

Propositions

The Intertwinement of Legal Orders
A Critical Reconstruction of Theories of Jurisprudence

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1. The intertwinement of legal orders highlights that legal orders are relatively autonomous.
2. Legal theories should make sense of the interconnections and frictions between legal orders.
3. The method of reflective equilibrium may be used to critically reconstruct a more adequate account of the intertwinement of legal orders.
4. The justificatory and interactional dimensions of the notion of legal validity reveal that the validity of a legal norm is inherently contestable.
5. A content-dependent account of legal authority provides a more convincing explanation of the relations between officials of different legal orders.
6. The complexity of Niklas Luhmann's social systems account of law outweighs its explanatory force.
7. The internal/external distinction more often creates conceptual confusion than clarity in debates on the methodology of legal scholarship.
8. The methodological turn in jurisprudence has not lead to a fruitful exchange of arguments between legal philosophers.
9. An institutional theory of the rule of law may explain a system of checks and balances across national and international legal orders.
10. The essentially contested nature of the concept of law should not lead to scepticism about the enterprise of jurisprudence.
11. There is an insightful parallel between musical improvisation and academic research: in both activities do you aim to critically develop your intuitions as you go along.