



# The Problematics of Moral and Legal Theory

*Richard A. Posner*

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Ambitious legal thinkers have become mesmerized by moral philosophy, believing that great figures in the philosophical tradition hold the keys to understanding and improving law and justice and even to resolving the most contentious issues of constitutional law. They are wrong, contends **Richard Posner** in this book. Posner characterizes the current preoccupation with moral and constitutional theory as the latest form of legal mystification—an evasion of the real need of American law, which is for a greater understanding of the social, economic, and political facts out of which great legal controversies arise. In pursuit of that understanding, Posner advocates a rebuilding of the law on the pragmatic basis of open-minded and systematic empirical inquiry and the rejection of cant and nostalgia—the true professionalism foreseen by Oliver Wendell Holmes a century ago.

A bracing book that pulls no punches and leaves no pieties unpunctured or sacred cows unkicked, *The Problematics of Moral and Legal Theory* offers a sweeping tour of the current scene in legal studies—and a hopeful prospect for its future.

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