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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.

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Judging in Good Faith : Steven J. Burton : 9780521477406

The good faith thesis defends the possibility of lawful judicial decisions even when judges have discretion. The permissible discretion thesis defends the compatibility of judicial discretion and legal indeterminacy with the legitimacy of adjudication in a constitutional democracy.

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The first is the good faith thesis, whereby judges are bound in law to uphold the law, even when they have discretion, by acting only on reasons warranted by the conventional law as grounds for judicial decisions. The good faith thesis counters the common view that judges are not bound by the law when they exercise discretion.

Judging in good faith (Book, 1992) [WorldCat.org]

Judging in Good Faith. New York: Cambridge University Press, 1992. xviii, 271 pages; paperback ed., 1995. xviii, 271 pages.

"Judging in Good Faith" by Steven J. Burton

ON BURTON'S JUDGING IN GOOD FAITH Judging in Good Faith, Stephen Burton (Cambridge University Press, 1992). "Distinguishing ... between a judge's legal and moral duties is important, though morality surely has the last word" (p. 36). "Adjudication is about deciding cases according to law, not trumpeting values" (p. 53).

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Professor Burton is the author or co-author of five books: Elements of Contract Interpretation (Oxford University Press, 2009); An Introduction to Law and Legal Reasoning (Wolters, Kluwer, 3d ed. 2006); Principles of Contract Law (West, 4th ed. 2012); Contractual Good Faith: Formation, Performance, Breach, Enforcement (Little, Brown Co., 1995) (with Eric G. Andersen); and Judging in Good Faith ...