



WILLIAM S. BOYD SCHOOL OF LAW  
Faculty Publications  
(As of June 13, 2008)

**Francis J. Mootz III**

**Legal Theory**

[\*Perelman's Theory of Argumentation and Natural Law\*](#), working paper.

[\*Vico, Llewellyn and the Task of Legal Education\*](#), working paper.

[\*Vico and Imagination: An Ingenious Approach to Educating Lawyers with Semiotic Sensibility\*](#), 22 Int'l. J. for the Semiotics of Law -- *Revue internationale de Sémiotique juridique* No. 1 (2009), pp. 11-22

[\*Vico's "Ingenious Method" and Legal Education\*](#), 83 Chi-Kent L. Rev. 1261-1302 (2008).

[\*After Natural Law: A Hermeneutical Response to Law's Quandary\*](#), 9 Rutgers J. of Law and Religion No. 2 (Spring 2008), pp. 1-12.

[\*Responding to Nietzsche: The Constructive Power of Destruktion\*](#), 3 Law, Culture and the Human. 127-54 (2007).

[\*Book Review Symposium: Introduction\*](#), 110 Penn State L. Rev. 903-04 (2006).

[\*Argument, Political Friendship and Rhetorical Knowledge: A Review of Garver's FOR THE SAKE OF ARGUMENT\*](#), 110 Penn State L. Rev. 905-21 (2006).

[\*Belief and Interpretation\*](#), 21 J. of Law and Religion 385-99 (2006).

[\*Nietzschean Critique and Philosophical Hermeneutics\*](#), 24 Cardozo L. Rev. 967-1042 (2003).

[\*A Future Foretold: Neo-Aristotelian Praise of Postmodern Legal Theory\*](#), 68 Brook. L.Rev. 683-719 (2003).

[\*Foreword\*](#), Symposium: Philosophical Hermeneutics and Critical Legal Theory, 76

Chi-Kent L. Rev. 719-30 (2000).

[\*The Quest to Reprogram Cultural Software: A Hermeneutical Response to Jack Balkin's Theory of Ideology and Critique\*](#), 76 Chi-Kent L. Rev. 945-89 (2000).

[\*Psychotherapeutic Practice as a Model for Postmodern Legal Theory\*](#), 12 Yale J. Law & Human. 299-395 (2000).

[\*Law in Flux: Philosophical Hermeneutics, Legal Argumentation and the Natural Law Tradition\*](#), 11 Yale J. Law & Human. 311-82 (1999).

[\*Rhetorical Knowledge in Legal Practice and Theory\*](#), 6 S. Cal. Interdisc. L.J. 491-611 (1998).

[\*Desperately Seeking Science\*](#), in Symposium: What is Meaning in a Legal Text?, 73 Wash. U. L.Q. 1009-23 (1995).

[\*Law and Philosophy, Philosophy and Law\*](#), in Law and Hermeneutics Roundtable 26 U. Tol. L. Rev. 127-46 (1994).

[\*Legal Classics: After Deconstructing the Legal Canon\*](#), 72 N.C. L. Rev. 977-1038 (1994).

[\*The Paranoid Style in Contemporary Legal Scholarship\*](#), 31 Hous. L. Rev. 873-88 (1994).

[\*Rethinking the Rule of Law: A Demonstration That the Obvious Is Plausible\*](#), 61 Tenn. L. Rev. 69-195 (1993).

[\*Is the Rule of Law Possible in a Postmodern World?\*](#), 68 Wash. L. Rev. 249-305 (1993).

[\*Postmodern Constitutionalism as Materialism\*](#), 91 Mich. L. Rev. 515-25 (1992) reprinted in Postmodernism and Law (Dennis Patterson ed., 1994).

[\*The Ontological Basis of Legal Hermeneutics: A Proposed Model of Inquiry Based on the Work of Gadamer, Habermas and Ricoeur\*](#), 68 B. U. L. Rev. 523-617 (1988).

### **Review Essays**

[\*Reviewing\*](#) Peter M. Tiersma, Legal Language, Chicago, IL: University of Chicago Press, 1999; Law as Language, Jurist: Books on Law, Vol. 2, No. 7 (September 1999)

[\*Between Truth and Provocation: Reclaiming Reason in American Legal Scholarship\*](#), 10 Yale J. Law & Human. 605-46 (1998) [reviewing Daniel A. Farber and Suzanna

Sherry, *Beyond all Reason: The Radical Assault on Truth in American Law* (1997)].

[\*The New Legal Hermeneutics\*](#), 47 Vand. L. Rev. 115-43 (1994) [reviewing Gregory Leyh, *Legal Hermeneutics: History, Theory and Practice* (1992)].

### **Insurance Coverage Law**

[\*Holding Liability Insurers Accountable for Bad Faith Litigation Tactics with the Tort of Abuse of Process\*](#), 9 Conn. Ins. L.J. 467-525 (2003) (reprinted in the Institute of Chartered Financial Analyst of India (ICFAI) *Journal of Insurance Law*, 2004).

[\*The Sounds of Silence: Waiting for Courts to Acknowledge that Public Policy Justifies Awarding Damages to Third Party Claimants when Liability Insurers Deal with Them in Bad Faith\*](#), 2 Nev. L.J. 443-88 (2002).

[\*Coverage for Unfair Competition Torts under General Liability Policies: Will the "Intellectual Property" Tail Wag the Coverage Dog?\*](#), 8 Conn. Ins. L.J. 37-54 (2001).

*Foreword*: Symposium: Employment Practices Liability Insurance and the Changing American Workplace, 21 West. New Eng. L. Rev. 245-48 (1999).

[\*Insuring Employer Liability for Hostile Work Environment Claims: How Changes in Discrimination Law May Affect the Growing Market for Employment-Related Practices Liability Insurance\*](#), 21 West. New Eng. L. Rev. 369-426 (1999).

[\*Insurance Coverage of Employment Discrimination Claims\*](#), 52 Miami L. Rev. 1-78 (1997) reprinted at 48 *Defense L.J.* 545-644 (1999).

*Foreword*, Symposium: Insurance Coverage of Employment Disputes, 18 West. New Eng. L. Rev. 1-4 (1996).

[\*Principles of Insurance Coverage: A Guide for the Employment Lawyer\*](#), 18 West. N. Eng. L. Rev. 5-46 (1996).

### **Contract and Sales Law**

[\*After the Battle of the Forms: Commercial Contracting in the Electronic Age\*](#), 4 I/S: A Journal of Law and Policy 271-343 (2008)