Richard A. Posner, generally known as Law-Economist, also has written about pragmatic jurisprudence and democracy. This dissertation treats of Posner's theory. The key-points of his subjects are law and economics, based on pragmatism. Pragmatism has two brands, one is philosophical pragmatism, another is everyday pragmatism. Philosophical pragmatism has mainly developed by USA philosophers, but some European philosophers also had advocated it. Philosophical pragmatism criticized traditional philosophy, but to some degree accepted it, and made its unique contention. Pragmatism was influenced by empiricism, utilitarianism. It attaches great importance to experience, argues for greatest happiness for everyone. It rejects immutability, perpetuity of traditional metaphysics, but argues for generation and variety, future, and consequences. Justice Oliver Wendell Holmes introduced pragmatic jurisprudence. He said, "The life of law is not logic, but experience." which means legal doctrine and logic plays little in judicial process. He said, "Law is merely a prophecies of what judges will do in the future." named for "Prediction theory", is future-oriented, consequences-oriented. Posner rejects Legal formalism, which requires judges to read carefully legal doctrine, to find the conclusion by deduction and syllogism. He prefer standards to rules. Standard is related to negligence, uncertainty. But the older the rule, and the more dynamic the activity governed by it, the more pressure there will be on the judges to ad-hoc exceptions, he says. And it explains the need of standards. Practical reasoning, such as means-ends rationality, tacit knowing, submitting to the test of time, will be also needed instead of legal reasoning. Practical reasoning include political-ethical judgement. In statutory and constitutional interpretation, Posner denies objectivity, and possibility of knowing legislator's intent. He proposes imaginative reconstruction, and policy-based pragmatic adjudication. Formal justice, procedural justice, substantive justice must be considered all together. Ronald Dworkin says," Pragmatist is unchecked by any need to respect or secure consistency in principle with what other officials have done or will do." Posner replies that "pragmatist judges always try to do the best they can do for the present and the future, unchecked by any felt duty to secure consistency in principle with what other officials have done in the past." Posner's judicial philosophy is everyday pragmatism which involves considerations of systemic not just case-specific consequences, not a form of consequentialism, insists that the best action is one with the best consequences. Legal pragmatism is empiricist, not supplement to formalism. Pragmatic democracy regards politics as a competition among self-interested politicians. Posner's economic analysis of law and legal pragmatism reject legal formalism, asserts reasonable adjudication. Posner says, "Law-Economics" can be a part of Legal Pragmatism. In 1920s, "Old Law and Economics" was restricted to Antitrust law or Taxation. In 1960s, Guido Calabresi's ;Some thoughts on risk distribution and the Law of torts;' and Ronald Coase's ;The Problem of Social Cost;' brought economic thinking into other areas of law. Calabresi and Coase's articles were both referring to costs. Later, Gary Becker, one of chicago economists, applied economic analysis to a wide range of human behaviour. Posner's the most famous book;"Economic Analysis of law;' ,he assumes that people are rational maximizers of self-interest. Self-interest means personal satisfaction, which does not exclude altruism. If care about other people satisfies one, his or her interest is maximized when he or she helps other people. Posner mentions Game theory which assumes people don't have complete and perfect information to behave rationally due to information costs, studies strategical interaction. To the Criticism of the Economic Approach, he proposes even though the most aggressive version of economic analysis is not convincing, it's not right to reject all of it. Law-economics and Legal Pragmatism are two major brands of Posner's thinking. They regards law as means of fulfilling human needs, not ends.
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