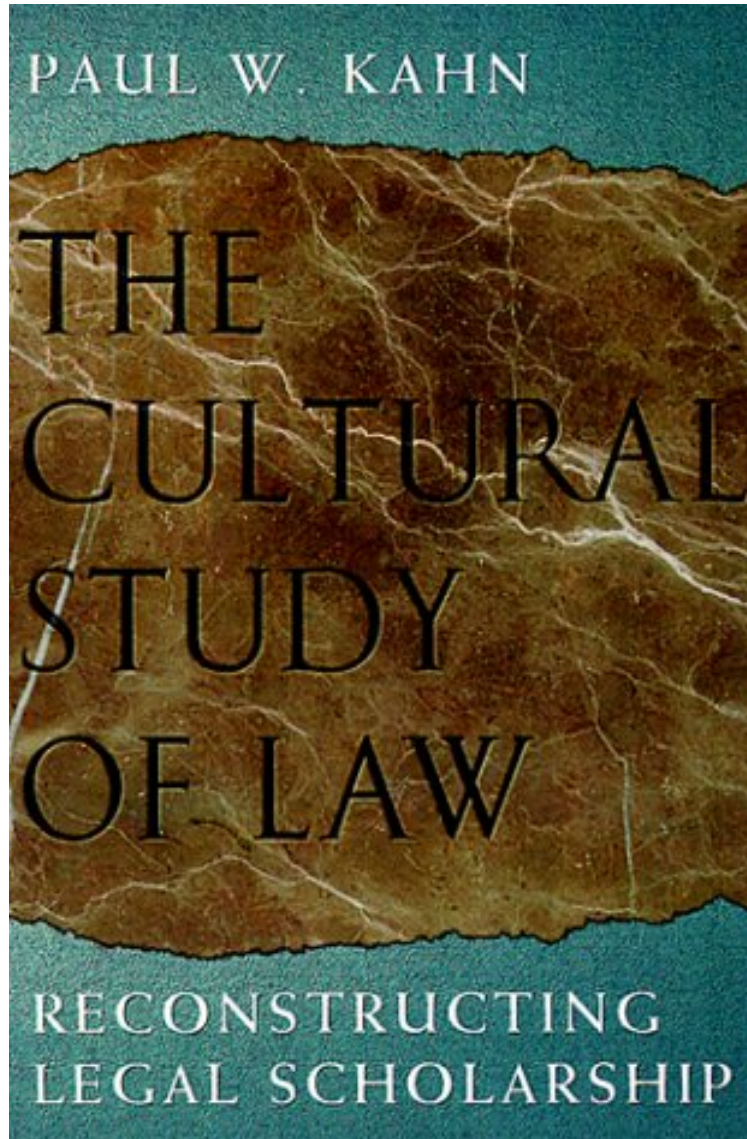


[Free read ebook] The Cultural Study of Law: Reconstructing Legal Scholarship

The Cultural Study of Law: Reconstructing Legal Scholarship

Paul W. Kahn

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Paul W. Kahn : The Cultural Study of Law: Reconstructing Legal Scholarship before purchasing it in order to gauge whether or not it would be worth my time, and all praised The Cultural Study of Law: Reconstructing Legal Scholarship:

3 of 4 people found the following review helpful. A Deeply Radical Critique of American Legal Scholarship By Matthew D. Jones Professor Kahn's book is a deeply radical critique of American legal scholarship, in the sense of "getting to the roots," as opposed to a position on a political spectrum. He argues, essentially, that most legal

scholarship is analogous to theology, where the rule of law substitutes for the existence or appearance of God. The various schools of thought within legal scholarship, from "originalists" to critical legal studies, all assume that the rule of law exists, or is at least possible, and debate its nature, or how the rule of law may be best realized (what Kahn calls debating proposals for legal reform). Kahn asserts that "[w]e cannot study law if we are already committed to law" (p. 27) and proposes that legal scholars examine the law outside of the forms of discourse that constitute, or attempt to make immanent, the rule of law itself. Kahn proposes a number of approaches to study how legal meaning (the rule of law) is created as cultural artifact, and the implications of those meanings for conceptions of the state and the individual. In the end, Kahn leaves the most deeply radical implications of his work more implicit than explicit. What happens when we are no longer "committed to law?" Could we lose our commitment to law in one context (as a student of law as a cultural practice), yet maintain in another (as a citizen)? Kahn suggests that nothing in his book would require the "abandonment of the legal scholar's traditional concerns with reform" (p. 137), but this understates the profound implications of his work. It is literally true that nothing in Kahn's book "requires" the abandonment of projects of legal reform or faith in the law. But this elides the deeper questions, as faith in the possibility of reform is a personal disposition that can be neither proved nor disproved. Similarly to when religion is viewed externally as a cultural practice, the question becomes whether faith in God or law, as the case may be, can be maintained when there is knowledge of an external standpoint where the cultural practices that make God or law appear immanent are explained. In the case of religion, this is a matter of personal choice, whereas obedience to the law is enforced with the coercive power of the state. Can that coercive power appear legitimate in the absence of faith in the rule of law (when we are no longer "committed to law")? Can faith in the rule of law be maintained when, as Kahn advocates, law is studied from an external standpoint as a cultural practice? In Kahn's book, these questions are implied and not posed. Professor Kahn writes with elegance and tightly reasoned concision. This an extraordinary work which, in 139 pages, fundamentally calls into question the reams of paper that constitute much of legal scholarship. 0 of 1 people found the following review helpful. Five Stars By Citybythesea As Expected

Belief in the rule of law characterizes our society, our political order, and even our identity as citizens. The Cultural Study of Law is the first full examination of what it means to conduct a modern intellectual inquiry into the culture of law. Paul Kahn outlines the tools necessary for such an inquiry by analyzing the concepts of time, space, citizen, judge, sovereignty, and theory within the culture of law's rule. Charting the way for the development of a new intellectual discipline, Paul Kahn advocates an approach that stands outside law's normative framework and looks at law as a way of life rather than as a set of rules. "Professor Kahn's perspective is neat and alluring: We need a form of legal scholarship released from the project of reform so that we can better understand who and what we are. The new discipline should study 'not legal rules, but the imagination as it constructs a world of legal meaning.' . . . [C]oncise, good reading, and recommended." New York Law Journal

From Booklist Legal scholarship, Yale Law School professor Kahn argues, has no real theory of the rule of law because it takes the rule of law as a given and then proposes some sort of reform. Kahn argues that "the culture of law's rule needs to be studied in the same way as other cultures"; this book suggests how this can be done. In an approach blending Socratic dialogue and cultural anthropology, Kahn suggests a suspension of disbelief to permit study of how the notion of the rule of law structures other beliefs: about time and space, about the self, about free choice, about subject and object. "Standing within the law," he urges, "we are always in danger of allowing law to fill our entire vision." By stepping outside the "givens" of the law, readers may better understand the unspoken values on which the rule of law rests. Appropriate for larger social science collections where theoretical works circulate. Mary Carroll From the Inside Flap Belief in the rule of law characterizes our society, our political order, and even our identity as citizens. "The Cultural Study of Law" is the first full examination of what it means to conduct a modern intellectual inquiry into the culture of law. Paul Kahn outlines the tools necessary for such an inquiry by analyzing the concepts of time, space, citizen, judge, sovereignty, and theory within the culture of law's rule. Charting the way for the development of a new intellectual discipline, Paul Kahn advocates an approach that stands outside law's normative framework and looks at law as a way of life rather than as a set of rules. About the Author Paul W. Kahn is the Robert W. Winner Professor of Law and Humanities at Yale Law School. He is the author of *The Reign of Law: Marbury v. Madison and the Construction of America*, *Legitimacy and History: Self-Government in American Constitutional Theor*, and, most recently, *Law and Love: The Trials of King Lear*.