



Unit 4 The Cognitive Structure of Legal Concepts

SELECTED READINGS

This bibliography is an introduction to the structure of legal concepts. It is meant to compare traditional approaches to legal conceptual analysis with contemporary scientific views on the study of concepts, with a special focus on embodied and grounded perspectives. It is divided into three sections. The first section provides an overview on the main theories of concepts. The 1999 and 2015 anthologies by Laurence and Margolis, together with Murphy and Hoffman's chapter on the Cambridge Handbook of Cognitive Science offer an overview on the most important perspectives ranging from psychology to philosophy and linguistics. The others items of the first sections are more advanced: they are particularly interesting for whoever wants to explore embodied and grounded cognition, with a particular focus on metaphors and abstract concepts. Fodor's seminal book on the language of thought was included to provide a reader with an alternative critical perspective. The second section contains important works on legal conceptualisation mainly by legal philosophers, offering various competing perspectives on the topic: Ross's reductionist approach, Hart's pragmatic approach, Dworkin's hermeneutical approach, as well as three works on metaphors in law. The third section features works containing analyses of specific legal concepts, from important contemporary legal theorists, with a special focus on legal positivism, legal realism and legal institutionalism. So while the second section explains different theories that legal philosophers have developed on the concept of concept, the third provides paradigmatic examples of conceptual analysis applied to specific legal notions such as norm, validity, right, duty etc.

THE NATURE OF CONCEPTS:

1. Barsalou L.W., "Grounded Cognition", *Annual Review of Psychology*, 59, 1, 2008: 617-645.
2. Borghi A.M., Binkofski F., *Words As Social Tools: An Embodied View on Abstract Concepts*, Springer, 2014.
3. Borghi A. M., Binkofski F., Castelfranchi C., Cimatti F., Scorolli C., Tummolini L., "The Challenge of Abstract Concepts", *Psychological Bulletin*, 143, 3, 2017: 263–292.
4. Fodor J.A., *The Language of Thought*, Harvard University Press, 1975.
5. Lakoff G., Johnson M., *Metaphors We Live By*, University of Chicago Press, 1980.
6. Lakoff G., *Women, Fire and Other Dangerous Things: What Categories Reveal About the Mind*, University of Chicago Press, 1987.
7. Margolis E., Laurence S., *Concepts: Core Readings*, The MIT Press, 1999.
8. Margolis E., Laurence S., *The Conceptual Mind. New Directions in the Study of Concepts*, The MIT Press, 2015.
9. Murphy G.L., Hoffman A.B., "Concepts". In Frankish K., Ramsey W.M. (eds), *The Cambridge Handbook of Cognitive Science*, Cambridge University Press, 2012: 151–170.
10. Prinz J., *Furnishing the Mind*, The MIT Press, 2002.

THE STRUCTURE OF LEGAL CONCEPTS:

11. Dworkin R., "Interpretive Concepts". In Id., *Law's Empire*, Harvard University Press, 1986: Ch. 3.
12. Hart H.L.A., "Definition and Theory in Jurisprudence". In Id., *Essays in Jurisprudence and Philosophy*, Clarendon Press, 1983 (1st ed. 1953): 21-48.
13. Johnson M., "Mind, Metaphor, Law", *Mercer Law Review*, 58, 3, 2007: 845-868.
14. Larsson S., *Concepts in the Code. How Metaphors Explain Legal Challenges in Digital Times*, Oxford University Press, 2017.

15. Ross A., "Tû-tû", *Harvard Law Review*, 70, 5, 1957: 812-825.
16. Winter S., *A Clearing in the Forest. Law, Life and Mind*, University of Chicago Press, 2001.

BASIC CONCEPTS IN LAW:

17. Hage J., von der Pfordten D. (eds), *Concepts in Law*, Springer, 2009.
18. Hart H.L.A., *Essays on Bentham*, Clarendon Press, 1982.
19. Hohfeld W.N., "Some Fundamental Legal Conceptions as Applied in Judicial Reasoning", *Yale Law Journal*, 23, 16, 1913: 28-59.
20. Kelsen H., *Pure Theory of Law*, trans. by M. Knight, University of California Press, 1967. Originally published in German, *Reine Rechtslehre*, 2nd ed, Franz Deuticke, 1960.
21. McCormick N., *Institutions of Law*, Oxford University Press, 2007.
22. Ruiter D.W., *Legal Institutions*, Springer, 2001.
23. Olivecrona K., *Three Essays on Roman Law*, Ejnar Munksgaard, 1949.
24. Olivecrona K., *Law as Fact*, Stevens, 1971.
25. Von Wright G.H., *Norm and Action: A Logical Enquiry*, Routledge and Kegan Paul, 1963.