

ANTHONY G. AMSTERDAM  
JEROME BRUNER



# MINDING

How courts rely on storytelling, and how their stories

# THE LAW

change the ways we understand the law—and ourselves

# Minding The Law

**R Sanford**



## **Minding The Law:**

Minding the Law Anthony G. AMSTERDAM, Jerome S. Bruner, Anthony G Amsterdam, 2009-06-30 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 tilte will be welcomed by a new generation concerned with renewing law's commitment to a humane justice Table of Contents 1 Invitation to a Journey 2 On Categories 3 Categorizing at the Supreme Court Missouri v Jenkins and Michael H v Gerald D 4 On Narrative 5 Narratives at Court Prigg v Pennsylvania and Freeman v Pitts 6 On Rhetorics 7 The Rhetorics of Death McCleskey v Kemp 8 On the Dialectic of Culture 9 Race the Court and America's Dialectic From Plessy through Brown to Pitts and Jenkins 10 Reflections on a Voyage Appendix Analysis of Nouns and Verbs in the Prigg Pitts and Brown Opinions Notes Table of Cases Index Reviews of this book Amsterdam a distinguished Supreme Court litigator wanted to do more than share the fruits of his practical experience He also wanted to get students to think about thinking like a lawyer To decode what he calls law think he enlisted the aid of the venerable cognitive psychologist Jerome Bruner and the collaboration has resulted in this unusual book James Ryerson Lingua Franca Reviews of this book It is hard to imagine a better time for the publication of Minding the Law a brilliant dissection of the court's work by two eminent scholars law professor Anthony G Amsterdam and cultural anthropologist Jerome Bruner Issue by issue case by case Amsterdam and Bruner make mincemeat of the court's handling of the most important constitutional issue of the modern era how to eradicate the American legacy of race discrimination especially against blacks Edward Lazarus Los Angeles Times Book Review Reviews of this book This book is a gem Its thesis is easily stated but remarkably unrecognized among a shockingly large number of lawyers and law professors law is a storytelling enterprise thoroughly entrenched in culture Whereas critical legal theorists have talked among themselves for the past two decades Amsterdam and Bruner seek to engage all of us in a dialogue For that they should be applauded Daniel R Williams

New York Law Journal Reviews of this book In *Minding the Law* Anthony Amsterdam and Jerome Bruner show us how the Supreme Court creates the magic of inevitability They are angry at what they see Their book is premised on the conviction that many of the choices made in Supreme Court opinions lack any justification in the text Their method is to analyze the text of opinions and to show how the conclusions reached do not always follow from the logic of the argument They also show how the Court casts its rhetoric like a spell mesmerizing its audience and making the highly contingent shine with the light of inevitability Mitchell Goodman News and Observer Raleigh North Carolina Reviews of this book What do controversial Supreme Court decisions and classic age old tales of adultery villainy and combat have in common Everything at least in the eyes of Amsterdam and Bruner In this substantial study which is equal parts dense and entertaining the authors use theoretical discussions of literary technique and myths to expose what they see as the secret intentions of Supreme Court opinions Studying how lawyers and judges employ the various literary devices at their disposal and noting the similarities between legal thinking and classic tactics of storytelling and persuasion they believe can have astonishing consciousness retrieving effects The agile minds of Amsterdam and Bruner clearly storehouses of knowledge on a range of subjects allow an approach that might sound far fetched occasionally but pays dividends in the form of gained perspective and amusement Elisabeth Lasch Quinn Washington Times Reviews of this book Stories and the way judges intentionally or not categorize and spin them are as responsible for legal rulings as logic and precedent Mr Amsterdam and Mr Bruner said Their novel attempt to reach into the psyche of members of the Supreme Court is part of a growing interest in a long neglected and cryptic subject the psychology of judicial decision making Patricia Cohen New York Times Most law professors teach by the case method or say they do In this fascinating book Anthony Amsterdam a lawyer and Jerome Bruner a psychologist expose how limited most case analysis really is as they show how much can be learned through the close reading of the phrases sentences and paragraphs that constitute an opinion or other pieces of legal writing Reading this book will undoubtedly make one a better lawyer and teacher of lawyers But the book s value and interest goes far beyond the legal profession as it analyzes the way that rhetoric in law politics and beyond creates pictures and convictions in the minds of readers and listeners Sanford Levinson author of *Constitutional Faith* Tony Amsterdam the leader in the legal campaign against the death penalty and Jerome Bruner who has struggled for equal justice in education for forty years have written a guide to demystifying legal reasoning With clarity wit and immense learning they reveal the semantic tricks lawyers and judges sometimes use consciously and unconsciously to justify the results they want to reach Jack Greenberg Professor of Law Columbia Law School

**Lethal Force, the Right to Life and the ECHR** Stephen Skinner, 2019-08-22 In its case law on the use of lethal and potentially lethal force the European Court of Human Rights declares a fundamental connection between the right to life in Article 2 of the European Convention on Human Rights and democratic society This book discusses how that connection can be understood by using narrative theory to explore Article 2 law s specificities and its

deeper historical social and political significance Focusing on the domestic policing and law enforcement context the book draws on an extensive analysis of case law from 1995 to 2017 It shows how the connection with democratic society in Article 2 s substantive and procedural dimensions underlines the right to life s problematic duality as an expression of a basic value demanding a high level of protection and a contextually limited provision allowing states leeway in the use of force Emphasising the need to identify clear standards in the interpretation and application of the right to life the book argues that Article 2 law s narrative dimensions bring to light its core purposes and values These are to extract meaning from pain and death ground democratic society s foundational distinction between acceptable force and unacceptable violence and indicate democratic society s essential attributes as a restrained responsible and reflective system

*Starting an Online Business All-in-One For Dummies* Shannon Belew, Joel Elad, 2024-08-26 Establish a successful online business and grow your customer base Starting an Online Business All in One For Dummies is the compass you need to navigate the exciting world of e-commerce You ll discover the latest web trends learn the basics of designing a website and get tips for creating a compelling online presence Plus the guidance inside helps you stretch your marketing muscles to boost your brand s visibility from the basics to more advanced strategies This updated edition also shows you how to build a print on demand business generate opportunities with AI and break into the international marketplace Learn how to fund your online business idea Drive traffic to your website or social media page using search engine optimization Stand out from the competition with proven online business strategies Manage security risks and stay one step ahead of potential threats Perfect for aspiring online entrepreneurs and established business owners aiming to enhance their digital footprint this book will take you all the way from start up to success

**Race, Rights, and Justice** J. Angelo Corlett, 2009-03-03 Race Rights and Justice explores questions of the nature of law and constitutional interpretation international law and global justice and the nature function and importance of rights each from a perspective that takes seriously the realities of race and racism After a critical assessment of various contemporary theories of law is provided a new theory of legal interpretation is set forth and defended The respective words of Immanuel Kant and H L A Hart on the possibility and desirability of international law are carefully explicated Following this Race Rights and Justice defends John Rawls Law of Peoples from the cosmopolitan liberal critique of it The nature and importance of rights both individual and collective are clarified while correcting some political philosophies that have propagated confused rhetoric about rights And the collective right to humanitarian intervention is investigated philosophically in terms of the recent problems in Colombia with surprisingly original results While the methodology of this book is thoroughly analytical philosophically speaking some of the conclusions drawn are substantially original infusing the facts of race and racism into mainstream matters of philosophy of law In this collection of essays J Angelo Corlett continues his important work of bringing the perspective of indigenous peoples and more generally of race into mainstream philosophical debates about justice and rights Corlett s book also has very valuable insights into the nature

of international law that will greatly enrich our contemporary debates Larry May Washington University in St Louis USA Angelo Corlett is a prolific writer whose work is invariably stimulating provocative and insightful Race Rights and Justice is an important addition to the oeuvre Corlett is not afraid to tackle big problems and big names See for example his scathing criticisms of Bork and Scalia on constitutional interpretation Burleigh T Wilkins University of California Santa Barbara USA

*Caring for Families in Court* Barbara A. Babb, Judith D. Moran, 2019-01-15 In many US courts and internationally family law cases constitute almost half of the trial caseload These matters include child abuse and neglect and juvenile delinquency as well as divorce custody paternity and other traditional family law issues In this book the authors argue that reforms to the family justice system are necessary to enable it to assist families and children effectively The authors propose an approach that envisions the family court as a care center by blending existing theories surrounding court reform in family law with an ethic of care and narrative practice Building on conceptual procedural and structural reforms of the past several decades the authors define the concept of a unified family court created along interdisciplinary lines a paradigm that is particularly well suited to inform the work of family courts These prior reforms have contributed to enhancing the family justice system as courts now can shape comprehensive outcomes designed to improve the lives of families and children by taking into account both their legal and non legal needs In doing so courts can utilize each family s story as a foundation to fashion a resolution of their unique issues In the book the authors aim to strengthen a court s problem solving capabilities by discussing how incorporating an ethic of care and appreciating the family narrative can add to the court s effectiveness in responding to families and children Creating the court as a care center the authors conclude should lie at the heart of how a family justice system operates The authors are well known figures in the area and have been involved in family court reform on both a US national and an international scale for many years *St. Thomas Law Review*, 2000 **The Vindication**, George

Junkin, 1836 **Trial of the Rev. Albert Barnes, Before the Synod of Philadelphia, in Session at York, October 1835. On a Charge of Heresy, Preferred Against Him by the Rev. Geo. Junkin: with All the Pleadings and Debate. As Reported for the New York Observer**, 1836 , Barnes's Notes on the NT (Barnes) Albert Barnes, Verse by verse the author covers the entire New Testament carefully and understandably explaining every verse and offering a practical application for Christian living *The Federal Lawyer*, 2001 **Notes, Explanatory and Practical, on the Epistle to the Romans** Albert Barnes, 1852 Lawyers and Justice David Luban, 2018-06-05 The law Holmes said is no brooding omnipresence in the sky If that is true writes David Luban it is because we encounter the legal system in the form of flesh and blood human beings the police if we are unlucky but for the marginally luckier majority the lawyers For practical purposes the lawyers are the law In this comprehensive study of legal ethics Luban examines the conflict between common morality and the lawyer s role morality under the adversary system and how this conflict becomes a social and political problem for a community Using real examples and drawing extensively on case law he develops a systematic philosophical

treatment of the problem of role morality in legal practice He then applies the argument to the problem of confidentiality outlines an affordable system of legal services for the poor and provides an in depth philosophical treatment of ethical problems in public interest law     **The Epistle ... to the Romans, with notes and intr., by E.H. Gifford** Paul (st.),1886

**The Authorised Version of the English Bible, 1611** William Aldis Wright,1909     **The Holy Bible According to the Authorized Version (A.D. 1611): Romans to Philomen** Frederic Charles Cook,1881     **The Holy Bible According to the Authorized Version (A.D. 1611)** Frederic Charles Cook,1881     **The Holy Bible** Frederic Charles Cook,1881

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