## Contents

Acknowledgments	ix
Introduction: Obama's Oaths	1
Chapter One. How to Do Things with Law Section One. Speech Acts of Law: J. L. Austin 18 Section Two. Hearing Claims: Stanley Cavell 33 Section Three. Modern Law and Language 39	17
Chapter Two. Learning by the Rules  Section One. Good Legal Writing: Palsgraf 50  Section Two. Reasons and Rhetorics: Cardozo and Andrews 65  Section Three. Future Perfect Realities: Derrida's "Fabulous Retroactivity" 72	47
Chapter Three. Legal Acts as Social Acts Section One. Speech Act as Social Act: Adolf Reinach 81 Section Two. Marriage Acts and States of Affairs 85 Section Three. Speech as Dialogue: "You" and "I" 91 Section Four. Knowledge and Event: The Temporalities of Law and Language 98 Section Five. Speaking Imperfectly 102	79
Chapter Four. When Words Go Wrong Section One. "My Tongue Swore": Passionate Utterance 109 Section Two. Binding Words: Hippolytus and Phaedra 115	107
Section Three. Contracts and the Promises of Law and Language	121
Conclusion: The Name of the Law	131
Epilogue	141

## CONTENTS

Reference Matter	143
Appendix A. Transcript of Obama's First Oath	145
Appendix B. Morissette v. United States	146
Appendix C. Palsgraf v. Long Island Railroad	151
Appendix D. Selections from California Penal Code	164
Notes	169
Bibliography	195
Index	209