To anybody who considers himself a student of jurisprudence, or who just wants to learn more about the core of judicial thinking, this is definitely a fantastic book to read. 0 of 0 people found the following review helpful. Inside a Brilliant Judicial Mind By Edward J. Barton Inside the mind of one of the 20th Century's most influential jurists. Describing the elements that a judge uses to decide a case, Cardozo looks at everything ranging from stare decisis and precedent to subconscious bias and discusses the challenges faced by the judge in balancing the elements to arrive at both a judicially robust and just outcome. For the lawyer, political scientist or jurist, this is a must read by a brilliant mind. 0 of 0 people found the following review helpful. ... the relation between statutes and the Constitution is a brilliant, simple By Michael M. Kazanjian Cardozo's thoughts on the relation between statutes and the Constitution is a brilliant, simple, concise articulation of the relation between change and stability. His ideas directly parallel human factors engineering: statutes must be Constitution-friendly. This also parallels phenomenological philosophy: objectivity must be subject-friendly. I recommend this for legal, philosophical, engineering, science, and technological professionals and students. Michael M. Kazanjian, Philosophy Instructor mkazanjan@sbcglobal.net

2011 Reprint of 1921 Edition. Full facsimile of the original edition, not reproduced with Optical Recognition Software. In this famous treatise, Cardozo describes in simple and understandable language 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 the standards of justice and morals have in shaping his decisions. This is a classic text on the subject.

From the Back Cover In this famous treatise, Benjamin N. Cardozo, from 1932-1938 Associate Justice of the United States Supreme Court, describes in simple and understandable language the conscious and unconscious processes by which a judge decides a case. He discusses this sources of information to which he appeals for guidance and analyzes the contribution that considerations of precedent, logical consistency, custom, and standards of justice and morals have in shaping his decisions. About the Author Benjamin Nathan Cardozo (1870-1938) was a well-known American lawyer and associate Supreme Court Justice. Cardozo is remembered for his significant influence on the development of American common law in the 20th century, in addition to his modesty, philosophy, and vivid prose style. Cardozo served on the Supreme Court only six years, from 1932 until his death in 1938, and the majority of his landmark decisions were delivered during his eighteen year tenure on the New York Court of Appeals, the highest court of that state. In 1932, President Herbert Hoover appointed Cardozo to the Supreme Court of the United States to succeed Justice Oliver Wendell Holmes. The New York Times said of Cardozo's appointment that "seldom, if ever, in the history of the Court has an appointment been so universally commended." Democratic Cardozo's appointment by a Republican president has been referred to as one of the few Supreme Court appointments in history not motivated by partisanship or politics, but strictly based on the nominee's contribution to law. However, Hoover was running for re-election, eventually against Franklin Roosevelt, so a larger political calculation may have been operating. Cardozo was confirmed by a unanimous voice vote in the Senate on February 24. On a radio broadcast on March 1, 1932, the day of Cardozo's confirmation, Clarence C. Dill, Democratic Senator for Washington, called Hoover's appointment of Cardozo "the finest act of his career as President". The entire faculty of the University of Chicago Law School had urged Hoover to nominate him, as did the deans of the law schools at Harvard, Yale, and Columbia. Justice Harlan Fiske Stone strongly urged Hoover to name Cardozo, even offering to resign to make room for him if Hoover had his heart set on someone else (Stone had in fact suggested to Calvin Coolidge that he should nominate Cardozo rather than himself back in 1925). Hoover, however, originally demurred: there were already two justices from New York, and a Jew on the court; in addition, Justice James McReynolds was a notorious anti-Semite. When the chairman of the Senate Foreign Relations Committee, William E. Borah of Idaho, added his strong support for Cardozo, however, Hoover finally bowed to the pressure. Cardozo was a member of the Three Musketeers along with Brandeis and Stone, which was considered to be the liberal faction of the Supreme Court.