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**Legal documents and their analysis**

More than 180,000 18th century legal documents will be digitalized at IDDHC. The question is: how are we going to make sense out of these documents? Organizing them with respect to some narratological stance can be one way to go.

Convert textual data to more structured data (in terms of the stories behind cases).

Old Bailey (http://www.oldbaileyonline.org/) organizes British legal cases with XML. We want to go beyond that.

**Literal (originalism) vs. creative interpretation of the US constitution.**

Analyze literal (originalism) vs. creative interpretation (living constitution) of the US constitution and examine how the U.S. Supreme Court justices are divided by means of their “narratological” arguments.

Analyzing the Supreme Court justices’ consenting and dissenting arguments with respect to their narratological structures.

**Software development for legal analysis**

Develop a software tool that makes story structures of legal documents transparent.

Use the software and analyze how legal judgments deviate from “rational” analysis as narratological structures dictate legal experts.

Develop layman’s software for analyzing legal documents.

**Measure the narratological distance of legal documents**

Measure legal similarities /dissimilarities of cases with respect to their “story structures” and classify them. Examine further how the “narratological” distance influence legal decision making.

**Behavioral legal decision making.**

Examine how framing influences legal decision making.
Framing different cases lead to different judgments. Analyze the 18C court documents with respect to narratology-based “framing.”

Legal neutrality and Motivated cognition.

There is a crisis in the principle of neutrality in the Supreme Court. This is due to the prevailing sense of “motivated reasoning.”

Study how culture determines story-telling and how story-telling (mindset) influence legal decision-making and the sense of neutrality.

As behavioral economics has challenged rational decision making, legal neutrality can be challenged by “behavioral law” of motivated cognition / reasoning.

Reasoning is justification. Legal reasoning is essentially abductive.

The link between motivated cognition and common-sense reasoning (or abductive reasoning) in AI.

Relevant paper


Harvard Law Review.


““The neutrality crisis is tractable. The way to resolve it, however, is not to construct a better constitutional theory; it is to equip constitutional practice with a more psychologically sophisticated understanding of how cultural meanings influence diverse citizens’ perceptions of the law and how the Court’s decisionmaking interacts with those meanings influence diverse citizens’ perceptions of the law and how the Court’s decisionmaking interacts with those meanings. “

Dan M. Kahan’s website;

http://www.culturalcognition.net/kahan