PREFACE TO THE SECOND REVISED EDITION

A decent respect for the opinions of others warrants an explanation as to why this book, first published in 1983 and widely used in the first year of law school, is now embodied in a revised edition. Initially, it is worth noting that this revised edition incorporates all the chapters from the original publication. There are no deletions whatever. Rather, two new chapters, 6 and 7, are added.

Chapter 6 applies the format followed throughout the book to a New Jersey case, *State v. Shack*, 58 N.J. 297, 277 A.2d 369 (1971). Following this format, the *Shack* decision is set forth; an excellent beginner's brief is detailed; certain typical functions of a court which are exemplified in *Shack* are illustrated; and the issues not considered by the court in the *Shack* appeal, as well as the reasons why they are not considered, are also specified. This landmark decision, which appears in real-property casebooks, vividly depicts the application of a policy-oriented mode of judicial framing, analysis and decision-making. *Shack* also illustrates the impact of ideology, politics and new legislation upon such a policy-oriented approach.

In the final chapter, Chapter 7 "*A Jurisprudential Excursus—Modes of Legal Analysis,*" I depart from the format, level of presentation and implicit perspective permeating the original edition. That level and implicit perspective, typical of first-year legal-method materials, is that law is mostly "a technical reality that requires a legal engineering to decode it." The implied message is that if one learns the cases and statutes and the rules for applying them, one can decode the legal mystery inherent in these core legal materials.

In effect, a legal-positivist consciousness is spelled out without explicit acknowledgment. What I now find lacking, therefore, is an explicit introduction to some of the most influential jurisprudential perspectives that underlie typical modes of legal framing, analyzing and deciding. In Chapter 7, I introduce these perspectives by means of a meeting of imaginary appellate judges who critically discuss the cases contained in this book from their distinctive points-of-view. While such jurisprudential discussion may appear otherworldly to some first-year students, I assure you that in law, as elsewhere, there is nothing more practical than a good theory.

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PREFACE TO THE THIRD REVISED EDITION

The substantive revisions are modest—primarily the changes are design and formatting. I thank Christine Bush for her concrete imagination and skill in carrying out such important tasks.

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