



Cultural Analysis, Cultural Studies, and the Law: Moving Beyond Legal Realism

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Cultural Analysis, Cultural Studies, and the Law is a field-defining collection of work at the intersection of law, cultural analysis and cultural studies. Over the past few decades the marked turn toward claims and policy arguments based on cultural identity—such as ethnicity, race, or religion—has pointed up the urgent need for legal studies to engage cultural critiques. Exploration of legal issues through cultural analyses provides a rich supplement to other approaches—including legal realism, law and economics, and law and society. As Austin Sarat and Jonathan Simon demonstrate, scholars of the law have begun to mine the humanities for new theoretical tools and kinds of knowledge. Crucial to this effort is cultural studies, with its central focus on the relationship between knowledge and power.

Drawing on legal scholarship, literary criticism, psychoanalytic theory, and anthropology, the essays collected here exemplify the contributions cultural analysis and cultural studies make to interdisciplinary legal study. Some of these broad-ranging pieces describe particular approaches to the cultural study of the law, while others look at specific moments where the law and culture intersect. Contributors confront the deep connections between law, social science, and post-World War II American liberalism; examine the traffic between legal and late-nineteenth- and early-twentieth-century scientific discourses; and investigate, through a focus on recovered memory, the ways psychotherapy is absorbed into the law. The essayists also explore specific moments where the law is forced to comprehend the world beyond its boundaries, illuminating its dependence on a series of unacknowledged aesthetic, psychological, and cultural assumptions—as in Adolph Eichmann’s 1957 trial, hiv-related cases, and the U.S. Supreme Court’s recent efforts to define the role of race in the construction of constitutionally adequate voting districts.

Contributors. Paul Berman, Peter Brooks, Wai Chee Dimock, Anthony Farley, Shoshanna Felman, Carol Greenhouse, Paul Kahn, Naomi Mezey, Tobey Miller, Austin Sarat, Jonathan Simon, Alison Young

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Alice Winfield:

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