

## **A novel critique of American legal realism**

American legal realism is one of the most interesting – and in certain times (Progressive Era, New Deal) – influential legal movements of modernity. Realist lawyers, who were skeptical with regard to ready-made, conceptual and abstract solutions to jurisprudential problems, fought against the orthodoxy of classical jurisprudence (referring to abstract principles, rules and generalizations from precedent). Realists, on the other hand, relied – in their way of thinking – on the most peculiar thought developed by American mind: philosophy of pragmatism. However, there arose a lot of misunderstanding regarding American legal realism through the years (eg. about the relation between realism and other legal theories, like positivism; regarding its philosophical character, instrumentalism, and general rule-scepticism). Now, American legal realism is considered to be dead jurisprudential movement, with mainly historical importance.

This project has three main objectives. First, its objective is to present a coherent, novel, and charitable reinterpretation of American legal realism. This reinterpretation will focus mainly on discerning the pragmatic, philosophical foundations of realism and on elucidation of apparent, pervasive misunderstandings. Second, the objective of the project is to present a novel interpretation of realism in light of recent developments in the field of pragmatic philosophy, such as holistic pragmatism of W.V. Quine and M.G. White. This will allow to reconsider American legal realism as an interesting and viable legal theory today. Eventually, the new interpretation will allow to reconsider the place of American legal realism on the map of contemporary legal theories.