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BJARNE MELKEVIK, *Rawls ou Habermas : une question de philosophie du droit*, coll. « Dikè », Sainte-Foy, PUL, 2002, 191 p., ISBN 2-76377-837-2.

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See table of contents

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Les clauses de protection sont envisagées sous l'angle de la protection de l'acheteur et du vendeur. L'acheteur voit sa position sécurisée par l'usage des clauses d'assurance et des modalités de paiement et de non-concurrence. Le vendeur, lui, peut exiger la stipulation de clauses de libération d'endossement, l'achat ou le rachat d'actions privilégiées émises, le remboursement d'avances à la compagnie, le gage d'actions jusqu'au paiement de la dette d'achat des actions, la vente à tempérament, la résolution et l'indemnité versable si des impôts supplémentaires étaient levés. En chaque situation, il faut évaluer la pertinence des moyens disponibles.

Par ailleurs, la clause d'achat par la compagnie fait grand état des considérations fiscales afférentes. Des tableaux explicatifs et comparatifs agrémentent cette section qui pourrait sans quoi se révéler fort complexe.

Au chapitre voué aux clauses pénales, les auteurs se montrent inventifs quant aux sortes de pénalités possibles. Les dispositions du nouveau Code civil sur le caractère abusif potentiel de quelques clauses obligent à une plus grande prudence. Des conseils pratiques ponctuent leurs observations.

Le chapitre 7 sur les clauses d'assurance est très intéressant. Il fait état des nouveaux produits d'assurance à la disposition des actionnaires et en relève les avantages et les inconvénients.

La seconde partie de l'ouvrage, beaucoup plus courte que la première, traite des clauses de « société », de vote et d'administration. Cette partie ne comporte pas de nouveautés marquantes par rapport à l'ancienne édition, mais elle informe encore de façon appropriée sur des sujets peu touchés en droit corporatif tels que la convention de mise en commun (*pooling agreement*) et la convention de fiducie (*voting trust*). Selon les auteurs, cette dernière serait vraisemblablement une fiducie d'utilité privée aux termes du Code civil. Il sera intéressant de voir les tribunaux appliquer les règles de la fiducie d'utilité privée à ce contrat d'inspiration anglo-saxonne.

Il existe maintenant sur le marché d'autres modèles de conventions d'actionnaires et des formules de renseignements de base nécessaires pour rédiger une telle convention. Cependant, avec cette réédition, les frères Martel conservent l'autorité en la matière. Leur ouvrage est passionnant et très complet.

Édith FORTIN, avocate
Reinhardt Bérubé Fortin

BJARNE MELKEVIK, **Rawls ou Habermas : une question de philosophie du droit**, coll. « Dikè », Sainte-Foy, PUL, 2002, 191 p., ISBN 2-76377-837-2.

In the fewer than 200 pages of his *Rawls ou Habermas*, Bjarne Melkevik has given us some seven years of his reflections at conferences on the philosophy of law. Without treatment of any third options to these two giants' alternative groundings of law, all but one of the four chapters are comparative. Rawls is found wanting, despite having been Melkevik's earlier mentor, while Habermas fits onto Melkevik's legal philosophy today, as shown by references throughout to his own two recent books.

Most of my queries will relate to his Rawls, while taking his voice as Habermas'. Melkevik's five conference presentations remain relatively unrevised, and so they overlap, also upon the new chapter, preface and epilogue. But the recurring features help to identify what is of most importance to Melkevik.

The themes of law and of democracy are central to the book, as they are to Habermas. Supporting these themes are notes regarding language, foundationalism and institutions. Giving them application, finally, is the worldwide focus of law, to which Rawls turned his attention more recently than Habermas. These six themes can be summarized in six propositions :

1) Law is the norms, rights and institutions chosen by subjects of law intersubjectively for themselves ;

2) Democracy is citizens' autolegislation in the course of unbounded rational discourse ;
3) The language turn in which speech performatively creates its own sense makes democracy ultimate ;
4) Foundations of law, as of democracy or language, are available only by autolegislation ;
5) Institutions of law are procedures or processes for democratically autolegislating norms and rights ;
6) Worldwide legality is legitimated also by democratic procedures.

To each of these affirmations out of Habermas corresponds a proposition rejecting Rawls' alternative :

1) Law is not legitimated by hypothetical contracting of moral principles ;
2) Democracy is not achieved by restricting access to information under veils of ignorance ;
3) Language makes reliance on individual intuitions unfeasible ;
4) Foundations for law, democracy and institutions cannot be provided by intuition ;
5) Institutions of law are not democratic enough to rely upon for the legitimation of law ;
6) Worldlaw's legitimacy cannot be achieved by hierarchizing sovereignties in moral terms.

I will consider each of these sets of propositions.

Law. One of the welcome contributions Melkevik has made is to focus us so definitively upon law in his study. Instead of the literature that is intent upon reducing law to some other category – to morals or to psychology, to sociology or to metaphysics – Melkevik presents his appreciation of Habermas as firmly jurisprudential. It is in the back and forth of politics that he insists on situating his subject. It is legality that must be legitimated, not some stand-in for it.

For this Melkevik praises Habermas, but disclaims Rawls. While Habermas has focused on the properly juridical in his recent writing, Rawls is always hankering back to some system of morality. What does this mean ? While Rawls attends to legal institutions, Habermas is attentive to legal subjects. Legal decisions are not primarily about the distribution of power, but about the ways of life for legal subjects.

The advent of legality for Habermas is presented time and again as citizens' autolegislation upon themselves of norms, rights and institutions which will affect their conduct. How will it affect them ? Is there some expectation from Habermas that citizens are never under constraint, that the rationality in their uninhibited discourse will put all into agreement at the end ? And that, if it doesn't, then they are not obliged legally ? That would be a stipulative vision of law, one which nobody experiences, and so one defined into ideal existence for the sake of consistency with the democratic ethos.

Another dimension of the same observation is that, in experience, law's legitimacy is related far more to its efficiency than to its agreement. However much it is agreed to, a legal system which cannot manage to protect citizens from each other, and from other legal entities, has no legitimacy. Its norms may meet all the criteria for democratic establishment, but it bears no resemblance to anything we know of as law. Among the candidates for law some may purport to legitimacy by reason of securing citizens' safety ; and among these, the more democratic the better. But however conversationally grounded may be the legal systems which cannot do that job, they remain unlegitimated.

Is the problem here that Habermas is intent upon legitimating laws, and not legal systems. That oversight was rectified half a century ago by Hart, if not long before by Kelsen. One is left to wonder whether the analogous terms of "droit" and "Recht" are

not once again providing the slippage, to say about the autolegislation of "law" what could never be said of anything but "laws" and "rights" in English. Laws and rights are agreed upon ; but the law, legal systems, protect.

Democracy. This is the heart of Melkevik's and Habermas' account of law. For only democracy can legitimate legality. So said Rousseau, and Kant on his heels. Melkevik points out several times that this is what does the work for them, and which purports to do it even for Rawls' contract theory. Melkevik calls this "juristic modernity". While never explained in the book, assume that the standard account that, as only the exercise of one's own will suffices to impose moral obligations on one's own freedom, so only the exercise of citizens' wills suffices to impose legal obligations on their collective freedom.

It is not the raw will of Rousseau nor the educated will of Kant that does the work for Habermas, but the will that is activated after its exposure to unlimited chat. Voluntarism in Melkevik and Habermas is presented as every citizen's capacity to say "yes" or "no" to any proposal that is made in the proper circumstances of information and discussion. Far be it, that the citizen has chosen rightly, or even rationally in any other sense than having gone through the process of good conversation. The reason for faith in intersubjectivity is clear enough : not because citizens will come to find the right answer, for there is none to be found ; not even that their agreement will make that outcome right, for that is an illegitimate imposition of an inappropriate theory of knowledge ; but because that is all there is, there is nothing more directive to be hoped for, argued towards. This vacuum of veracity does manage to ground the legitimacy of agreement ; unfortunately, it may equally well ground a fascist imposition of solutions, since the bells and whistles of good conversation have no more of a grounding than does truth.

It is in this context of democracy that Melkevik's most devastating critiques of Rawls are made : that he is moralizing, that he is intuitionist, that as a result of these he is not even contractualist. One would have expected different, for Rawls' contract also locates its sole legitimacy in consent, a voluntarist solution even when only rational consent manages to form the contract.

Information vs. Ignorance. Rawls' contractualism is denied because he conducts it behind a veil of ignorance which eliminates any meeting of minds from the very start. Only the fullest information grounds Habermas' parameters for reliable discourse ; any restriction upon information is first a deficient rationality, and thereby suspect when it is imposed unwillingly, and finally not too opaque a guise for manipulation by powerful interests.

Everyone is familiar with Rawls' veil of ignorance. That makes it hard to grasp why Habermas views it as a refusal of information, rather than an incorrigible lack of information. Granted that Rawls introduces the veil as a voluntary self-restraint from entrenching anyone's private interests. But he moves on to show that we can't do that anyway. We cannot know whether today's advantages will persist – Iris Murdock's intelligence became demented, Arthur Anderson's stock became worthless ; and so when we contract for the long term, we must plan lest our own worst-case scenario becomes also our disaster. Our ignorance is real, not feigned ; that is why we contract behind the veil. It is neither blindfold nor burqua nor fashion accessory, thick or thin ; it is just blindness. We have not refused any information that we could have had.

Even were this not the case, self-control would have been the other name for the veil. And Habermas is the patron saint for such rationality in discourse. He would be no less likely than Rawls to disallow spousal testimony against a mate, to exclude evidence of prior promiscuity against a rape complaint, to rule out information about damage insurance in determining liabilities upon a delict. Habermas, too, would rule out such information, not because it would be irrelevant to

results – its admissibility would have only too great a result ! – but because the information is inconsistent with fairness. It is no different with the bias avoided and the fairness achieved by excluding unsharable singular benefits from the calculations of the contract of social justice. While for Rawls they are unfair, for Habermas they are irrational. What's the complaint, then ?

Moral vs. Legal. Perhaps the complaint concerns another objection which Melkevik masterfully maintains throughout all of his chapters, that Rawls legitimates legality by means of "morals". Contrary to this, Habermas legitimates legality only in purely legal terms, by democratic conversation, by procedurally rational discourse.

There are many dimensions of this persistent criticism. Rawls is sectarian, for fostering Protestant morality ; Schmittian, for fostering American-made morality ; totalitarian, for fostering Catholic naturalist morality ; anti-modern, for fostering any single morality at all, except for a conversational one. But how can one consider Rawls' two principles of justice to be anything but purely secular ? That has been their most constant criticism, from left and right : they are so secular, that they comprehend none of the concrete goods, religion included, which give reality to the legal agent.

Instead, Rawls' two principles purport to be grounded in the peculiar rationality of that political agent, namely, seeking the way to his or her well-being. That rationality leads one not only to plan around her veil of ignorance, but also to order her equalities for maximum payoff. If she has all the socio-economic advantages of the second principle, but little first-principle equality to participate by civil liberties in their maintenance, then only will the veil of ignorance be rent ; for only then has she certainty about the future – she is then certain to lose her advantages. As well, if one holds civil liberties of the first principle for any reason other than for benefiting citizens who are less well off, again their equal participation will also guarantee one's loss of privilege. Thus the two principles ; that's the sum total of Rawls' morality. It is based around rational agency, as much as Habermas' ; and it places just as much of a premium upon participation.

Constraint vs. Protection. A continuing complaint is that Rawls permits the legitimating discourse on legality to go on only within the confines of his two principles ; so the conversation is constrained, and to that extent not fully rational. That would be again a strange complaint to hear from Habermas, whose interminable defining of the parameters for rational participation boil down to just such constitutional protections. Habermas is no more willing to allow every privileged or bigoted assertion, every hateful or destructive claim into the conversation that is Rawls. Nor is he any more inclined to have these considered and excluded one by one as they occur. Habermas insists equally upon structuring the debate in advance so as to exclude them. Rawls calls these constitutional protections, found in bills or charters of rights. It would not lie in Habermas' mouth to reject them as limiting participation in democratic debate, nor for doing so permanently and in advance.

Intent vs. Ethic. "Moral/morale" is equally ambiguous in Rawls' English or Melkevik's French, but that ambiguity is deepened by the ambiguity of *conscience* in French, meaning both psychological consciousness and ethical conscience. Rawls does explicitly insist upon a moral (or upright) grounding for the legitimation of legality ; he does identify that with his two principles of justice as fairness ; and he also does say this is moral (or intentional) because it is the structure of intersubjective moral agents. In its psychological sense, "moral" refers to features of agency ; in its ethical sense, "moral" refers to uprightness. (Psychological) moral agency is self-legislating ; what it legislates is the principles of justice ; these function as (upright) moral principles as well as legal principles. This seems to say that legal norms are valid because they rely on moral norms. But the proper sense of the diction is that what is psychologically moral (or

intentional) grounds the principles of justice, and that the principles of justice govern what is acceptable legal conduct, what is ethically moral (or righteous) in the public domain of law. Rather than morals determining law, it is almost the other way around.

Intuition vs. Intersubjectivity. Melkevik and Habermas still complain to Rawls about law being moral, because this psychological moralness of the agent has the same objection as does the ethically moral, namely it is subjective, rather than intersubjective. This is what the further puzzling complaint from Habermas' camp means, that Rawls' legitimation is carried out by intuition. That this intuition is immediate, and has no steps making up an argument, is not the main problem ; instead, the problem is that intuition has no steps that different people can take differently, no argument on which they can disagree. Given the anti-foundationalist assumption that there is no meaning in the claim to know that something is true, but only the commitment to truth-claims and evidence belaboured in Habermas' volumes of the 70s, then for intuition to govern is not only intolerable ; it is also totalitarian, and anti-democratic. It is not that Rawls' principles are intuitions, but that there must be no intuitions of public rightness.

This is far more an issue for metaphysical resolution than Habermas' spokesmen would allow, since that discipline is also disallowed. But, more concretely, does Rawls have to disagree ? That is, his principles of justice are not intuited, but are argued for ; they leave room for participation in a counterargument ; and generations of academics have made their careers in a Rawls-Industry by doing so. Rawls asserts them as true, that's right, not because they are intuited, but because he found them to be adequately argued. He may be wrong ; but he'd never say he could not be wrong. Why Habermas would still remain unsettled is because even an argued claim that a principle is true, is intuitionistic since it remains a claim that is not reducible to agreement. Rawls means his claim to be true even if there were no rawlsians, even if everyone disagreed. That would mean it could be true even if only Rawls recognized the truth of his arguments, even if no else participated in formulating them, if no one was even aware of them. That is an intolerable affront to democracy for Habermas. The terrain must be ceded to democracy, not despite the loss of truth, but in order to accomplish its demise.

Language. While anti-foundationalism is the topic straining at the gate, a brief discussion sparked by Melkevik's mentions of Habermas' philosophy of language must precede it. It is "the language turn" that underpins communicational theory and in turn the democratic legitimation of law. While no definition is given for the language turn, a variety of propositions combine to deliver its sense. A language is a set of opportunities which both make possible and predetermine what can be said. Speech is the activation of those possibilities, which also "transgresses" upon them, to expand the possibilities. Speech does this because it is performative since it accomplishes what it says. Perlocutional modes of speech are not only one among several ; they transgress upon illocutions and locutions, since speeches bring about the meanings to which they may appear simply to refer.

A curious phenomenon infects this presentation of the linguistic turn that Habermas and Melkevik would approve. What is curious is that a stress upon language, structuralist or Wittgensteinian, rules out private language, and without that the subject "drops below the horizon". This non-subjectivity is an important part of Melkevik's and Habermas' critique, and their demand for democracy. Transgression by speech upon language leads one to expect that some subject must be reintroduced, with all of its self-determination, freed from the social constructivism of structural theorists. But that is not the case ; in various modes of linguistic turn, theories of performative speech continue to deny the subject, its self-determination, and the possibilities for its self-achieved truth, intuition, or morality. The

only subject actualised is the secondary, socially constructed one ; and the only self-determination is the autolegislation of its communal standards, the democratic legitimation of legality. This is a very mixed conclusion ; one ought to drop either the premise of a language turn, or the conclusion of democracy, for the inference between them fails.

Foundations of Law. Allergy to founding law can stem from speech-act theory, and leads on to Habermas' democratic theory, that is, autolegislation of their own norms, rights and institutions by participants in rational discourse. Before turning to Habermas' and Rawls' respective appreciation of institutions, domestic and worldwide, this moment allows attention to the only version of anti-foundationalism Rawls shares, namely the technique of reflective equilibrium which Melkevik does not treat because Habermas does not.

Rawls' reflective equilibrium is a constant correction of presuppositions by evidence, and of evidence by presuppositions. Evidences are observed facts, including social preferences ; presuppositions are established beliefs, including social preferences. The reason for invoking these self-corrections is that issues of public policy and morality are matters of "essential contestability". Rawls' technique of contrasting ideas to ideals, concepts to conceptions, takes root in this issue.

Reflective equilibrium, along with the falsification theory fashionable at the time, looked to no identifiable source of truth. But, neither does it in principle deny that. Rawls steers well clear of metaphysics, clear enough even not to deny it or to make it superfluous, long before his late-life disclaimer that his theories answer a "political, not metaphysical" question.

Utility vs. Publicity. The remaining facet of Melkevik's treatment of Rawls' intuitionism comes into play in his critique of Rawls' rule-utilitarianism. It is opposed once again to Habermas' democracy, although now the critique seems to belong more to Melkevik than to Habermas. Rule-utilitarianism defines benefits, and in turn the rationality of pursuing those benefits, in the manner of rational choice theory. Benefits are those which the agent can enjoy by himself, can extend to others only by losing his own full share, and so effectively cannot share with others ; they are zero-sum benefits. That definition of benefits fails a priori as a legitimation for legal theory because it does not permit of any common benefit such as law is, and a fortiori any common (read : democratic) way of determining its achievement and distribution.

Rawls certainly requires that, in undertaking the hypothetical contract, each one bargains for what is to his own advantage rather than only for others' advantage. But this does not at all mean that commonly shared or public benefits are not to one's own advantage, and that one cannot bargain for them. All that is excluded are those benefits which others must enjoy alone, to the exclusion of the bargainer. Even here, those others do not include the bargainer's intimate associates, or friends ; for them, one is permitted to bargain, even though their enjoyment of the benefits excludes one's own, since their exclusive enjoyment by a valued possessor is one of the benefits which make up one's own enjoyment. There is no limit in principle upon this extension : beyond friends, to neighbours ; beyond them, to fellow citizens.

Another of Melkevik's criticisms of Rawls' rule-utilitarianism is that punishment of the innocent is excluded as a practice because it is socially pointless and without benefit. It is excluded as an action because it is not in accord with the prevailing practice, that of punishing only the guilty. Melkevik's criticism of this rationale melds with his presentation of Habermas' critique of institutions, since in the case of the particular accused it is left up to a judge's moral conscience whether to engage in the public practice of not punishing the innocent, or to engage instead in his private practice of following his private conscience (or : not follow-

ing it) and punishing this innocent person. It is hard to see how this critique holds, as long as the practice of the judge doing his duty holds.

The more general issue in this regard, however, relates to the notion of practices, those rule-governed activities with which rule-utilitarianism is concerned. Melkevik terms practices as *habitudes*. Practices determine what actions are right and wrong ; this displaces the determination on such matters, democratically, as the occasion arises. In appreciating this criticism, however, it must be remembered that such *habitudes* are not habits. They do not embrace all exceptions and cover all new cases in advance. In law, they are not even constructed only out of rules, but also from principles ; a "principle-utilitarianism" is conceivable, and in law it is the only plausible candidate for a practice. As a result, practices whether exclusive or open are not immune to evaluation, amendment or rejection ; doing so is yet another practice. That practice may be aristocratic, but it can equally take the form of democratic reconsideration, meeting anything Habermas might have demanded of the practice. Nothing about a practice inherently resists democracy.

Institutions of Law. Melkevik is one of few jurisprudents versed in institutionalism, so his remarks on Habermas' and Rawls' treatment of legal institutions is significant. Habermas looks to full participation in democratic process as the way that citizens legitimate legal institutions ; they autolegislate their norms, rights and institutions. Without that process, legal institutions lack legitimacy. There is no treatment of whether that is in whole or in part, whether there are degrees of legitimacy, and whether they yield degrees of obligation.

Rawls locates institutions' legitimacy in the post-contractual process by which they are authorized. Institutions achieved in that way act as limitations upon an unconstrained process of rational conversation, and so foil democracy, and thereby institute their own legitimation crisis.

Enough has been said to address the rights and the norms, the first by a process of constitutional entrenchment and the latter by a principled consequentialism, with whose stability and permanence Habermas should have no complaint. Surely he cannot envisage a legal society in which the subjects of rights have no freedom to engage in lifeplans because they can have no reliance upon what will later be the entitlements and obligations which environ their choices now. As Fuller pointed out, as Aquinas a bit earlier, this way of failing to promulgate is one of the surest "ways to fail to make law".

Regarding legislatures and courts, Habermas suggests that their unresponsiveness to democracy may be remedied by "new social movements", NGOs at home and UN agencies at large. The openness by each of these to unconstrained discourse is not apparent ; their freedom from ideology and their insulation from partisan force remains to be shown. Of course it is not their own internal democracy that Habermas intends, but the democracy of the whole that will issue from their participation in the legal affray, along with authoritative public institutions. But again their unwillingness to abide contradiction and their tendency to suppress others in order to reach their own objectives gives little confidence that a democratic remedy lies in them. Only in their mediated and proportionate context for the presentation of their aims does their democratic contribution get a footing. This has long been called a representative majoritarian legislature.

Perhaps it is their distance from the subjects of rights, the citizens, that render legislatures undemocratic, since again their democracy has to consist in us authors of rights autolegislating our norms, rights and institutions. Perhaps the alternative to this mediated or representative democracy is the real democracy of direct self-governance. Does Habermas conceive that such hateful referenda as "Do you want your government to negotiate property rights with aboriginals, or to impose them ?" (BC), such manipulative questions as "Do you want your provincial government to initiate negotiations toward a

revision of constitutional arrangements with your federal government ?" (PQ), and such divisive questions as "Do you wish abortion to be recriminalised ?" (CA), improve the achievement of democracy ? Their remedy lies in their control by proportionate and partisan legislatures, and by constitutional protections, as experience suggests, and as Rawls designs.

The role of judicial institutions, further, is best seen in Habermas' critique of Rawls' postulation of the role of a supreme court in the realm of worldwide law.

Worldwide Legality. Melkevik's most current chapter is devoted to the issue of worldwide law, call it "international" in Rawls' recent law of peoples, or "cosmopolitan" in Habermas' less recent harking back to "perpetual peace". Rawls' moralism reappears in his hierarchizing the peoples of the world according to how closely they observe his two principles of justice ; his anti-democratic institutionalism appears by his taking those peoples and their institutions are as the actors in the world forum. Habermas, naturally, is democratic by taking as worldwide subjects of right only natural persons, singular individuals, not peoples ; and this leaves him nothing to hierarchize, since all natural persons are equally subjects of the rights they autolegislate for themselves.

Melkevik and Habermas may have failed to note why Rawls needs his hierarchy of peoples. Rawls' theory does not require enmity among nations, unlike Schmitt's ; Rawls' outlawing of nations which resist his principles of justice does not make enemies out of them, but only refrains from privileging them, as an instrument of state policy, and not as international law. They become enemies only when they take this restraint as a hostile act, and respond hostilely. It is probably the case that proselytising their way of life by nations which follow Rawls' two principles, would be an act of enmity in Habermas' eyes, since political missionary activity is an attempt to reduce one type of multiplicity rather than to revel in it. Excluding missionary activity from the range of democratic discourse, however, would be problematic for a principle of open democracy.

Rawls' jolting way of posing this conclusion about legal institutions both domestic and worldwide is to make a national supreme court the prominent governing body. Melkevik and perhaps Habermas find this outrageous ; it strips the court of reliability as an even-handed arbiter of democratic disagreement, and makes it into a branch of government that is ideologically precommitted, and so unresponsive to rational discourse. What is its precommitment, however ? To constitutional protections. The court is committed to preserving legislation which respects the two principles of political justice. As witnessed above, Habermas takes that to be moralizing, undemocratic, foundational, and hostile. Melkevik has posted his agreement convincingly. I've posted my disagreement. Rawls' principles are the product of democratic process. They may also be wrong. That epistemic status gives them the democracy of respecting subjects of right ; for these authors are left with the capacity to argue that these are the right principles for public morality, to commit themselves to those, and to encourage others to receive their benefits. Or to argue and vote against them.

Bjarne Melkevik's new book is a competent and valuable advance of an all-important discussion in the philosophy of law. Melkevik moves past two of the greatest figures of last century, to stake out his own ground, while making its innovations resonate with the insights of Scandinavian legal realism, particularly of Ross : that facts and not theories are what the philosophy of law should attend to ; and that recourse to metaphysics in the philosophy of law involves hiding from the changing facts, by weaklings whose character is not strong enough to endure constant change. I happen not to agree. But that does not stand in the way of taking much profit from Melkevik's competent study.

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