

Judging Judges

VALUES AND THE RULE OF LAW

Jason E. Whitehead



Judging Judges Values And The Rule Of Law

**Jessica Giles,Andrea Pin,Frank S.
Ravitch**



Judging Judges Values And The Rule Of Law:

Judging Judges Jason E. Whitehead, 2014 The rule of law stands at the heart of the American legal system But the rule of law does not require judges slavishly to follow the letter of the law unaffected by political or social influences Because following the rule of law absolutely is impossible it is dismissed by the public as a myth and judges are vilified Judging Judges refocuses and elevates the debate over judges and the rule of law by showing that personal and professional values matter Jason E Whitehead demonstrates that the rule of law depends on a socially constructed attitude of legal obligation that spawns objective rules Intensive interviews of judges reveal the value systems that uphold or undermine the attitude of legal obligation so central to the rule of law This focus on the social practices undergirding these value systems demonstrates that the rule of law is ultimately a matter of social trust rather than textual constraints Whitehead s unique combination of philosophical and empirical investigation is a major advance because it moves beyond the dichotomy of law or politics and shows that the rule of law is a shared social enterprise involving all of society judges politicians scholars and ordinary citizens alike Judging Judges attention to judicial values establishes judges true worth in a liberal democracy *Cases, Materials and Commentary on Administrative Law* S. H. Bailey, Brian L. Jones, Alastair R. Mowbray, 2005 Provides a set of commentaries on a contractual history of an oil or gas field from the initial formation of a consortium to bid on concessions to the abandonment of the facilities The book is accompanied by a disk containing precedents to accompany and illustrate the principles described **Universals of Legal Reasoning by Judges** Thomas Lundmark, 2024-03-28 Universals in Legal Reasoning by Judges explores and expounds the usage of rules to justify judicial decisions It argues for judicial transparency and candour to enhance the persuasiveness and efficacy of judicial precedents to foster democratic legitimacy and to permit political accountability **The Supreme Court and Constitutional Theory, 1953-1993** Ronald Kahn, 1994 Combining theoretical sophistication with a fundamental comprehension of the political institutions of the USA this study aims to demystify the workings of the United States Supreme Court and its place in democracy **Radical Critiques of the Law** Stephen M. Griffin, Robert C. L. Moffat, 1997 The past two decades have seen an outpouring of work in legal theory that is self consciously critical of aspects of American law and the institutions of the liberal state In this lively volume eminent scholars in philosophy law and political science respond to this recent scholarship by exploring what constitutes a radical critique of the law examining such theories as critical legal studies feminist theory and theories of difference and critical race theory The authors consider whether the critiques advanced in recent legal theory can truly be called radical and what form a radical critique of American law should take Writing at the cutting edge of the critique of critical legal theory they offer insights first on critical legal scholarship then on feminist political and legal theory A third group of contributions questions the radicalness of these approaches in light of their failure to challenge fundamental aspects of liberalism while a final section focuses on current issues of legal reform through critical views on criminal punishment including observations on

rape and hate speech Each major essay describes the underlying principles in the development of a radical legal theory and addresses unresolved questions relating to it while accompanying commentaries present conflicting views The resulting dialogue explores wide ranging issues like equity value relativism adversarial and empathic legal advocacy communitarianism and the social contract impartiality and contingency natural law and corrective justice A common thread for many of the articles is a focus on the social dimension of society and law which finds the individualism of prevailing liberal theories too limiting **Radical Critiques of the Law** is particularly unique in presenting critical and feminist approaches in one volume along with skeptical commentary about just how radical some critiques really are Proposing alternative critiques that embody considerably greater promise of being truly radical it offers provocative reading for both philosophers and legal scholars by showing that many claims to radicalism are highly problematic at best

Moral Conflict and Legal Reasoning Scott Veitch,1999 Veitch law U of Glasgow Scotland questions whether the theory and practices of liberal legalism adequately address moral conflict offering a detailed analysis of the recent work of Alasdair MacIntyre in moral theory as well as Richard Rorty and Isaiah Berlin He then critiques recent theoretical developments for failing to live up to the aspirations of agonistic liberal theory Distributed by ISBS Annotation copyrighted by Book News Inc Portland OR

The Moscow Conference on Law and Bilateral Economic Relations James R. Silkenat,1990 *Law, Religion and Tradition* Jessica Giles,Andrea Pin, Frank S. Ravitch,2018-09-27 This book explores different theories of law religion and tradition from both a secular and a religious perspective It reflects on how tradition and change can affect religious and secular legal reasoning identifying the patterns of legal evolution within religious and secular traditions It is often taken for granted that even in law change corresponds and correlates to progress that things ought to be changed and they will necessarily get better There is no doubt that legal changes over the centuries have made it possible to enhance the protection of individual rights and to somewhat contain the possibility of tyranny and despotism But progress is not everything in law stability and certainty lie at the core of the rule of law Similarly religions and religious laws could not survive without traditions and yet they still evolve and their evolution is often intermingled with secular law The book asks and in some ways answers the questions What is the role of tradition within religions and religious laws What is the impact of religious traditions on secular laws and vice versa How are the elements of tradition to be identified Are they the same within the secular and the religious realm Do secular law and religious law follow comparable patterns of change Do their levels of resilience differ significantly How does the history of religion and law affect changes within religious traditions and legal systems The overall focus of the book addresses the extent to which tradition plays a role in shaping and re shaping secular and religious laws as well as their mutual boundaries

The Ohio State University College of Law and the Ohio Institute for Judicial and Legal Education Present Three Courses for Improving the Quality of Dispute Resolution John W. McCormac,1995 Journal of Social Hygiene ,1929 **A Preliminary Treatise on Evidence at the Common Law** James Bradley

Thayer, 1898 **University of Pennsylvania Law Review and American Law Register**, 1918 Studies in the Law of Torts Francis Hermann Bohlen, 1926 *Courts and Judicial Policymaking* Christopher P. Banks, David M. O'Brien, 2008

For courses in courts and the judicial process and law and society The scope of its coverage and its high academic quality makes it attractive for graduate courses as well Christopher P Banks and David M O'Brien wrote *Courts and Judicial Policymaking* to fill a need for a comprehensive textbook on law and judicial policymaking The text provides a fresh perspective on the contemporary politics of law courts the legal profession and judicial policymaking often with an underlying comparative judicial process perspective It covers four distinct areas 1 What is law 2 How are courts organized and how do they work procedurally 3 What influences court access and ultimately judicial decision making and 4 How do courts make policy and how is judicial authority constrained It has relevant and contemporary analyses of literature from the political science and legal fields and analyses from scholars who argue from the quantitative attitudinal and strategic models and the qualitative new institutionalism perspectives It contains up to date charts and graphs on the organization of courts and trends in litigation caseloads and opinion writing and it is appropriate for undergraduate and graduate classes Feedback includes The book is extremely well written and organized one of the smoothest textbooks I have read in terms of readability The tables provided are a major selling point for the book nicely summarize complex and often confusing materials Roger Handberg University of Central Florida The best feature of this manuscript is its thorough coverage of the subject matter as well as the in depth analysis of specific topics and questions addressed in the boxed material and sidebars Adding a comparative dimension by looking at the judicial systems and procedures of other countries is also quite novel Susan Mezey Loyola University Chicago

The Rule of Law in America Ronald A. Cass, 2001 Drawing upon extensive experience in law government service teaching and research Ronald Cass offers a contribution to the ongoing public discussion on law and society After opening his discussion with chapters on the rule of law in American society Cass turns to the hard case of its application to the president of the United States Through this prism Cass examines the behavior of judges who may not always act according to a perfect model This book provides a corrective to criticism of the American legal system raised all too frequently by some members of the academy Rather than concentrating on relatively minor inconsistencies in the law and slight departures from the ideal of perfectly constrained decision making Cass argues that the energies of his fellow scholars could be better spent on more serious defects in the legal system With a special section on the 2000 presidential election including the Florida recount and Supreme Court decision The rule of law in America offers a look at a subject of interest to legal scholars and general readers alike

Legal Ethics, 2000 **Harvard Law Review**, 1891 Tulane Journal of International and Comparative Law, 2007 *The Supreme Court of the United States* United States. Congress. Senate. Committee on the Judiciary, 1977 *The American Decisions, Containing All the Cases of General Value and Authority Decided in the Courts of the Several States*, 1878

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