

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

## Index

- Aboriginals Ordinance of 1918 (Australia), 408  
 Abrams, Kathryn, 21–23  
 Abrams, M. H., 509–510  
 Ade Ajayi, A. F., 450  
 Agamben, Giorgio, 151, 409  
 Akyeampong, Emmanuel, 439  
 Allen, Christopher, 481–482  
 Amar, Akhil, 442  
 Anderson, Benedict, 419  
 Antaki, Mark, 497  
*Antigone*, 143–144, 145–151, 157–158  
 Aquinas, Thomas, 144–145, 344  
 Architecture, postmodernism in,  
     190–195  
 Arendt, Hannah, 430, 476–477  
 Aristotle, 63, 147, 161, 343  
 Art, imagining law in, 292–312  
     art of law, 295–297  
     copyright law, 300–305  
     creativity and innovation, 300–305  
     cultural internationalism, 299–300  
     cultural nationalism, 299–300  
     cultural property law, 299–300  
     defining art, 307–310  
     depiction of law in art, 297–298  
     generally, 292–295  
     intellectual property law, 300–305  
     protection of culture, 298–300  
     tension between law and art,  
         305–307  
 Asad, Talal, 398  
 Auden, W. H., 390  
 Austen, Jane, 224, 225  
 Austen, Ralph, 439  
 Austin, J. L., 328–329, 383–384  
 Australia, aboriginals in, 409–410  
 Badiou, Alain, 336  
 Bakhtin, Mikhail, 214–215, 487  
 Balkin, Jack, 53, 57, 58–59, 325, 353–355, 505  
 Ball, Milner S., 466  
 Banville, John, 493  
 Barbie, Klaus, 426  
 Barkan, Elazar, 436, 448  
 Barnash, Pamela, 127  
 Barnett, Randy, 369  
 Barsky, Robert, 90  
 Bauman, Zygmunt, 193  
 Baumann, Gerlinde, 130  
 Beal, Timothy, 137  
 Beattie, John, 481  
 Beccaria, Cesare, 519  
 Beckett, Samuel, 500  
 Behn, Aphra, 217  
 Bell, Ian, 489  
 Bender, John, 215, 230, 488, 526  
 Benjamin, Walter, 328, 398, 509  
 Bentham, Jeremy, 483  
 Berger, Raoul, 351  
 Berkowitz, Roger, 497, 501–505, 507–510, 513, 514,  
     515  
 Berk-Seligman, Susan, 324  
 Berlin, Ira, 422, 437  
 Berman, Nathaniel, 191, 295  
 Berry, Mary Frances, 445  
 Best, Stephen, 449  
 Biblical justice, 125–140  
     abjection, 136–138  
     anger of God, 130–131  
     betrayal of God, 129–130, 138–139  
     compassion, 126–127  
     emotions of God, 133–134  
     impurity and cleansing, 134–138

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

532

Index

- Biblical justice (*cont.*)  
 reflexive retribution, 139–140  
 retribution, 125–126, 128  
 sin and punishment, 128–129, 131–134  
 vengeance, 127–128
- Billy Budd*  
 continuity in, 92–97  
 heterogeneity in, 84–86  
 movement in, 75–80  
 overview, 73, 74–75
- Bilsky, Leora, 429–430
- Binder, Guyora, 430–431
- Biondi, Martha, 445
- Bittker, Boris, 447–448
- Bix, Brian, 326, 347–348
- Bleak House*, 231–234, 489–490, 491–492
- Blight, David, 422, 437
- Bloody Code (UK), 457–458
- Bourdieu, Pierre, 317–318, 337
- Braidotti, Rosi, 56
- Brandeis, Louis, 401
- Brandwein, Pamela, 442
- Brantlinger, Patrick, 487
- Brewer, David, 365
- Breyer, Stephen, 371
- Brooks, Peter, 385–386, 478–479, 481, 484–485
- Brooks, Roy L., 449
- Brophy, Al, 445
- Brown, Henry Billings, 388–389, 390, 391, 392, 396
- Brown, Wendy, 335
- Brown, William Wells, 392–393
- Budd, Mike, 277–278
- Burnett, Cathleen, 298
- Burns, Robert P., 468
- Bush, George W., 59, 103
- Butler, Judith, 143, 335, 384–385
- Calabresi, Guido, 10–11
- Caldwell, John, 272–273
- Camus, Jean-Yves, 450
- Capital punishment, 107–108, 526–527
- Carey, Peter, 493
- Carlin, John, 302
- Castle, Terry, 486
- Character-driven story (CDS) form of justice,  
 163–164, 169–171, 174–175
- Charles V (Spain), 65
- Chirac, Jacques, 438
- Chivallon, Christine, 438
- Cicero, 63–64, 147, 343, 344
- “Cinematic jurisprudence,” 260–265
- Cleland, John, 237
- Collins, Wilkie, 234–235, 489
- Community, centrality of, 120–121
- Confessions, 483–485
- Constable, Marianne, 99–100, 108, 324–325, 326,  
 327, 378–379, 385–387, 497
- Contingency, 102–103, 117
- Continuity, 92–97  
*Billy Budd*, in, 92–97  
*Death and the Maiden*, in, 92–94, 95–97
- Cops*, 283–290
- Copyright law, 300–305
- Corbin, Arthur, 362, 363–364
- Cornell, Drucilla, 206, 325, 327, 328
- Cornett, Judy, 486
- Corrective justice, 171–176
- Coughlin, Anne, 119
- Cover, Robert, 93, 244, 261–262, 321, 322, 327–328,  
 332–333, 338, 381–382
- Craig, Steve, 277–278
- Crash*, 410–413
- Crenshaw, James, 125
- Crenshaw, Kimberlè, 384
- Criminal Evidence Act of 1898 (UK), 483
- Critical legal studies, 203, 204–206, 380
- Critical openness, 116–117
- Critical Race Theory, 206, 384–385, 425
- Criticisms of law and humanities, 113–115
- “CSI effect,” 269, 291
- Cultural internationalism, 299–300
- Cultural nationalism, 299–300
- Cultural property law, 299–300
- Culture, centrality of, 120–121
- Cumberland, Richard, 155–156
- Curtin, Philip, 439
- Curtis, Dennis, 298
- Cvetkovich, Ann, 235
- Dante Alighieri, 165, 180
- Dart, Gregory, 484–485
- Death and the Maiden*  
 continuity in, 92–94, 95–97  
 heterogeneity in, 87–89  
 movement in, 75–76, 80–84  
 overview, 73–75
- Declaration of the Rights of Man and Citizen  
 (France), 67
- Deconstruction in law, 202–205, 208–209, 505–507
- Defining humanities, 49–51
- Defoe, Daniel, 217, 220–221, 236–238, 487
- Deger, Jennifer, 260
- Deleuze, Gilles, 205
- Delgado, Richard, 384
- de Man, Paul, 391, 397
- Democracy and equality, 109–113

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

## Index

533

- de Quincey, Thomas, 485
- Derrida, Jacques, 159–160, 202–205, 206, 208, 325, 328, 337, 399, 402–404, 405, 412, 413–414, 496–497, 498–501, 503, 505–506, 512, 514
- de Tocqueville, Alexis, 468
- Diamantides, Marinos, 336–337
- Dickens, Charles, 231–234, 489–490, 491–492
- diCorcia, Philip-Lorca, 292
- Digital representation, 260–265
- Dimock, Wai Chee, 382
- Distributive justice, 176–181
- Dr. Jekyll and Mr. Hyde*, 387–388, 393–395, 396–397
- Dodds, John, 62–63
- Donohue, John J., 107–108
- Dorff, Elliot, 126
- Douglas, Lawrence, 84–85, 429, 469
- Douzinas, Costas, 19–20, 202–203, 298, 306–307
- Doyle, Aaron, 283, 284, 287
- Dubois, W. E. B., 392
- Durkheim, Emile, 54–55, 519–520
- du Toit, André, 432
- Dworkin, Ronald, 109, 141–142, 347, 348, 356–358, 369
- Eades, Diana, 335–336
- Economics, reductionism in, 104–107
- Eichmann trial, 429, 430
- Eisenhower, Dwight, 247
- Eliot, George, 491
- Elsen, Albert, 294
- Elshtain, Jean Bethke, 432
- Ely, John Hart, 369
- Equality and democracy, 109–113
- Erin Brockovich*, 246
- Eskridge, William, 367–368
- European Convention on Human Rights, 494–495
- Evans, David, 296–297
- Evidence Act of 1843 (UK), 483
- Ewick, Patricia, 317–318
- Farley, Christine Haight, 32–34
- Farmer, Lindsay, 41–43
- Feagin, Joe R., 447
- Felman, Shoshana, 387, 475, 494
- Ferguson, Robert A., 297, 468, 474–475
- Fiction. *See* Literature, imagining law in
- Fielding, Henry, 217, 481, 486–487, 488–489
- Fifteenth Amendment (US), 442–444
- Films, imagining law in, 241–268. *See also specific film*  
 “cinematic jurisprudence,” 260–265  
 digital representation, 260–265  
 generally, 241–248  
 law and film studies, 265–268  
 law as film, 242–243, 254–260  
 law in film, 241–242, 248–253
- Finnis, John, 145, 152, 157, 344–345
- First Amendment (US), 384
- Fish, Stanley, 90, 362–363, 379–380
- Fishman, Jessica, 283, 284
- Fiss, Owen M., 9–11
- Fitzgerald, Robert, 401
- Flanagan, Richard, 493
- Force of Law*, 498–501
- The Fortunes and Misfortunes of the Famous Moll Flanders*, 220–222, 487
- Foucault, Michel, 230–231, 237, 458, 494, 525–526
- Fourteenth Amendment (US), 351, 388, 442–444
- Fourth Amendment (US), 279, 401
- France, slavery in, 449–451
- Frankfurter, Felix, 151–152
- Fretheim, Terrence, 129
- Freud, Sigmund, 144, 157, 159, 464
- Frickey, Philip, 367–368
- Frohmann, Lisa, 334
- Fuller, Lon, 141–142, 500, 503
- “Fundamentalism” of reason, 102–104
- Gadamer, Hans-Georg, 356, 359, 373
- Galanter, Marc, 424
- Gammie, John, 133, 138
- Garver, Gene, 99–100
- Gaskell, Elizabeth, 491
- Gates, Henry Louis, 328
- Geller, Paul Edward, 302
- Genesis of law and humanities, 2–11
- Genocide, 181–182
- Genocide Convention, 407
- George, Robert, 157
- Gerstenblith, Patty, 300
- Gerwitz, Paul, 479
- The Gift of Science*, 501–505
- Gillman, Derek, 300
- Giraud, Michel, 450–451
- Godwin, William, 485
- Goodman, Nan, 382–383
- Goodrich, Peter, 27–28, 220, 317–318, 323, 329–331, 336, 481
- Gordon, Robert, 424–425
- Gourevitch, Philip, 181–182, 185
- Graber, Mark, 442
- Greene, Graham, 237
- Greenspan, Alan, 104–105
- Grisez, Germain, 152, 157

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

534

Index

- Gross, Ariela, 40–41  
 Grossman, Jonathan H., 228  
 Grotius, Hugo, 153–154  
 Gutmann, Amy, 433–434
- Habermas, Jürgen, 328–329, 373–374, 421  
 Haggis, Paul, 410  
 Halberstam, Chaya, 23–24  
 Halbwachs, Maurice, 418  
 Haldar, Piya, 297  
 Hamilton, Annette, 260  
 Hand, Learned, 59  
 Hart, H. L. A., 141–142, 346–348, 499, 500  
 Hartman, Saidiya, 439–440, 449  
 Hate speech, 384–385  
 Hausner, Gideon, 429, 430  
 Havemann, Paul, 409  
 Hayner, Priscilla B., 432–433  
 Haywood, Eliza, 217  
 Hegel, G. W. F., 54–55, 143, 148–149, 510, 527–529  
 Heidegger, Martin, 111, 355–356, 496–497, 501, 503, 504, 506  
 Heinzelman, Susan Sage, 29–30  
 Hermeneutics  
   interpretation and, 355–360  
   suspicion, of, 116–117  
 Heterogeneity, 84–92  
   *Billy Budd*, in, 84–86  
   *Death and the Maiden*, in, 87–89  
 Historicism in postmodernism, 194  
 History of law and humanities, 61–70  
 Hobbes, Thomas, 54–55, 154–155, 195–202, 322  
 Hoffman, Lord, 59–60  
 Holmes, O. W., 58, 59, 308, 363  
 Hom, Sharon, 425  
 Homeland security, 287–289  
 Homer, 61–62, 401  
 Homestead Act (US), 447  
 Homicide, 280  
 Honoré, Tony, 172  
 Houck, Max, 269  
 Human rights, law and humanities and, 70–72  
 Humility, 121  
 Hurd, Heidi, 345  
 Husserl, Edmund, 317–318, 337
- Ideas of justice  
   Biblical justice (*See* Biblical justice)  
   character-driven story (CDS) form, 163–164, 169–171, 174–175  
   corrective justice, 171–176  
   distributive justice, 176–181  
   generally, 161–164  
   narrative and justice, 164–166  
   natural law (*See* Natural law)  
   overview, 23–28  
   postmodern justice (*See* Postmodern justice)  
   retributive justice, 166–171  
   transitional justice, 181–187  
   utopian form, 163–164, 179–181, 186–187
- Imagining law  
   art, in (*See* Art, imagining law in)  
   films, in (*See* Films, imagining law in)  
   literature, in (*See* Literature, imagining law in)  
   overview, 28–34  
   television, in (*See* Television, imagining law in)
- Indian Evidence Act of 1872 (UK), 494–495
- Institutional processes in law  
   judgment (*See* Judgment)  
   overview, 41–46  
   punishment (*See* Punishment)  
   testimony (*See* Testimony)  
   trials (*See* Trials)
- Intellectual property law, 300–305
- Intentionalism, 349–351
- Interpretation and law, 339–376  
   Constitutional law, in, 369–372  
   contract law, in, 341–342, 360–363  
   generally, 339–342  
   hermeneutics and, 355–360  
   intentionalism, 349–351  
   legal positivism and, 346–348  
   natural law and, 344–345  
   originalism, 349  
   parol evidence rule, 341–342, 360–363  
   statutory law, in, 363–368  
   textualism, 352–355  
   theoretical approaches to, 343
- Jackson, Michael, 455  
 Jameson, Frederic, 180–181  
 Jay, Martin, 298  
 Jencks, Charles, 191  
 “Jim Crow” laws, 440–441  
 John, Juliet, 492  
 Johnson, Barbara, 506  
 Johnson, James Weldon, 392–393  
 Johnston, Adrian, 151  
 Jordan, Emma Coleman, 447  
 Judgment, 496–516  
   deconstruction and, 505–507  
   generally, 496–498  
   justice and, 512–515  
   legal positivism, critiques of, 498–505  
   literature, in, 510–511  
   transcendentalism and, 507–510

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

## Index

535

- Kafka, Franz, 190–191  
 Kahn, Paul, 16–18, 383  
 Kainz, Howard, 142, 152  
 Kaminsky, Joel, 131  
 Kamir, Orit, 96  
 Kant, Immanuel, 54–55, 156–157, 159, 166–167  
 Kapczynski, Amy, 444–445  
 Karns, Alexander, 436  
 Katznelson, Ira, 447, 448  
 Kearns, Paul, 306  
 Kearns, Thomas, 377  
 Keenan, Thomas, 414  
 Kellogg, Catherine, 24–25  
 Kennedy, Duncan, 203, 380  
 Kingsley, Ben, 83  
 Klawans, Jonathan, 134–136, 138, 139  
 Koch, Klaus, 126, 131–134, 138, 139  
 Kozinski, Alex, 362–363  
 Kristeva, Julia, 136–138  
 Kucich, John, 494  
 Kuhns, Richard, 64  
 Kundera, Milan, 511  
 Kwall, Roberta Rosenthal, 301
- Lacan, Jacques, 143–144, 149–151, 157–158, 328  
 LaCapra, Dominick, 419, 421, 423  
 LaFree, Gary, 334  
 Lane, Philip, 280  
 Lang, Fritz, 180  
 Langbein, John, 482  
 Langille, Brian, 500–501  
 Language and law, 315–338  
   culture and, 336–337  
   generally, 317–318  
   instrumental and phenomenological  
     relationship, 323–326  
   pedagogy and, 331–333  
   philosophical and theoretical relationship,  
     326–331  
   supplementary models of humanist theory,  
     319  
   theory *versus* practice, 333–336  
 Larsen, Nella, 392–393  
 las Cases, Bartholomé de, 65–66  
*Law and Order*, 274–283  
 Law of Evidence Amendment Act of 1851 (UK),  
   483  
 Lawrence, Charles R., 384  
 Lawrence, D. H., 237, 511  
 “Law with humanities,” 51–57  
 “Law without humanities,” 57–61  
*Learning from Las Vegas*, 191–193  
 le Corbusier, Henri, 191
- Lee, Susanna, 31–32  
 Lefort, Claude, 152  
 Legal positivism  
   critiques of, 498–505  
   interpretation and, 346–348  
 Legal writing, 331–333  
 Legendre, Pierre, 199, 336  
 Leibniz, Gottfried, 502  
*Leviathan*, 195–202  
 Lévinas, Emmanuel, 203–204, 328, 506  
 Levinson, Sanford, 53, 57, 58, 59, 335  
 Lieber, Francis, 349–351, 355  
 Linguistic processes in law  
   interpretation (*See* Interpretation and law)  
   language (*See* Language and law)  
   memory (*See* Memory and law)  
   overview, 34–41  
   rhetoric (*See* Rhetoric and law)  
   translation (*See* Translation and law)  
 Literature, imagining law in, 213–240. *See also*  
   specific novel or play  
   generally, 213–216  
   judgment in, 510–511  
   misrepresentations in, 236  
   obscenity, 236  
   realism in, 216–222  
   reformation in, 228–236  
   romance in, 222–228  
   “sensation novels,” 234–235  
   testimony in, 485–493  
*Lolita*, 236–239  
 Luhmann, Niklas, 328  
 Lumet, Sidney, 248  
 Lyotard, Jean-François, 193–194, 399, 404–407,  
   413–414
- MacKinnon, Catharine, 326  
 Macpherson, Sandra, 225  
 Maier, Charles, 420–421, 434  
 Maine, Henry, 223  
 Manderson, Desmond, 44–45  
 Manley, Delarivier, 217  
 Marcus, George, 335–336  
 Marmor, Andrei, 348, 355  
 Marshall, Thurgood, 442, 443  
 Marx, Karl, 54–55, 186–187, 189  
 Matoesian, Gregory M., 334  
 Matsuda, Mari, 384  
 M’Bala M’Bala, Dieudonné, 450  
 McClean, Daniel, 302–303, 306  
 McKeon, Michael, 486  
 McLeod, Kembrew, 304  
 McNeil, William, 291

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

536

Index

- Melish, Joanne Pope, 437
- Melville, Herman, 73
- Memory and law, 416–452
  - collective memory, 417–418
  - debate regarding, 420–421
  - generally, 416–417
  - history, relationship with, 421–423
  - invented traditions, 419
  - Jewish history, in, 419–420
  - limits of trials in shaping memory, 425–428
  - psychoanalysis and, 419
  - reforming past, use of law for, 423–425
  - slavery and, 436–451
  - truth and reconciliation commissions, role of, 431–436
  - use of trials in shaping memory, 428–431
- The Merchant of Venice*, 402–404
- Merleau-Ponty, Maurice, 102–103, 115, 117–118
- Merryman, John Henry, 294, 299–300
- Mertz, Elizabeth, 333, 334, 336
- Metropolis*, 180
- Mezey, Naomi, 78
- Michelman, Frank, 91
- Mill, John Stuart, 161
- Miller, D. A., 230, 233, 235
- Miller, Henry, 237
- Miller, Patrick, 128–129
- Milosevic, Slobodan, 455
- Milpururu, 309
- Minow, Martha, 98–99, 431–432, 436
- Miranda v. Arizona*, 385–387
- Misrepresentations in literature, 236
- Mootz, Jay, 35–37
- More, Thomas, 164, 165, 180, 186–187
- Morris, Erroll, 246
- Movement
  - Billy Budd*, in, 75–80
  - Death and the Maiden*, in, 75–76, 80–84
- Movies. *See* Films, imagining law in
- Mulcahy, Linda, 296–297
- Murav, Harriet, 38–40
- Nabokov, Vladimir, 236–237, 239
- The Naked City*, 170–171, 180
- Narrative
  - importance of, 381–383
  - justice and, 164–166
- Natural law, 141–160
  - Antigone*, in, 143–144, 145–151, 157–158
  - evolution of, 152–159
  - generally, 141–145
  - interpretation and, 344–345
  - new natural law theory, 151–152, 157, 344–345
- Nerhot, Patrick, 343, 358–359
- Neville, Alisoun, 407, 408
- Nietzsche, Friedrich, 144, 374, 524, 525
- Nonet, Philippe, 497, 503, 504
- Nora, Pierre, 416, 417, 418, 450
- Novak, Maximillian E., 229
- Novels. *See* Literature, imagining law in
- Nozick, Robert, 162, 177–178
- Nuremberg Trials, 183, 426
- Nussbaum, Martha, 53–54, 55–57
- Obscenity, 236
- The Odyssey*, 401
- Oedipus myth, 143, 145–147, 158–159
- Ogletree, Charles, Jr., 446
- Originalism, 349
- Osiel, Mark, 426, 428
- Overview, 18–46
- Papon, Maurice, 426
- Parol evidence rule, 341–342, 360–363
- Peirce, Charles, 325
- Pendas, Devin, 430
- Perlman, Elliot, 493
- Perspectives on scholarship in law and humanities, 19–23
- Peters, Julie Stone, 435–436
- Pether, Penny, 34–35
- Philadelphoff-Puren, Nina, 337
- Picasso, Pablo, 295
- Plato, 54–55, 61–62, 164–165, 180, 186–187
- Plessy v. Ferguson*, 387–397
- Polanski, Roman, 73–74, 83, 88
- Popkin, William, 364
- Posner, Richard A., 105–106, 521
- Post, Robert, 109–113, 334–335
- Postmodern justice, 188–209
  - architectural analogy, 190–195
  - critical legal studies and, 203, 204–206
  - deconstruction in law, 202–205, 208–209
  - defining, 188–189
  - generally, 188–189
  - historicist in postmodernism, 194
  - “rendering” justice, 206–208
  - roots of postmodernism, 189–190
- Pound, Roscoe, 51–53, 56–57, 58–59, 365
- Pride and Prejudice*, 224–228
- Primus, Richard, 442, 443–444
- Prisoners’ Counsel Act of 1836 (UK), 459–460, 482, 490
- Psychoanalysis, 144, 159, 419
- Pufendorf, Samuel, 155–156
- Pugliese, Joseph, 337

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

## Index

537

- Punishment, 517–529  
 abstract thought and, 527–529  
 capital punishment, 107–108, 526–527  
 connection with humanities, 517–518  
 estrangement of law from humanities and,  
 520–523  
 historical development of, 518–520  
 purposes of, 524–527  
 thinking about in humanities framework,  
 523–524
- Radin, Margaret Jane, 91, 98
- Rawls, John, 161, 165, 176–177, 179–180, 186–187,  
 200–202
- Raz, Joseph, 372–373
- Reade, Charles, 489
- Realism in literature, 216–222
- Reconstruction, 442–445
- Reconstructive trial, 457–466
- Reed, Douglas, 247
- Reformation in literature, 228–236
- Reichman, Ravit, 37–38
- “Rendering” justice, 206–208
- Resistance to law and humanities, 11–18
- Resnik, Judith, 298
- Restatement (First) of Contracts, 361
- Restatement (Second) of Contracts, 361
- Retributive justice, 166–171
- Revels, Hiram, 443–444
- Rhetoric and law, 377–397  
 generally, 377–381  
 narrative, importance of, 381–383  
 race and, 387–397  
 speech and, 383–387
- Richardson, Samuel, 217, 486, 493
- Ricouer, Paul, 116–117
- Robinson, Randall, 446
- Rodensky, Lisa, 230–231, 233
- Rodowick, D. N., 243, 262
- Rollenhagen, Gabriel, 195
- Romance in literature, 222–228
- Ronell, Avital, 279
- Rose, Gillian, 505–506
- Rosenbloom, Jonathan, 297
- Rosett, Arthur, 126
- Rotberg, Robert, 433
- Roth, Michael, 421, 422–423
- Rousseau, Jean-Jacques, 179–180, 186–187, 484
- Rousso, Henri, 427
- Rozin, Paul, 139
- Sanders, Mark, 414–415, 435
- Santner, Eric, 144
- Sarat, Austin, 246, 322, 377, 380–381
- Sarony, Napoleon, 309
- Savigny, Friedrich Carl von, 505
- Scafidi, Susan, 302, 306
- Scalia, Antonin, 352, 365–367, 370–371
- Scarry, Elaine, 322
- Schauer, Frederick, 326, 335
- Scheppele, Kim Lane, 334
- Schlag, Pierre, 90–91, 296
- Schmitt, Carl, 497
- Schoelcher, Victor, 450
- Scholem, Gershom, 245
- Schramm, Jan-Melissa, 43–44
- Schütz, Anton, 336
- Scipio, 63–64
- Searle, John, 328–329, 506
- Second Amendment (US), 369–372
- Selden, John, 191
- Sennett, Richard, 490
- “Sensation novels,” 234–235
- Separate Car Act (Louisiana), 388, 391
- Sepinwall, Alyssa, 437–438
- Sepulveda, Ginés de, 65, 66
- Shapiro, Barbara, 480–481, 486
- Sherwin, Richard, 30–31, 87, 91, 269–270, 278,  
 473, 476
- Shoemaker, Karl, 45–46
- Silbey, Susan S., 317–318
- Simpson, O. J., 455
- Slavery  
 France, in, 449–451  
 “Jim Crow” laws compared, 440–441  
 memory of, 436–440  
 Reconstruction and, 442–445  
 reparations for, 445–449  
 shaping law, role of memory in, 440–441
- Smith, Matthew, 25–27
- Sobchack, Vivian, 260–261, 262
- Social and cultural functions of trials, 474–476
- Solan, Lawrence, 323
- Solomon, Robert, 127–128
- Solove, Daniel, 90
- Sophocles, 143, 145–147
- South Africa, Truth and Reconciliation  
 Commission, 413–415, 432, 435
- Spaulding, Norman, 442–443
- Spence, Michael, 305
- Spiegel, Gabrielle, 423
- Spierenberg, Peter, 526
- Starr, Paul, 448–449
- Steiner, George, 148
- Steinman, Clay, 277–278
- Sterne, Laurence, 487

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

538

Index

- Stevens, John Paul, 366, 371  
 Stevens, Wallace, 255  
 Stevenson, Robert Louis, 387–388, 393–395, 396–397  
 Subjectivity, 114–115, 117–120  
 Sumser, John, 278, 279–280  
 Sutherland, Edson, 521–522
- Tapper, Colin, 494–495  
 Taylor, Charles, 100–101  
 Taylor, Katharine F., 297, 466  
 Teitel, Ruti, 182, 434–435, 436  
 Television, imagining law in, 269–291. *See also specific program*  
   “CSI effect,” 269, 291  
   generally, 269–274  
   homeland security and, 287–289  
   recording and, 272–273  
   spectator participation, 270–272  
   style and, 273
- Testimony, 478–495  
   confessions, 483–485  
   Continental tradition, 483–485  
   English common law, under, 479–483  
   generally, 478–479  
   humanities, current status in, 493–494  
   law, current status in, 494–495  
   literature, in, 485–493
- Teubner, Guenther, 328–329  
 Textualism, 352–355  
 Thackeray, William, 489  
 Theater, trial as, 466–470  
*The Thin Blue Line*, 246  
 Thirteenth Amendment (US), 388, 442–444  
 Thomas, Brook, 392  
 Thomas, Ronald, 490  
 Thompson, Dennis, 433–434  
 Thompson, Janna, 425  
 Tiersma, Peter M., 323  
 Todorov, Tzvetan, 66  
 Tourgée, Albion, 388, 391, 393  
 Touvier, Paul, 426, 427–428  
 Transcendentalism in law, 507–510  
 Transitional justice, 181–187  
 Translation and law, 398–415  
   Australian Aboriginals, problems regarding, 409–410  
   biometrical data, 409–410  
   fidelity to self and, 400–404  
   generally, 398–400  
   nonverbal forms of communication, 407–410  
   others, words of, 404–407  
   police and suspects, problems regarding, 410–413  
   South Africa Truth and Reconciliation Commission, problems regarding, 413–415
- Trials, 455–477  
   fascination with, 476–477  
   reconstructive trial, 457–466  
   significance of, 455–457  
   social and cultural functions of, 474–476  
   theater, trial as, 466–470  
   “Trial of the Century,” 455–457  
   truth and communication in, 470–474
- Trollope, Anthony, 489, 491  
 Trotsky, Leon, 182–183  
 Truth and communication in trials, 470–474  
 Truth and reconciliation commissions  
   memory, role in shaping, 431–436  
   translation, problems with, 413–415  
 12 *Angry Men*, 248–253
- Ullman, B. L., 49–50  
 Ullman, Walter, 523  
 Umphrey, Martha, 85–86, 96, 473  
 Uniform Commercial Code, 361  
 United Kingdom, testimony in, 479–483  
 Utopian form of justice, 163–164, 179–181, 186–187
- van Wolde, Ellen, 130–131  
 Venturi, Robert, 191–195  
 von Rad, Gerhard, 127
- Wallace, Elizabeth Kowaleski, 38  
 Ward, Humphrey, 493  
 Warner, William, 220–221  
 Warrington, Ronnie, 202–203  
 Watson, Irene, 409  
 Watt, Ian, 216–219, 488  
 Weaver, Sigourney, 83  
 Weber, Max, 54–55, 525  
 Weil, Simone, 320  
 Weill, Stephen, 293  
 Weinreb, Lloyd, 345  
 Weisberg, Richard, 319, 320–322, 494, 497  
 Welsh, Alexander, 229, 488, 492–493  
 West, Robin, 4–8, 85, 322–323  
 Westley, Robert, 446  
 Wexler, Leila Sadat, 427–428  
 White, James Boyd, 2–7, 8, 10–11, 98, 99, 100, 113, 118–119, 295, 319–320, 332, 378, 395, 399, 400–402, 404–406, 409, 410, 412, 413–414, 415  
 Whittington, Keith, 352–353, 354–355  
 Wiesel, Elie, 494  
 Williams, Patricia, 206

Cambridge University Press

978-0-521-89905-5 - Law and the Humanities: An Introduction

Edited by Austin Sarat, Matthew Anderson and Cathrine O. Frank

Index

[More information](#)

## Index

539

Wilson, Stuart, 83  
Winter, Steven, 20–21, 91  
Wither, George, 195–197  
Witnesses. *See* Testimony  
Wolf, Dick, 283  
Wolf, Erik, 151  
Wolfe, Christopher, 151–152  
Wolfers, Justin, 107–108  
Wolff, Tobias, 514–515  
Wolterstorff, Nicholas, 125  
*The Woman in White*, 234–235, 489

Wood, Nancy, 427  
Wordsworth, William, 485

*The Yale Journal of Law and the Humanities*, 8–11

Yamamoto, Eric, 425  
Yerushalmi, Yosef, 419–420  
Yonge, Charlotte, 491

Zerubavel, Yael, 419, 421  
Zizek, Slavoj, 66, 151  
Zupancic, Alenka, 150–151, 157, 158