

Preface

Over the years I have had the good fortune of teaching students who pursued a research career in law and related disciplines such as economics, sociology, and political science. This course was announced under various labels: principles of law, foundations of law, fault-lines of legal thinking, and others. Not being a lawyer myself by any standard, least of all by training, I have often invited legal scholars to my class, requesting them to discuss what they regarded as their most incisive, demanding and pertinent work. Moreover, I have always strongly encouraged students to participate in the class from the angle of their individual research projects. Coming from philosophy I have found abundant reason to admire the depth, the wit, and the pertinence of legal thinking as represented by both my students and my colleagues. Distinct as they may remain in many respects, from a certain point onwards law and philosophy start to converge as exercises in systematic, radical thinking, joining long and multifarious traditions. If I am able to tease out these qualities and rephrase them in a vocabulary that would tune in to a more encompassing conceptual framework, thus exceeding the limits of law, it is only because these students and colleagues enabled and allowed me to do so.

In turn, I remember their requests to give them a map of various positions regarding principled issues in law, cleansed from philosophical technicalities. And to mark, by all means, my own position on that map. They had a practical reason for their request, as lawyers usually have; it would save them a lot of time and energy in discussing, sorting out, and defending their options in a coherent way. So this is what this book aims at. Avoiding, though not ignoring, philosophical idiolect where possible – whether it hails from historical or contemporary debate – it tries and explains some pertinent issues in law. Among these are how law relates

to politics, morality, and religion; what is involved in following (obeying, applying, enforcing, enacting, etc.) legal rules; in what sense we may speak of legal knowledge and argue that it is a respectable academic discipline; and a few others.

So this is a book in ‘jurisprudence’, that half-way house between law and philosophy? In a way it is. In another way, avoiding a term like ‘jurisprudence’, without ignoring its contents, is precisely paradigmatic of what I try to do. I have been teaching at the crossroads of many traditions in legal and philosophical thought, indeed even at the crossroads of ordinary and professional languages. If I would announce to talk ‘jurisprudence’ I would be misunderstood by Dutch, Belgian, French, and other students, who will associate it with the body of judicial decisions in a certain jurisdiction. Students coming from a German or Italian background would have similar problems, though for them *Jurisprudenz* or *giurisprudenza* are primarily synonymous with learned law rather than anything else. In their own languages, these words are tantamount to something like ‘legal science’ (*Rechtswissenschaft*; *scienza del diritto*) which again sounds rather odd to common law ears. Moreover, as all meanings, these also are largely contingent on context.

Of course, I could point out the various idiolects in the case of ‘jurisprudence’. But my worry is a different one: I deliberately prefer to stay in-between. I will take liberty to switch between traditions and locations of thinking, and try to be consistent when it comes to language. As a consequence, I sometimes take inspiration from authors who are hardly read in the Anglophone world, or at least not in philosophy departments, or at least not in high-ranking philosophy departments. Perhaps this is a ‘Dutch’ book in more than one sense, in any case one that comes from a small country exposed to many linguistic, legal, and philosophical cuisines. I must confess that I have never been able to tell the difference between ‘*Sein ist nicht Seiendes*’ and ‘*Existence is not a predicate*’.

I have reason to be grateful to a list of people far too long to mention their names here. I trust they remember the occasions. But some colleagues have been of special importance. First of all my research

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