



Judging in Good Faith (Cambridge Studies in Philosophy and Law)

Steven J. Burton

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This book offers an original theory of adjudication focused on the ethics of judging in courts of law, and proposes two main theses. One is the good faith thesis, which defends the possibility of lawful judicial decisions even when judges exercise discretion. The other is the permissible discretion thesis, which defends the compatibility of judicial discretion and legal indeterminacy with the legitimacy of adjudication in a constitutional democracy. Together these two theses oppose both conservative theories that would restrict the scope of adjudication unduly, and leftist critical theories that would liberate judges from the rule of law.

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