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NORMAN J. FINKEL

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# COMMONSENSE

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JURORS' NOTIONS OF THE LAW

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# JUSTICE

# Commonsense Justice

**ML Morrison**



## **Commonsense Justice:**

**Commonsense Justice** Norman J. Finkel, 2001-04-16 In this timely book Norman Finkel looks at the relationship between the law on the books as set down in the Constitution and developed in cases and decisions and what he calls commonsense justice the ordinary citizen's notions of what is just and fair

**Commonsense Justice** Norman J. FINKEL, Norman J Finkel, 2009-06-30 For the first time in our history U S prisons house over a million inmates enough to populate a city larger than San Francisco Building prisons is the new growth industry as the American public reacts to a perceived increase in violence and politicians take a hard line toward crime But this eagerness to construct more prisons raises basic questions about what the community wants and will tolerate and what the Supreme Court will sanction In this timely book Norman Finkel looks at the relationship between the law on the books as set down in the Constitution and developed in cases and decisions and what he calls commonsense justice the ordinary citizen's notions of what is just and fair Law is an essentially human endeavor a collection of psychological theories about why people think feel and behave as they do and when and why we should find some of them blameworthy and punishable But is it independent of community sentiment as some would contend Or as Finkel suggests do juries bring the community's judgment to bear on the moral blameworthiness of the defendant When jurors decide that the law is unfair or the punishment inappropriate for a particular defendant they have sometimes nullified the law Nullification represents the jury's desire not to defeat but to perfect and complete the law It is the no confidence vote of commonsense justice refusing to follow the path the law has marked out and pointing to a new path based on what seem to be more just grounds Finkel brings to life the story behind the jury and judicial decisions interweaving anecdotes case law and social science research to present a balanced and comprehensive view of important legal and social policy issues

*Commonsense Justice and Inclusion Within the Moral Community* Robert J. Boeckmann, Flinders University. School of Psychology, 1997

*Common Sense Theology* D. Howland Hamilton, 1872

**Commonsense**, 1995 A Republican journal of thought and opinion

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*Old-fashioned Ethics and Common-sense Metaphysics* William Thomas Thornton, 1873

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**Law and Human Behavior**, 2001

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*Rehnquist Justice* Earl M. Maltz, 2003 With seven of its justices appointed by Republican presidents today's Supreme Court has significantly altered America's legal landscape since 1986 by tilting constitutional jurisprudence to the right That was the goal of Presidents Reagan and Bush in filling court vacancies and has been felt in cases related to federalism economic rights and affirmative action However liberal issues such as abortion have moved only marginally to the right while rulings by the Court on school prayer and gay rights have moved constitutional doctrine slightly to the left In this collection of original articles prominent

constitutional scholars are joined by new voices from the cutting edge of academia to subject the Rehnquist Court to closer scrutiny and to show that its brand of conservatism is less extreme than many have supposed. Reflecting views across the political spectrum, the contributors help readers understand the Court dynamic, its constrained conservatism, and the forces that shape constitutional law in general. As these authors show, the overall pattern of decision making in the Rehnquist era cannot be attributed to any single unified approach to constitutional analysis. Instead, today's Court can only be understood as the product of a complex interaction among individual justices, each with an idiosyncratic view of the proper interpretation of the Constitution and the role of the Court in the American political system. These provocative essays are designed to provide readers with insight into this interaction by focusing on each member of the bench. From the staunch conservatism of Clarence Thomas to the accommodationism of Sandra Day O'Connor to the liberal constitutionalism of David Souter, the essays analyze the unique approach of each justice to interpreting the Constitution. They also show that the current justices are the product of a nomination and confirmation process that has undergone a major transformation in recent decades, one which favors experienced, often unknown jurists over high-profile public servants. By concentrating attention on its members, Rehnquist Justice allows us to better understand the Supreme Court as a whole. And by assessing today's judiciary in light of a public philosophy that looks askance at government, it shows us that the Supreme Court has truly become a mirror of its times.

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