

Editors' Introduction

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In 1878, the American philosopher Charles S. Peirce formulated the Pragmatic Maxim for making our ideas clear, but interestingly enough, since then the idea of pragmatism itself has been quite obscure. While Peirce insisted that pragmatism intended to pursue an experimental attitude in philosophy and that it implied a realist approach in metaphysics, William James argued that pragmatism (which he also dubbed 'practicalism') looks at concrete instances, facts, action, and power and that it agrees with nominalism in its appeal to particulars. In 1908, when pragmatism celebrated its 10th anniversary, Arthur O. Lovejoy identified, under the same rubric, no less than thirteen logically independent propositions. Today, more than 100 years after Peirce's death, the history of pragmatism is still confusing. Pragmatism continues to be invoked by rival philosophical projects and incorporated in the studies of philosophers of different strings – revolutionary and conservative, realist and nominalist, rationalist and deconstructionist.

Erasmus Law Review 8:1 attempts to address these conflicting views when it comes to legal theory. This volume grew out of a special workshop on Pragmatism and Legal Theory held during the 26th World Congress on Philosophy of Law and Social Philosophy (IVR) in Belo Horizonte, Brazil. Our main goal was to try to understand the mesh of complex, intertwined, and conflicting legal ideas that are frequently organised under the rubric 'legal pragmatism'.

In 'Pragmatism, Holism, and the Concept of Law', Adam Dyrda argues against some uncharitable criticisms of legal pragmatism, in which this line of thought is dismissed as anti-theoretical. The author proposes to look at Morton White's investigation of 'holistic pragmatism' in order to reconcile legal pragmatism with a type of moderate conceptual approach to legal theory. Any approach to law, argues Dyrda, presupposes some general background assumptions, and things are not different when it comes to pragmatist legal theory. Oliver Wendell Holmes, Jr. can thus be read as an example of the possibility of connecting pragmatist thinking with a modest, non-ambitious conceptual approach in legal theory.

In 'Inferentialist Pragmatism and Dworkin's "Law as Integrity"', Thiago Lopes Decat draws on the similarities between an important contemporary pragmatist philosopher, Robert Brandom, and the work of an equally important contemporary legal theorist, Ronald

Dworkin. His task is a tough one, however, for Dworkin conspicuously rejected philosophical pragmatism. Decat's strategy is to differentiate a narrow from a broad sense of philosophical pragmatism. Instrumentalism is just one of the commitments of a pragmatist thinker; others should be regarded as equally important. This strategic differentiation allows Decat to argue that Dworkin's cognitivist legal position is a match for Brandom's pragmatic and historical-expressive conception of rationality.

Wouter de Been recalls the pluralistic ideas of some of the classical pragmatist thinkers, like William James and John Dewey, in order to criticise the epistemological thinking of a contemporary pragmatist philosopher and legal theorist, Susan Haack. In 'Pragmatism and Dynamics: Does Pragmatist Adjustment Goes All the Way Down?', de Been argues that Haack's epistemology fails to support three fundamental pragmatist ideas: a pluralistic notion of reality, a view of inquiry as a form of action, and a claim that the principle of continuity should adjust the relationship between means and ends. His case is illustrated by looking at recent developments in the field of economic theory.

Given the fact that the theoretical aspects that distinguish a pragmatist position in philosophy and legal theory are so contested, the views and opinions presented in the articles that follow will likely differ. As editors, we consider ourselves participants in these debates. Many of the points made by the authors of this volume are arguments in the debate, to which we look forward to respond in the near future. The contributions to this issue can therefore be seen as instances of various conversations about pragmatism's place in legal theory.

We are grateful to the contributors who accepted to take part in this ongoing discussion and to the anonymous reviewers who helped improve the arguments.

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