

# Intuition and Legal Reasoning

## Proposed Literature

1. Intuition: A fundamental bridging construct in the behavioural sciences (Hodgkinson, Langan-Fox, and Sadler-Smith 2008)
2. Beyond dual-process models: A categorisation of processes underlying intuitive judgement and decision making (Glöckner and Witteman 2010)
3. Judgment under Uncertainty: Heuristics and Biases (Tversky and Kahneman 1974)
4. Thinking, Fast and Slow (Kahneman 2012)
  - a. Environments That Make Us Smart (Todd and Gigerenzer 2007)
  - b. Heuristics (Goldstein 2011)
5. Legal Reasoning and Legal Theory (MacCormick 1994) / Methods of legal reasoning (Jerzy Stelmach, Bartosz Brożek 2006)
6. Heuristic and the Law (Gigerenzer and Engel 2006)
7. The Legal Mind. A New Introduction to Legal Epistemology (Brożek 2019)
8. Judgment Intuitive The Function of the Hunch in Judicial Decision (Joseph C. Hutcheson Jr. 1929)
9. Judicial Decision-Making: A Behavioral Perspective (Teichman and Zamir 2014) – a book chapter in The Oxford Handbook of Behavioral Economics and the Law (Zamir and Teichman 2014)
10. Is There a Psychology of Judging? (Schauer 2010) in The Psychology of Judicial Decision Making (Klein and Mitchell 2010)
11. Inside the Judicial Mind (C. P. Guthrie, Rachlinski, and Wistrich 2001)
  - a. Blinking on the bench: How judges decide cases (C. Guthrie, Rachlinski, and Wistrich 2007)
  - b. Judging the Judiciary by the Numbers: Empirical Research on Judges (Rachlinski and Wistrich 2017)
12. Playing Dice With Criminal Sentences: The Influence of Irrelevant Anchors on Experts' Judicial Decision Making (Englich, Mussweiler, and Strack 2006)
  - a. Extraneous factors in judicial decisions (Danziger, Levav, and Avnaim-Pesso 2011)
  - b. Bailing and jailing the fast and frugal way (Dhimi and Ayton 2001)

13. Not-So-Easy Cases (Crowe 2019)
14. They saw a protest": cognitive illiberalism and the speech-conduct distinction (Dan M. Kahan, David A. Hoffman, Donald Braman, Danieli Evans, Jeffrey J. Rachlinski 2012)/  
The emotional dog and its rational tail: A social intuitionist approach to moral judgment (Haidt 2001)
15. The Cambridge Handbook of Expertise and Expert Performance (Ericsson et al. 2018)
16. The Paradox of Legal Expertise: A Study of Experts and Novices Reading the Law (Leah M. Christensen 2008)
17. If you judge, investigate! Responsibility reduces confirmatory information processing in legal experts (Schmittat and English 2016)
18. How Do Legal Experts Cope With Medical Reports and Forensic Evidence? The Experiences, Perceptions, and Narratives of Swiss Judges and Other Legal Experts (Canela et al. 2019)
19. Conditions for Intuitive Expertise: A Failure to Disagree (Kahneman and Klein 2009)
  - a. The role of deliberate practice in the acquisition of expert performance (Ericsson, Krampe, and Tesch-Römer 1993)
  - b. Deliberate practice: Is that all it takes to become an expert? (Hambrick et al. 2014)
20. Intuition in insight and noninsight problem solving (Metcalfe and Wiebe 1987)
21. Intuition and Insight: Two Processes That Build on Each Other or Fundamentally Differ? (Zander, Öllinger, and Volz 2016)
22. Deep Learning. How the Mind Overrides Experience (Ohlsson 2011)
23. Louder than words: the new science of how the mind makes meaning (Benjamin K. Bergen 2012)
24. Emotion and the Law (Bandes and Blumenthal 2012)
25. Law, folk psychology and cognitive science – Łukasz Kurek in: Handbook on Law and the Cognitive Sciences, Cambridge University Press 2020, p. 37 (in printing)

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