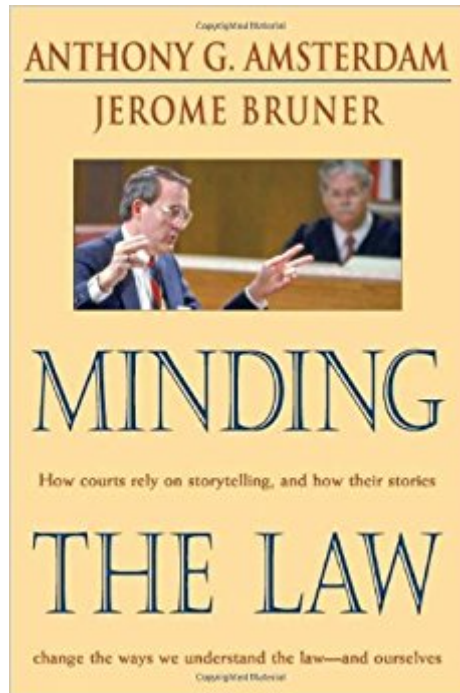




The book was found

Minding The Law



Synopsis

In this remarkable collaboration, one of the nation's leading civil rights lawyers joins forces with one of the world's foremost cultural psychologists to put American constitutional law into an American cultural context. By close readings of key Supreme Court opinions, they show how storytelling tactics and deeply rooted mythic structures shape the Court's decisions about race, family law, and the death penalty. *Minding the Law* explores crucial psychological processes involved in the work of lawyers and judges: deciding whether particular cases fit within a legal rule ("categorizing"), telling stories to justify one's claims or undercut those of an adversary ("narrative"), and tailoring one's language to be persuasive without appearing partisan ("rhetorics"). Because these processes are not unique to the law, courts' decisions cannot rest solely upon legal logic but must also depend vitally upon the underlying culture's storehouse of familiar tales of heroes and villains. But a culture's stock of stories is not changeless. Amsterdam and Bruner argue that culture itself is a dialectic constantly in progress, a conflict between the established canon and newly imagined "possible worlds." They illustrate the swings of this dialectic by a masterly analysis of the Supreme Court's race-discrimination decisions during the past century. A passionate plea for heightened consciousness about the way law is practiced and made, *Minding the Law* will be welcomed by a new generation concerned with renewing law's commitment to a humane justice.

Book Information

Paperback: 468 pages

Publisher: Harvard University Press; New Ed edition (April 30, 2002)

Language: English

ISBN-10: 0674008162

ISBN-13: 978-0674008168

Product Dimensions: 6.1 x 1.2 x 9.2 inches

Shipping Weight: 1.2 pounds (View shipping rates and policies)

Average Customer Review: 4.5 out of 5 stars Â Â See all reviews Â (2 customer reviews)

Best Sellers Rank: #784,658 in Books (See Top 100 in Books) #136 in Â Books > Law > Rules & Procedures > Trial Practice #140 in Â Books > Law > Legal Theory & Systems > Judicial System #276 in Â Books > Law > Philosophy

Customer Reviews

Rejecting the usual approach to analyzing case law by first describing the facts, and then reciting the court's decision, Amsterdam and Bruner dig deeper, and describe the hidden decisions which

are made when courts (and by inference, lawyers) decide what the "facts" are--and how they are presented. Their hypothesis is that those choices--while virtually never acknowledged, either consciously or unconsciously determine the ultimate decision in a case. One of the examples chosen is a pre-Civil War case holding that states did not have the right to interfere with slave catchers seeking to return escaped slaves to their owners. The case came to the Supreme Court as an appeal from a criminal conviction of a slave catcher for capturing a slave in Pennsylvania without following the procedures established by Pennsylvania. The Court held that the federal Fugitive Slave Law trumped any local laws, and argued that, to hold otherwise, would be to grant states a veto over enforcement of federal law. To reach this seemingly logical conclusion, the Court ordered its presentation of the case around the historic compromise between slave and free states at the Philadelphia Constitutional Convention, and depicted Pennsylvania's procedural rules as an attempt to sabotage this compromise. However, as Amsterdam and Bruner point out, the Court could equally have built its description of the facts (or, to use their paradigm, told its story) from a different perspective. If one looks at the case from the perspective of the purported slave who has been seized, without any opportunity to challenge his "return" to slavery under the laws applicable to every other resident of Pennsylvania, it becomes a case about protecting innocent people from the abuses of slave catchers...

[Download to continue reading...](#)

Minding the Law Minding the Good Ground: A Theology for Church Renewal Minding Your Own Business: The Solo and Small Firm Lawyer's Guide to a Profitable Practice Minding Mum - It's Time to Take Care of You: A New Mum's Guide to Feeling Great, Inside and Out Contracts Law Without The Confusion law book - (e borrow OK): law book - (e borrow OK) Definitions and Essay Writing: Contracts Torts Criminal law (Borrowing Allowed): Look Inside! This book is the best law school help for law students! (e book) Entertainment Law: The Law Student's Guide to Pursuing a Career in Entertainment Law Scholarly Writing for Law Students, Seminar Papers, Law Review Notes and Law Review Competition Papers (American Casebook Series) Human Rights and the Protection of Privacy in Tort Law: A Comparison between English and German Law (University of Texas at Austin Studies in Foreign and Transnational Law) Marriage: monogamy and polygamy on the basis of divine law, of natural law and of constitutional law : an open letter to the Massachusetts members of ... the opinion of the Supreme Court in Reynold The Idea of Natural Rights: Studies on Natural Rights, Natural Law, and Church Law 1150 1625 (Emory University Studies in Law and Religion) The IMLI Manual on International Maritime Law Volume III: Marine Environmental Law and Maritime Security Law Secrets The Secret Never Told You; Law of Attraction for Instant Manifestation

Miracles: 5 Secrets Never Told on How to Use the Law of Attraction (Law of ... Instant Manifestation
Miracles Book Book 2) Law of Attraction: 7 Secrets to Put in Action the Law of Attraction on a Daily
Basis and Successfully Manifest Abundance, Confidence, Money, Healthy and ... The Law of
Attraction, Beliefs, Abraham) The State of Play: Law, Games, and Virtual Worlds (Ex Machina: Law,
Technology, and Society) Augmented Reality Law, Privacy, and Ethics: Law, Society, and Emerging
AR Technologies Issues in Internet Law: Society, Technology, and the Law, 9th Edition Framing
Equal Opportunity: Law and the Politics of School Finance Reform (Stanford Law Books) Law
School Confidential: A Complete Guide to the Law School Experience: By Students, for Students
The Law School Admission Game: Play Like an Expert (Law School Expert)

[Contact Us](#)

[DMCA](#)

[Privacy](#)

[FAQ & Help](#)