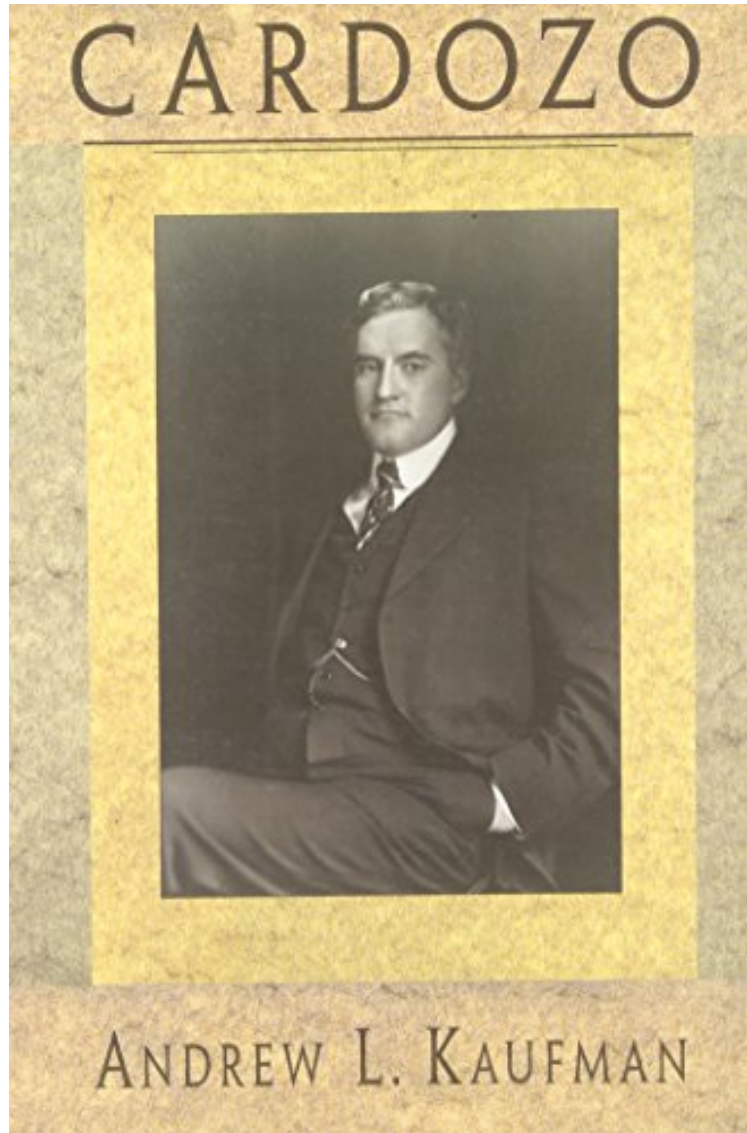


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Cardozo

Andrew L. Kaufman

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Andrew L. Kaufman : Cardozo before purchasing it in order to gage whether or not it would be worth my time, and all praised Cardozo:

2 of 2 people found the following review helpful. An excellent (and not too technical) book for those with training in law.By Tom BrodyCARDOZO by Andrew L. Kaufman is 731 pages long. There are eight pages of non-glossy black and white photos, showing Benjamin Cardozo as a boy (with prominent chin) and as a young man (with an even bigger chin, like Jay Leno's chin).Chapter 2 discloses that Benjamin Cardozo was born on May 24,1870, along with a

twin sister, to Albert (father) and Rebecca (mother). The father, an attorney, had been admitted to the bar in 1849. When Benjamin was nine his mother died (page 21). The book provides us with one of Ben's childhood poems, which concerned sprits and dreams. Chapter 4 discloses Benjamin Cardozo's early years as an attorney. He was admitted to the bar on Oct. 26, 1891 (page 54), and his first case was *Frank v. Davis* (1891), which concerned real estate. The heart of the book resides in Chapters 14-16 (pages 243-312). These chapters concern tort law. We learn that Mr. Cardozo joined the New York Court of Appeals (equivalent to a state supreme court) in 1914. One by one, the author provides sketches of various important tort cases, such as *Kettell v. Erie* (injured passenger), *Caruso v. Steamship* (anthrax germs in cotton), *Dougherty v. Pratt* (window washer), *MacPherson v. Buick* (broken spokes), *O'Connor v. Webber* (butcher shop accident), *Wagner v. International* (rescuing a man who fell off a train), and of course *Palsgraff v. Long Island* (Italian fireworks). Law students, as well as seasoned attorneys, will savor every word of these chapters, when they are reminded of some of the origins of concepts such as standard reasonable man, assumption of risk, proximate cause, foreseeable risk, and whether a victim is a "likely" victim or an "unlikely" victim. The author provides a small amount of information of the case law from England, as it applies to torts. (But this reader would have liked to have seen a more comprehensive disclosure of the earlier English case law relating to torts.) Chapter 23 (page 455-471) informs us that Mr. Cardozo was on the N.Y. Court of Appeals for 18 years and then, at age 61, was appointed to the U.S. Supreme Court, replacing Oliver Wendell Holmes. Mr. Learned Hand (well-known to all law students) was also a candidate for this post, but was not seriously considered, because of his political liabilities (the reader is left hanging as to the nature of these liabilities). Chapter 24 (page 472-490) discloses Mr. Cardozo's life in Washington, D.C., e.g., the furniture in his apartment, his loneliness for his earlier social life in New York, his work habits (7 am to 11 pm), the contrast between the collegial judges back at the N.Y. Court of Appeals and the more independent work habits of the U.S. Supreme Court justices, the contrast between the passionate social activism of Justice Brandeis and the relative detachment of Mr. Cardozo. We learn that Mr. Cardozo was a friend of Fred Coudert, of Coudert Brothers law firm. (This reviewer was a patent agent with Coudert Brothers, a year before the law firm went under.) We read that Mr. Cardozo was only 5 1/2 years with the U.S. Supreme Court. This book will be attractive to those interested in the history of New York State, to those interested in the history of the Jewish people in the United States, and to law school graduates. The chapters dealing with torts, contract law, constitutional law, property law, and criminal law, will likely be comprehensible only to readers with training in these subjects. The writing style is excellent (it is not manneristic, it is not long-winded).

FIVE STARS. 0 of 0 people found the following review helpful. Great and probably definitive biography. By Schmerguls Cardozo, by Andrew L. Kaufman (read 14 Jan 2017) This 1998 biography by a Harvard law school professor is a model work and tells very well of the interesting life and legal career of Cardozo, who was born in 1870 and died on July 9, 1938. He went to Columbia law school--though did not actually receive a degree therefrom after completing the third year--and was a highly successful lawyer. He was appointed to New York state's highest court in 1914 and served thereon till 1932 when he was appointed to the U. S. Supreme Court. All his famous cases, so familiar to law school students, such as *MacPherson v. Buick*, *Palsgraf v. Long Island R. Co.* and *Palko v. Connecticut*, are discussed with verve and insight. Some of the discussion of lesser cases was a bit dry but mainly the book will hold the interest of any lawyer or law student. I do not see how a better biography of Cardozo could be written and as far as I know this should be the definitive biography indefinitely. He did not believe the Constitution should necessarily be interpreted as its authors meant it since "they did not see the changes in the relations between states and nation or in the play of social forces that lay hidden in the womb of time. Their beliefs to be significant must be adjusted to the world they knew. It is not in my judgement inconsistent with what they would say today, nor with what they would believe, if they were called upon to interpret 'in the light of our whole experience' the constitution that they framed for the needs of an expanding future." This surely all should admit to be a correct approach to deciding constitutional questions.

4 of 4 people found the following review helpful. The Definitive Biography. By Ronald H. Clark Professor Kaufman worked on this impressive biography of Benjamin Nathan Cardozo for over 35 years. There were times when one began to wonder if it would ever appear. Well, it did and it was worth the wait. This is a long book, running some 700 pages including notes. At times, it seems almost too detailed--but it is a wonderful resource for anyone interested in Cardozo, the development of American law, and the Supreme Court. Kaufman strikes a nice balance between BNC's private and public lives, his 18 year service on the New York Court of Appeals and his 5 or so terms on the Supreme Court, the biographical details one expects and the legal doctrines and opinions that he authored. Along the way, the author covers BNC's significant books; his involvement with the ALI; his work in developing key contract and tort concepts on the Court of Appeals; his long period as Chief Judge there; and his methods of working and drafting opinions while on the New York court. It is generally conceded that Cardozo's greatest contributions to the development of American law occurred on the CA and not during his service on the Supreme Court--he was the master common law judge rather than constitutional expert. So Kaufman devotes around 300 pages to Cardozo's service on that court. By contrast, around 100 pages are devoted to the Supreme Court and BNC's period in Washington. In fact, BNC does not get appointed until page 455. Cardozo found the Supremes a much less collegial body than the NY Court, in part because the justices were still doing the bulk of their work at home. Cardozo's views of state regulatory power and taxation, national regulatory power, court packing, and some

civil liberties cases (such as *Palko*) are well addressed. Cardozo must have found it difficult to deal with colleagues such as Justice McReynolds and the other "four horsemen," but nonetheless he opposed FDR's court packing scheme. While Richard Polenberg's "World of Benjamin Cardozo" (also published by Harvard University Press) is itself a fine contribution, this is the most exhaustive study of Cardozo that we are likely ever to see. It is a masterful work, but one that requires persistence to get through. It is the book that BNC deserves.

Benjamin Nathan Cardozo, unarguably one of the most outstanding judges of the twentieth century, is a man whose name remains prominent and whose contributions to the law remain relevant. This first complete biography of the longtime member and chief judge of the New York Court of Appeals and Justice of the Supreme Court of the United States during the turbulent years of the New Deal is a monumental achievement by a distinguished interpreter of constitutional law. Cardozo was a progressive judge who understood and defended the proposition that judge-made law must be adapted to modern conditions. He also preached and practiced the doctrine that respect for precedent, history, and all branches of government limited what a judge could and should do. Thus, he did not modernize law at every opportunity. In this book, Kaufman interweaves the personal and professional lives of this remarkable man to yield a multidimensional whole. Cardozo's family ties to the Jewish community were a particularly significant factor in shaping his life, as was his father's scandalous career--and ultimate disgrace--as a lawyer and judge. Kaufman concentrates, however, on Cardozo's own distinguished career, including twenty-three years in private practice as a tough-minded and skillful lawyer and his classic lectures and writings on the judicial process. From this biography emerges an estimable figure holding to concepts of duty and responsibility, but a person not without frailties and prejudice.

.com Andrew L. Kaufman has, after 40 years of work, written what will be the definitive biography of Justice Benjamin Cardozo. Cardozo was one of the premier judges of the first half of this century, serving on the New York Court of Appeals as Chief Judge, the most influential state court in the country, and then on the Supreme Court. On the New York Court of Appeals, Cardozo rewrote tort law with his stamp; his characterizations of negligence, proximate cause, and assumption of the risk still dominate law throughout the land 60 to 80 years after his original decisions. Kaufman recounts all of this, effectively combining legal analysis with biography. Cardozo's father was a judge tarnished with scandal, and it has long been theorized that Cardozo's life was an attempt to retrieve that lost honor. He would, for example, turn down even the simplest gifts that other judges routinely accepted. Kaufman arguably overplays the honor theme when it comes to his legal analysis, most notably in his analysis of *Meinhard v. Salmon*, in which the judge declared that, in matters of fiduciary obligations, "[a] trustee is held to something stricter than the morals of the marketplace." Kaufman, perhaps stretching Cardozo's opinion too far to reach the desired conclusion, views this decision as "a culmination of Cardozo's efforts to implant a sense of honorable conduct into law." The only potential downside to the book, other than the occasional desire to see Kaufman address more frequently the thoughts and analysis of other biographers and commentators on Cardozo's life and work, is that Cardozo's virtue risks becoming the biography's failing: his life was his work. He was celibately monkish in his private life, and other than the politicking behind each of his successive appointments to higher courts, Cardozo's political life was for the most part equally quiet. Fortunately, Cardozo's legal output is so varied and important that the biography's necessary focus on his judicial career is not wasted effort for the author or the reader. --Ted Frank The much-awaited publication of Andrew L. Kaufman's *Cardozo* is a major event in the world of law, judicial biography and legal literature. The work has been worth the wait...The biography...puts up front the special environment that shaped Cardozo--the Sephardic heritage that set him apart although he ceased religious practice after his bar mitzvah; his father's fall, which he wiped out by his shining integrity; the fact that all his experience was rooted in New York City and that his life was centered in his home in mid-Manhattan with [his sister] Nellie...[Kaufman] has been indefatigable in discovering the details of Cardozo's life. He is resolute in his respect for the evidence. As to Cardozo himself, he is fair, firm, admiring but not adoring, determined to set down the foibles, to note the occasional misjudgments and to reveal the virtues and the accomplishments of the man...Kaufman's *Cardozo* is a labor of love worthy of its subject. (John T. Noonan, Jr. *New York Times Book*) Andrew L. Kaufman plumbs the sources of Cardozo's enduring influence, and no one could come better prepared for that task...[Kaufman] has been researching the life of Benjamin Cardozo for more than 40 years, and Cardozo is the long-awaited result of those efforts. It is both an exhaustive biography and a thorough analysis of Cardozo's influence on American law...Cardozo will surely remain for decades the definitive biography of this pivotal figure in American law. (Mark Miller *Wall Street Journal*) This biography of one of the most distinguished judges in the history of American law details not only his brilliant legal career but also his lonely, almost tragic personal life...The author reviews scores of fascinating cases, such as that of *Roe v. Wade*, where Cardozo's opinions made legal history or influenced later decisions. His few criminal cases read like detective stories, with almost talmudic twists and turns of logic and unearthed facts...The author adds generous notes, and a case index as well as a general one. Seven photos add a personal touch to this comprehensive, valuable book on one of America's greats. (Jennie Tarabulus *Jerusalem Post*) Benjamin Nathan Cardozo ranks with John Marshall, Oliver Wendell Holmes Jr., Louis D.

Brandeis, and Learned Hand as one of America's greatest jurists. In Andrew L. Kaufman he has attracted precisely the right biographer. This monumental volume belongs alongside Gerald Gunther's outstanding 1994 life of Hand...Kaufman has given us a 'life and works' biography...Only about 100 pages are devoted to Cardozo's private life or character, while almost five times that many focus on his 23 years as a practicing lawyer and 25 years as judge. The proportion is fully justified, for the law was by far the major part of his life...One comes away from [this] masterful study persuaded that Cardozo was trying, by hard work, to fulfill God's commandments to the Jews and to all men. (Milton R. Konvitz *The New Leader*) Andrew L. Kaufman...offers no apology for why it took him 40 years to complete his stunning intellectual biography of Cardozo. He need not. The writing is supple, contemplative and judicious; the scholarship, exhaustive, intriguing and unobtrusive...The book includes a comprehensive account of Cardozo's extended practice for 23 years as a business lawyer...a critical exposition of Cardozo's accomplishments as a common law jurist during his 18-year tenure on the Court of Appeals for the State of New York...and several touching asides about Cardozo's complex relationships with his Supreme Court colleagues during [his appointment there]...Cardozo and his intellectual biographer are worthy of each other. (Stan Bernstein *New York Law Journal*) On any list of outstanding American jurists, Benjamin Nathan Cardozo must certainly rank near the top...Curiously, despite Cardozo's reputation, there has never been a full-length biography of the man or a systematic study of his thought. Andrew L. Kaufman has at last remedied this situation. His carefully nuanced book, based on 40 years of research and unprecedented access to Cardozo's papers, opens an illuminating window on the work of a judge and Supreme Court Justice who turns out to be something other than what a good number of his would-be disciples think...This fine book cogently reminds us of what we once had in our jurists, and have yet fully to regain. (Daniel J. Silver *Commentary*) [A] long awaited and definitive biography...Kaufman's painstaking research as a biographer standing alone...is worth the price of the book. But more than half of the book consists of a thorough and insightful examination, organized by various areas of law, of Cardozo's judicial opinions, first in the New York Court of Appeals, and then in the United States Supreme Court. It is here that Kaufman paints a picture of Cardozo's judicial philosophy in action...By and large, the picture Kaufman paints of Cardozo's opinions is convincing. (William Powers, Jr. *Texas Law*) Now, at last, Andrew Kaufman has published his biography of Cardozo, which is destined to be the classic work on the subject...During the past 40 years, [Kaufman] has reviewed every Cardozo decision, as well as available backup notes and Cardozo's correspondence, interviewed friends and relatives, and read the hundreds of secondary sources relating to the jurist. In the later stages, he continued his research on the Internet...Kaufman shows that, although Cardozo did not have Brandeis' political zeal, his cautious, common law methods gave birth to modern tort theory, formulated the delegation doctrine at the root of current administrative law, and enshrined the standards that are the basis of today's ethical codes. Brandeis was hailed as an Old Testament prophet in his later years; perhaps Cardozo is the Moses of our legal system. (Henry S. Cohn *Federal Lawyer*) In this well-respected biography, Harvard law Professor Andrew Kaufman details the remarkable life of Benjamin Nathan Cardozo one of the most influential judges in the twentieth century. Cardozo's personal and professional lives are intertwined in this study of a most distinguished legal career. (Georgia Bar Journal) In this monumental and magnificent biography, Kaufman has captured the essence of a great American whose entire adult life was dedicated to the law as advocate, judge, and scholar...This book is a model of fine writing and can be read with pleasure not only by the bench, the bar, and academia, but by the literate general reader as well. (R.J. Steamer *Choice*) Kaufman has produced the definitive biography of the jurist who remains arguably one of America's greatest common law judges. (Mark Silverstein *American Historical*) [Kaufman has written] a monumental biography that combines a vivid portrait of Cardozo's private life with a lucid analysis of his legal theories and opinion The four decades of labor and love that Kaufman poured into Cardozo have produced a genuinely great book that readers will treasure for decades to come. (Washington Lawyer) From the Back Cover Benjamin Nathan Cardozo, unarguably one of the most outstanding judges of the twentieth century, is a man whose name remains prominent and whose contributions to the law remain relevant. This first complete biography of the longtime member and chief judge of the New York Court of Appeals and justice of the Supreme Court of the United States during the turbulent years of the New Deal is a monumental achievement by a distinguished interpreter of constitutional law. In this book, Kaufman interweaves the personal and professional lives of this man to yield a multidimensional whole. Cardozo's family ties to the Jewish community were a significant factor in shaping his life, as was his father's scandalous career - and ultimate disgrace - as a lawyer and judge. Kaufman concentrates, however, on Cardozo's own distinguished career, including twenty-three years in private practice as a tough-minded and skillful lawyer and his classic lectures and writings on the judicial process. From this biography emerges an estimable figure holding to concepts of duty and responsibility, but a person not without frailties and prejudice.