



Legal Thought and Philosophy: What Legal Scholarship Is About

Bert Van Roermund

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'This book proves to be an excellent guide through the labyrinth of law. Its crucial point is legal order viewed from the perspective of a situated 'We'. Jurisprudence appears as an implicit sort of thinking, embedded in moral, political, epistemological, and linguistic contexts. Numerous example cases lead us from everyday issues to the abysses of violence. Anyone who practises or studies law will highly profit from reading this book. One sees how law functions by being more than mere law.'

- Bernhard Waldenfels, Ruhr-University Bochum, Germany

Legal Thought and Philosophy clarifies background questions in legal research projects, such as the relationship between law and justice, law and politics, law and knowledge, facts and norms, normativity and validity, constituent and constitutional power, and rule and context. It provides advanced students in law and philosophy with an account of legal thinking that combines analytical and phenomenological insights.

From a conception of justice as principled political self-restraint, the book explains why there are moral reasons to separate law from morality conceptually and in what sense a legal order is positive - that is, set by authority and bound up with history. The book explores the conditions under which law may become an object of knowledge and theorizing, before finally discussing how these features come together in law as rule-following by citizens, officials, judges, and legislators alike.

Addressing advanced students in law and philosophy, this key book:

- bridges separate traditions in legal philosophy (in particular analytical philosophy and phenomenology)
- develops a view of law as an institution of authority from a conception of justice in the socio-political relationship between 'we' and 'the others'
- presents a systematic account of normativity and validity
- explains in what sense law is 'doing things with rules'.

Contents: Preface Introduction 1. Legal Order 2. Justice, Rights and Human Dignity 3. Positive Law and Sovereign Authority 4. Legal Knowledge and Legal Doctrine: Validity of Law 5. Following the Law as Following a Rule Bibliography Index

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