

The Jurisprudence of Software

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Should law be more like software? The question is plausible because legal texts and computer programs are two peas in a pod: they are made of words that do things in the world when they are used in the right way. But legal language is imprecise and legal interpretation is contentious, whereas software has seemed like an appealing alternative because it is unambiguous and deterministic. The Jurisprudence of Software will refute this belief. It will use ideas from the philosophy of language to show that software is just as messy and contentious as law. Programmers too make complex and contestable judgments when they create and interpret their texts. Law can learn from software, but it cannot, and should not, try to become software. Law is messy because life is messy. Changing the language we use to talk about it moves the mess around, but does not eliminate it.