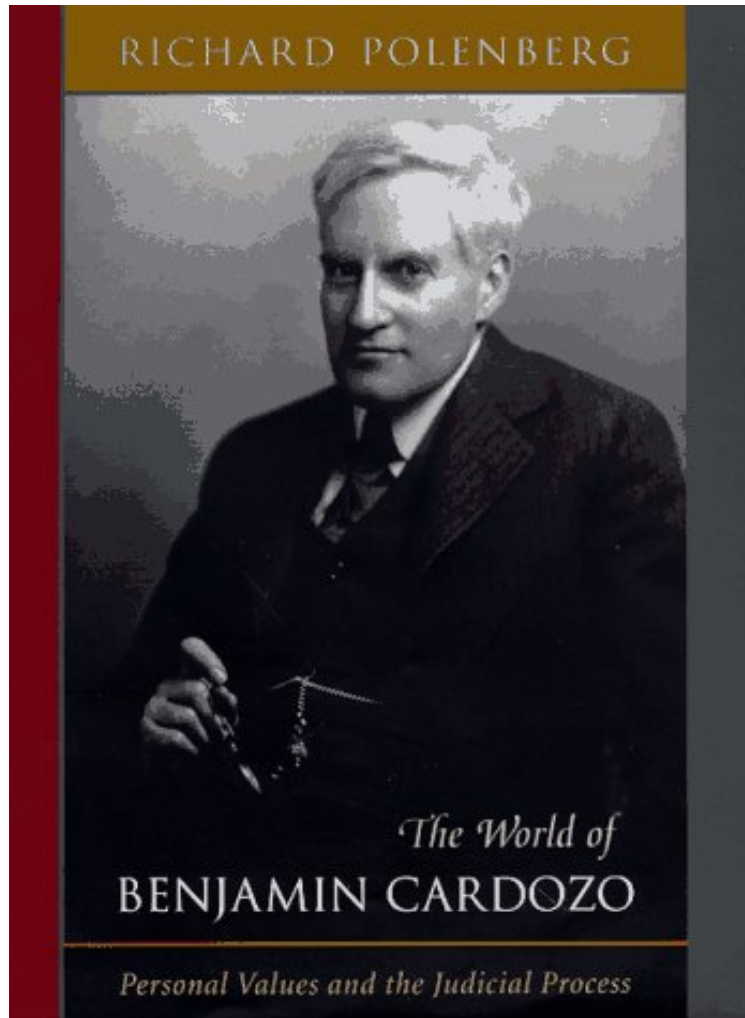


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The World of Benjamin Cardozo: Personal Values and the Judicial Process

Richard Polenberg

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Richard Polenberg : The World of Benjamin Cardozo: Personal Values and the Judicial Process before purchasing it in order to gauge whether or not it would be worth my time, and all praised The World of Benjamin Cardozo: Personal Values and the Judicial Process:

0 of 0 people found the following review helpful. Five Stars By Customer Great book

"The sordid controversies of litigants," Benjamin Cardozo once said, are "the stuff from which great and shining truths will ultimately be shaped." As one of America's most influential judges, first on New York State's Court of Appeals and then on the United States Supreme Court, Cardozo (1870-1938) oversaw this transformation daily. How he arrived

at his rulings, with their far-reaching consequences, becomes clear in this book, the first to explore the connections between Benjamin Cardozo's life and his jurisprudence. An intensely private man whose friends destroyed much of his correspondence, Cardozo has long eluded scrutiny. But through extraordinary effort Richard Polenberg has uncovered letters, briefs, transcripts, and biographical details to give us a complex living picture of this man whose judicial opinions continue to affect us. Polenberg describes the shaping experiences of Cardozo's youth, among them the death of his mother when he was nine years old; religious training in the Spanish-Portuguese Synagogue; two years of private tutoring by Horatio Alger, Jr.; and his reaction to the scandal that prompted his father to resign from the New York Supreme Court. Then, in light of certain cases that were brought before the Court of Appeals, we see how Cardozo's rulings reflected a system of beliefs rooted in these early experiences; how, despite his famous detachment, Cardozo read evidence and precedents selectively and based his decisions regarding issues from rape and divorce to the insanity plea on his own views about morality, scholarship, and sexuality. Here too is the truth behind Cardozo's renowned liberalism, explored through his rulings on New Deal measures such as the Social Security Act and his more conservative decisions in cases involving conscientious objectors and the rights of criminal defendants. The Benjamin Cardozo who emerges from these pages, a complicated and intriguing figure, points to a new understanding of the shaping of American law.

From Library Journal Early in his judicial career, Benjamin Cardozo, who would become a U.S. Supreme Court justice, established values for judicial decisions. He believed that judges can assess the social environment when precedent or philosophical positions do not provide for a clear decision. Polenberg (American history, Cornell Univ.) examines Cardozo's legal decision-making when he was a judge of the New York State Court of Appeals and a Supreme Court justice. Cardozo's decisions on cases ranging from negligence suits to major U.S. constitutional issues regarding the New Deal were tempered by his moral convictions and early experiences as well as by inherent uncertainties within the legal process. Polenberg shows that Cardozo was generally hospitable to government power in economic issues and usually upheld government authority in cases involving the rights of criminal defendants. The author provides loose connections between Cardozo's personal values and the justice's decision-making. However, general readers and scholars will gain a broader understanding of Cardozo as a jurist. For academic and larger public libraries. ?Steven Puro, St. Louis Univ. Copyright 1997 Reed Business Information, Inc. From Kirkus s This new biography of one of the eminences of American law is interesting yet unsatisfying, for author Polenberg's (History/Cornell Univ.) attempt to demonstrate how Cardozo the man shaped Cardozo the judge lacks necessary depth. Respected for his erudition, admired for his incisive opinions as a judge on New York State's highest court and on the Supreme Court, and beloved for his gentleness, Benjamin N. Cardozo (1870-1938) was much celebrated during his own lifetime. The acclaim persists six decades after his death, despite the fact that while several principal Cardozo doctrines endure, many of his most important decisions have been rejected as antiquated and inappropriate. For instance, in 1957 the New York Court of Appeals overturned Cardozo's 1914 and 1925 decisions that hospitals can't be held liable for the errors of surgeons and that universities can't be legally responsible for mistakes made by science professors that result in laboratory accidents. Polenberg appropriately and respectfully attempts to deconstruct the Cardozo legend, arguing that he lacked sufficient emotional experience to inform his judicial decisions. For example, in reviewing a rape case, Cardozo's repressed and naive views on sex prompted him to advance the now totally discredited legal assertion that an "unchaste" woman would not likely resist sexual advances. Indeed, Polenberg shows that Cardozo sometimes distorted or ignored salient facts to make his judicial decisions conform to his personal sense of morality. The weakness of the book, however, is that Polenberg defends his positions by discussing a handful of admittedly important decisions in excessive detail, at the expense of a thorough analysis and critique of Cardozo's body of work. Not every Cardozo ruling would bear out Polenberg's thesis. It is well acknowledged in modern legal theory that judges are strongly influenced by their emotions and experiences when molding law; thus, the reader might expect more from Polenberg than simply the proposition that Judge Cardozo's stunted emotions affected his rulings. (20 photos, not seen) -- Copyright 1997, Kirkus Associates, LP. All rights reserved. In *The World of Benjamin Cardozo*, an entertaining contribution to the literature of Cardozo revisionism, Richard Polenberg combines biographical exploration with a reconstruction of the facts of some of Cardozo's most salacious cases...By creatively combining biographical and judicial excavation, Polenberg shows us that Cardozo was a hopeless moralist as well, one who was reluctant to second-guess the morals of his age. (Edward Hower New York Times Book)