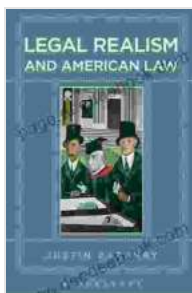


# The Impact of Legal Realism on American Law: A Comprehensive Examination

Legal Realism was a revolutionary movement in American law that emerged in the early 20th century. It challenged the traditional view of law as a set of fixed rules and principles, and instead emphasized the role of individual judges in shaping the law. Legal Realists argued that law is not a neutral body of knowledge, but rather a reflection of the social, economic, and political forces that shape society.

Legal Realism had a profound impact on American law. It led to the development of new legal theories, the reform of legal education, and the creation of new legal institutions. Legal Realism also had a significant impact on the way that judges interpret and apply the law.



## Legal Realism and American Law by Justin Zaremby

★★★★★ 5 out of 5

Language : English  
File size : 674 KB  
Text-to-Speech : Enabled  
Screen Reader : Supported  
Enhanced typesetting : Enabled  
Word Wise : Enabled  
Print length : 194 pages  
X-Ray for textbooks : Enabled



In this article, we will examine the key tenets of Legal Realism, its impact on American law, and its implications for the future of legal scholarship and

practice.

## The Key Tenets of Legal Realism

Legal Realism is based on the following key tenets:

\* **Law is not a set of fixed rules and principles.** Legal Realists argued that law is not a static body of knowledge, but rather a constantly evolving set of rules and principles that are shaped by the social, economic, and political forces that shape society. \* **Judges play a significant role in shaping the law.** Legal Realists argued that judges are not mere automatons who apply the law mechanically. Rather, judges have a great deal of discretion in how they interpret and apply the law. \* **Legal reasoning is often based on intuition and experience.** Legal Realists argued that legal reasoning is not always based on logic and reason. Rather, judges often rely on their intuition and experience when making decisions. \* **Law is a tool for social change.** Legal Realists believed that law could be used to promote social change. They argued that judges should use their discretion to interpret and apply the law in a way that promotes the interests of the poor, the disadvantaged, and the oppressed.

## The Impact of Legal Realism on American Law

Legal Realism had a profound impact on American law. It led to the development of new legal theories, the reform of legal education, and the creation of new legal institutions.

## New Legal Theories

Legal Realism led to the development of a number of new legal theories, including:

\* **Functionalism:** Functionalists argued that the law should be evaluated based on its function in society. They argued that laws should be designed to promote social goals, such as economic efficiency, social justice, and individual liberty. \* **Instrumentalism:** Instrumentalists argued that the law is a tool that can be used to achieve social goals. They argued that judges should interpret and apply the law in a way that promotes the interests of the community. \* **Pragmatism:** Pragmatists argued that the law should be based on practical experience. They argued that judges should focus on the consequences of their decisions, rather than on abstract principles.

## **Reform of Legal Education**

Legal Realism also led to the reform of legal education. Legal Realists argued that traditional legal education was too focused on the study of abstract legal principles. They argued that law students should also learn about the social, economic, and political forces that shape the law.

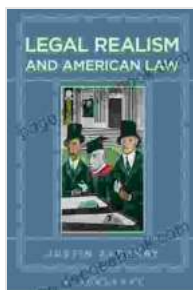
As a result of the influence of Legal Realism, law schools began to offer courses in law and society, law and economics, and law and psychology. Law schools also began to emphasize the importance of clinical education, which allows students to gain practical experience in the legal profession.

## **Creation of New Legal Institutions**

Legal Realism also led to the creation of new legal institutions, such as the Legal Aid Society and the American Civil Liberties Union (ACLU). These institutions were created to provide legal assistance to the poor, the disadvantaged, and the oppressed.

The Legal Aid Society was founded in 1876 to provide legal assistance to the poor in New York City. The ACLU was founded in 1920 to defend the

civil



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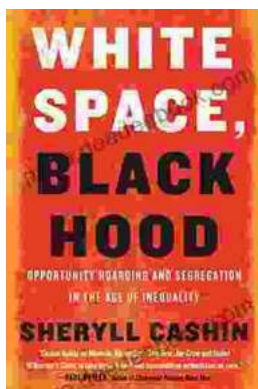
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