

LEGAL MENTALITY AS A COMPONENT OF LAW. RATIONALITY DRIVEN INTO ANARCHY IN AMERICA

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ABSTRACT: *Panoramic views on the mentality of living cultures may be edifying. For no law can be made a fetish or abstracted from the society collectively shaping it. The more the everyday life of legal cultures is based on written records, on formal mediation by texts and on the internal constraint of debates within a professional community, the stronger are the mechanisms in-built that aim at further increasing the complexity and refinement of the law's internal structure and operations. In large systems ramifications are also larger, so the chances are greater for both functional excesses and dysfunctional forced paths to occur. As the present US case-study reveals, there are destructive consequences if social space vanishes from behind the law, if religion instead of cementing society becomes inoperative, if values degenerate into personal pleasure, and social normativity is atomised. Then law will remain the last common denominator among individuals, with implied rationality elevated to the heights of omnipotence. Now their lawyers are expected to stand for human certainty. With a view to their mythical self-belief and obsessive rationalism, the postmodern construct of "secular humanism" is at stake again, including the trouble of defining and justifying societal ends when classical foundations are refuted.*

KEY WORDS: *juridification, jurispathy, verbal magic, legalisation through processualisation, hyperrationalism, self-interest of the legal profession*

JEL CODE: *K40*

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