

# Contents

*Acknowledgments*

*page ix*

|          |   |            |
|----------|---|------------|
|          | <b>Introduction: The Architecture of the Legal Mind</b> | <b>1</b>   |
| <b>1</b> | <b>Intuition</b>  | <b>11</b>  |
| 1.1      | Hunch   | 12         |
| 1.2      | What Is Intuition?                                      | 16         |
| 1.3      | Intuition's Mistakes                                    | 23         |
| 1.4      | Insight   | 29         |
| 1.5      | The Emotional Lawyer                                    | 34         |
| <b>2</b> | <b>Imagination</b>                                      | <b>39</b>  |
| 2.1      | Petrażycki  | 40         |
| 2.2      | Mental Simulations                                      | 45         |
| 2.3      | The Heuristic Function                                  | 53         |
| 2.4      | The Hermeneutic Function                                | 61         |
| <b>3</b> | <b>Language</b>   | <b>68</b>  |
| 3.1      | Tû-tû   | 69         |
| 3.2      | Man's Greatest Invention                                | 75         |
| 3.3      | Limits of Understanding                                 | 90         |
| 3.4      | A New Cognitive Niche                                   | 97         |
| <b>4</b> | <b>Structure</b>  | <b>106</b> |
| 4.1      | Against Logic   | 107        |
| 4.2      | Top-Down and Bottom-Up                                  | 113        |
| 4.3      | A Thinking Manual                                       | 121        |
| 4.4      | Justification   | 128        |

|     |                                     |     |
|-----|-------------------------------------|-----|
| 5   | <b>Substance</b>                    | 136 |
| 5.1 | Keeping Up with Kant                | 136 |
| 5.2 | The Supreme Court of Constructivism | 144 |
| 5.3 | Going Eco                           | 151 |
| 5.4 | Variation and Selection             | 157 |
|     | <b>Conclusion: Severe Poetry</b>    | 165 |
|     | <i>Bibliography</i>                 | 167 |
|     | <i>Index</i>                        | 177 |