

Effectiveness of law in behavioral perspective

Abstract

The thesis is considering effective influence of law in society. Firstly, the basic concepts on effectiveness of law in fields of theory of law, sociology of law and legal philosophy are briefly introduced along with current system of assessing effectiveness of regulation in Czech legislative process in second chapter. Next it encourages to try on oneself the psychotherapeutical interview with the Law of Benjamin Sells, to find out about one's own potentially hidden ideas and prejudices about law and society. Finally in three consecutive chapters are introduced three basic concepts of human nature (anthropological pessimism, realism and optimism) that are informing our often unconscious choice of instruments used to enhance the effectiveness of law. Anthropological pessimism typically chooses control and deterrence. Anthropological realism uses control and deterrence for those, who are not influenced by softer measures, which it deliberately cultivates – trust and respect. These instruments are then examined from the perspective of their real effects on human behavior by means of research, studies and experiments mostly from the field of social-psychology. Finally, the sixth chapter concerns itself with anthropological optimism, which is introduced on example of an experimental village in south India. Its functioning is contrasted to two Israeli settlements (kibbutz and moshav). The thesis concludes that there isn't one specific best, most effective model to choose, because the society is ever evolving and for the law to remain effective, the chosen model supporting its effectiveness must evolve too.

Key words:

Effectiveness, law, deterrence, control, trust, respect.