The contemporary U.S. legal culture is marked by ubiquitous battles among various groups attempting to seize control of the law and wield it against others in pursuit of their particular agendas. This battle takes place in administrative, legislative, and judicial arenas at both the state and federal levels. This book identifies the underlying source of these battles in the spread of the instrumental view of law – the idea that law is purely a means to an end – in a context of sharp disagreement over the social good. It traces the rise of the instrumental view of law in the course of the past two centuries, then demonstrates the pervasiveness of this view of law and its implications within the contemporary legal culture, and ends by showing the various ways in which seeing law in purely instrumental terms threatens to corrode the rule of law.

Brian Z. Tamanaha is the Chief Judge Benjamin N. Cardozo Professor of Law at St. John’s University School of Law. He delivered the inaugural Montesquieu Lecture (2004) at the University of Tilburg. He is the author of On the Rule of Law (Cambridge 2004), Realistic Socio-Legal Theory (1997), and A General Jurisprudence of Law and Society (2001), which won the Herbert Jacob Book Prize in 2001 and the inaugural Dennis Leslie Mahoney Prize in Legal Theory (2006) for the outstanding contemporary work in sociological jurisprudence. He has published many articles and is the Associate Editor of Law and Society Review.
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Brian Z. Tamanaha
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Brian Z. Tamanaha

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For

Lawrence M. Friedman
Marc Galanter
Morty Horwitz
William Twining
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