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Judicial Decision Making in Civil Law: Determinants, Dynamics, and Delusions (Civilology/Civilologie)

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One of the central values of a civil society is that its legal system makes fair and accurate decisions concerning fault and innocence. The legal decision-maker will bring a lawsuit to a conclusion by formulating the verdict. Jurists - and judges in particular - are consequently in the business of decision-making. They are expected to produce accurate and valid judgments. Judges have to establish or disprove human wrongdoing, but in undertaking this business, they may err themselves. Why then do they stumble? Grossly, there are two reasons. The first is following the wrong legal alley. Then, their juridical reasoning may prove incorrect. The other possibility has to do with the facts. A decision may be based on an incomplete set of facts, the information may be incorrect, or our interpretation of accurate facts may be inaccurate. Every verdict is as good as the facts it is based upon. All this leads to a confrontation with two fundamental and interrelated questions: how do judges decide and how should judges decide? These questions are central in this book and are examined from different perspectives with the goal of improving judicial decision-making. (Series: Civilology - No. 4)