

## How Judges Think Richard A Posner

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How Judges Think: Amazon.co.uk: Posner, Richard A ...

I had read some of Richard Posner's How Judges Think in draft last year, but have resumed reading the book now that it has appeared. Every member of the United States Senate should read it, so that we might have meaningful confirmation hearings on federal judges.

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BOOK REVIEW HOW JUDGES THINK By RICHARD A. POSNER CAMBRIDGE, MASS- HARVARD UNIVERSITY PRESS, 2008 Pp. 387, \$29.95 Reviewed by Paul Bricknert Cocooned in their marble palace, attended by sycophantic staff, and treated with extreme deference wherever they go,

How Judges Think - CORE

HOW JUDGES THINK, by Richard A. Posner1 AHSAN MIRZA THE CENTRAL THESIS DEVELOPED throughout Justice Richard A. Posner's book is that legal pragmatism is the best way for judges to approach legal problems, especially when compared to legalism (legal formalism, conventionalism), which

Book Notes: How Judges Think, by Richard A. Posner

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A distinguished and experienced appellate court judge, Richard A. Posner offers in this new book a unique and, to orthodox legal thinkers, a startling perspective on how judges and justices decide cases.

How Judges Think — Richard A. Posner | Harvard University ...

How Judges Think is a wide-ranging survey -- in some respects too wide, as parts of it have the feel of having been stuck in simply (almost) because Posner had the material available. But he does look at the question at the centre of the book from many, many angles, and though occasionally it can seem he's looking too hard at rather peripheral concerns, he does also deal with what appear to be all the main ones, offering a better idea of 'how judges think' (and offering explanations of why ...

How Judges Think - Richard A. Posner

How Judges Think: Author: Richard A. Posner: Publisher: Harvard University Press, 2010: ISBN: 0674033833, 9780674033832: Length: 400 pages: Subjects

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A REVIEW OF RICHARD A. POSNER, HOW JUDGES THINK (2008) Jeffrey S. Sutton\* How JUDGES THINK. By Richard A. Posner. Cambridge and London: Har-vard University Press. 2008. Pp. 1, 387. \$29.95. INTRODUCTION. I was eager to enter the judiciary. I liked the title: federal judge. I liked the job security: life tenure.

A Review of Richard A. Posner, How Judges Think (2008)

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How Judges Think on JSTOR

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How Judges Think Richard A. Posner, Author. Harvard Univ. \$29.95 (387p) ISBN 978-0-674-02820-3. More By and About This Author. OTHER BOOKS. Uncommon Sense: Economic Insights, from Marriage to ...

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A distinguished and experienced appellate court judge, Posner offers in this new book a unique and, to orthodox legal thinkers, a startling perspective on how judges and justices decide cases.

Judges and legal scholars talk past one another, if they have any conversation at all. Academics criticize judicial decisions in theoretical terms, which leads many judges to dismiss academic discourse as divorced from reality. Richard Posner reflects on the causes and consequences of this widening gap and what can be done to close it.

For Richard Posner, legal formalism and formalist judges--notably Antonin Scalia--present the main obstacles to coping with the dizzying pace of technological advance. Posner calls for legal realism--gathering facts, considering context, and reaching a sensible conclusion that inflicts little collateral damage on other areas of the law.

Richard Posner argues for a conception of the liberal state based on pragmatic theories of government. He views the actions of elected officials as guided by interests rather than by reason and the decisions of judges by discretion rather than by rules. He emphasizes the institutional and material, rather than moral and deliberative, factors in democratic decision making. Posner argues that democracy is best viewed as a competition for power by means of regular elections. Citizens should not be expected to play a significant role in making complex public policy regarding, say, taxes or missile defense.

Federal judges are not just robots or politicians in robes, yet their behavior is not well understood, even among themselves. Using statistical methods, a political scientist, an economist, and a judge construct a unified theory of judicial decision-making to dispel the mystery of how decisions from district courts to the Supreme Court are made.

This text for students of law and economics concentrates on the progress of scholarship in the field. Concrete applications are emphasized over abstract theory in the book.

In this book, one of our country ' s most distinguished scholar-judges shares with us his vision of the law. For the past two thousand years, the philosophy of law has been dominated by two rival doctrines. One contends that law is more than politics and yields, in the hands of skillful judges, correct answers to even the most difficult legal questions; the other contends that law is politics through and through and that judges wield essentially arbitrary powers. Rejecting these doctrines as too metaphysical in the first instance and too nihilistic in the second, Richard Posner argues for a pragmatic jurisprudence, one that eschews formalism in favor of the factual and the empirical. Laws, he argues, are not abstract, sacred entities, but socially determined goals for shaping behavior to conform with society ' s values. Examining how judges go about making difficult decisions, Posner argues that they cannot rely on either logic or science, but must fall back on a grab bag of informal methods of reasoning that owe less than one might think to legal training and experience. Indeed, he reminds us, the greatest figures in American law have transcended the traditional conceptions of the lawyer ' s craft. Robert Jackson did not attend law school and Benjamin Cardozo left before getting a degree. Holmes was neither the most successful of lawyers nor the most lawyerly of judges. Citing these examples, Posner makes a plea for a law that frees itself from excessive insularity and takes all knowledge, practical and theoretical, as grist for its mill. The pragmatism that Posner espouses implies looking at problems concretely, experimentally, without illusions, with an emphasis on keeping diverse paths of inquiry open, and, above all, with the insistence that social thought and action be evaluated as instruments to desired human goals rather than as ends in themselves. In making his arguments, he discusses notable figures in jurisprudence from Antigone to Ronald Dworkin as well as recent movements ranging from law and economics to civic republicanism, and feminism to libertarianism. All are subjected to Posner ' s stringent analysis in a fresh and candid examination of some of the deepest problems presented by the enterprise of law.

Judge Richard Posner is one of the great legal minds of our age, on par with such generation-defining judges as Holmes, Hand, and Friendly. A judge on the U.S. Court of Appeals for the Seventh Circuit and the principal exponent of the enormously influential law and economics movement, he writes provocative books as a public intellectual, receives frequent media attention, and has been at the center of some very high-profile legal spats. He is also a member of an increasingly rare breed-judges who write their own opinions rather than delegating the work to clerks-and therefore we have unusually direct access to the workings of his mind and judicial philosophy. Now, for the first time, this fascinating figure receives a full-length biographical treatment. In Richard Posner, William Domnarski examines the life experience, personality, academic career, jurisprudence, and professional relationships of his subject with depth and clarity. Domnarski has had access to Posner himself and to Posner's extensive archive at the University of Chicago. In addition, Domnarski was able to interview and correspond with more than two hundred people Posner has known, worked with, or gone to school with over the course of his career, from grade school to the present day. The list includes among others members of the Harvard Law Review, colleagues at the University of Chicago, former law clerks over Posner's more than thirty years on the United States Court of Appeals for the Seventh Circuit, and even other judges from that court. Richard Posner is a comprehensive and accessible account of a unique judge who, despite never having sat on the Supreme Court, has nevertheless dominated the way law is understood in contemporary America.

Judge Posner continues to react to the current economic crisis and reflect upon the impact on our views and reliance on capitalism. Posner helps non-technical readers understand business-cycle and financial economics, and financial and governmental institutions, practices, and transactions, while maintaining a neutrality impossible for persons professionally committed to one theory or another.