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Synopsis In this volume, scholars from the worlds of law and literature take a probing look at how and why stories are told in the law. Experts discuss how narratives presented in trials and in Supreme Court opinions are told and listened to, and how they affect legal thinking and judgement.

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Ministers to unveil law to block foreign takeovers of UK assets. The new notification regime will affect 17 sectors including defence and artificial intelligence, Sky News learns.

Law is an area where vivid human stories are played out with very high

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stakes. This text examines how and why stories are told in the law and how they are constructed and made effective. It seeks to open new perspectives on the law as narrative exchange, performance, explanation.

The law is full of stories, ranging from the competing narratives presented at trials to the Olympian historical narratives set forth in Supreme Court opinions. How those stories are told and listened to makes a crucial difference to those whose lives are reworked in legal storytelling. The public at large has increasingly been drawn to law as an area where vivid human stories are played out with distinctively high stakes. And scholars in several fields have recently come to recognize that law's stories need to be studied critically. This notable volume--inspired by a symposium held at Yale Law School--brings

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together an exceptional group of well-known figures in law and literary studies to take a probing look at how and why stories are told in the law and how they are constructed and made effective. Why is it that some stories--confessions, victim impact statements--can be excluded from decisionmakers' hearing? How do judges claim the authority by which they impose certain stories on reality? *Law's Stories* opens new perspectives on the law, as narrative exchange, performance, explanation. It provides a compelling encounter of law and literature, seen as two wary but necessary interlocutors. Contributors J. M. Balkin Peter Brooks Harlon L. Dalton Alan M. Dershowitz Daniel A. Farber Robert A. Ferguson Paul Gewirtz John Hollander Anthony Kronman Pierre N. Leval Sanford Levinson Catharine MacKinnon Janet Malcolm Martha Minow David N. Rosen Elaine Scarry Louis Michael Seidman Suzanna Sherry Reva B. Siegel Robert Weisberg

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Literature has often understood the problematic nature of confession better than the law, as Brooks demonstrates in perceptive readings of legal cases set against works by Rousseau, Dostoevsky, Joyce, and Camus, among others."--BOOK JACKET.

This book explores the role that the language of international law plays in constructing understandings - or narratives - of hunger in the context of climate change. The story is told through a specific case study of genetically engineered seeds purportedly made to be 'climate-ready'. Two narratives of hunger run through the storyline: the prevailing neoliberal narrative that focuses on increasing food

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production and relying on technological innovations and private sector engagement, and the oppositional and aspirational food sovereignty narrative that focuses on improving access to and distribution of food and rejects technological innovations and private sector engagement as the best solutions. This book argues that the way in which voices in the neoliberal narrative use international law reinforces fundamental assumptions about hunger and climate change, and the way in which voices in the food sovereignty narrative use international law fails to question and challenge these assumptions.

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,

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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 ("rhetoric"). 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

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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. 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



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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

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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

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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

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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

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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

Law in the modern era is one of the most important of our society's technologies for preserving memory. In helping to construct our

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memory in certain ways law participates in the writing of our collective history. It plays a crucial role in knitting together our past, present, and future. The essays in this volume present grounded examinations of particular problems, places, and practices and address the ways in which memory works in and through law, the sites of remembrance that law provides, the battles against forgetting that are fought in and around those sites, and the resultant role law plays in constructing history. The writers also inquire about the way history is mobilized in legal decision making, the rhetorical techniques for marshalling and for overcoming precedent, and the different histories that are written in and through the legal process. The contributors are Joan Dayan, Soshana Felman, Dominic La Capra, Reva Siegel, Brook Thomas, and G.

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Simon-Shoshan examines the neglected genre of rabbinic legal stories, arguing that this genre is crucial to understanding both rabbinic jurisprudence and rabbinic story-telling and challenging traditional distinctions between law and literature.

It has long been recognized that court trials, both criminal and civil, in the common law system, operate around pairs of competing narratives told by opposing advocates. In recent years, however, it has increasingly been argued that narrative flows in many directions and through every form of legal theory and practice. Interest in the part played by metaphor in the law, including metaphors for the law, and for many standard concepts in legal practice, has also been strong, though research under the metaphor banner has been much more fragmentary. In this book, for the first time, a distinguished group of

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legal scholars, collaborating with specialists from cognitive theory, journalism, rhetoric, social psychology, criminology, and legal activism, explore how narrative and metaphor are both vital to the legal process. Together, they examine topics including concepts of law, legal persuasion, human rights law, gender in the law, innovations in legal thinking, legal activism, creative work around the law, and public debate around crime and punishment.

Despite the tepid reception of *Regents of the University of California v. Bakke* in 1978, the Supreme Court has thrice affirmed its holding: universities can use race as an admissions factor to achieve the goal of a diverse student body. This book examines the process of rhetorical invention followed by Justice Lewis F. Powell Jr., his colleagues, and other interlocutors as they sifted through arguments surrounding



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affirmative action policies to settle on diversity as affirmative action ' s best constitutional justification. Here M. Kelly Carr explores the goals, constraints, and argumentative tools of the various parties as they utilized the linguistic resources available to them, including arguments about race, merit, and the role of the public university in civic life. Using public address texts, legal briefs, memoranda, and draft opinions, Carr looks at how public arguments informed the amicus briefs, chambers memos, and legal principles before concluding that Powell ' s pragmatic decision making fused the principle of individualism with an appreciation of multiculturalism to accommodate his colleagues ' differing opinions. She argues that Bakke is thus a legal and rhetorical milestone that helped to shift the justificatory grounds of race-conscious policy away from a recognition of historical discrimination and its call for reparative equality, and

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toward an appreciation of racial diversity.

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