

Table of Contents

1. Jurisprudence and the Nature of Law	1
Practice and Value	6
The Ideality of Law	10
Reductivism and Idealism	14
The Fragmentation of Inquiry: Hart	21
The Fragmentation of Inquiry: Dworkin	25
Detached or Engaged Inquiry?	31
Practice and Ideal	34
2. Dualism and Archetype	37
Law as Instrument and as Aspiration	37
Familiar Debates	39
No Real Problem?	44
Raz on the Rule of Law	47
Towards the Archetype	51
A Lost Tradition	56
Support for the Mundane View?	59
Asking the Right Question	63
Eight <i>Desiderata</i>	64
3. Evil Regimes and the Rule of Law	69
The Concession Reading	70
Foxes, Hedgehogs, and the Ironic Reading	74
Purposes and Moral Reasons	76
Between Threshold and Archetype	78
Reasons for Violence	85
Incentives	89
Evil Contingencies	93
Managing Violence	97
Liberty and the Rule of Law	99
Freedom and Rights	104
Final Remark	109

4. Normativity, Legality and Judgment	113
Hart's Middle Way	119
Judgment, Legality and the Rule of Recognition	123
Justification	130
A Better Concept of Law	136
5. Ideal and Experience	145
The Depth of the Ideal	145
The Loss of Moral Experience	150
Reflexivity and Legal Thought	156
Refining the Archetype	158
Doctrinal Scholarship	164
6. Legality as a Value	169
Pluralism and Moral Knowledge	176
Conflict and Moral Knowledge	181
The Becoming of Law	182
Fidelity to Law	189
Justice and Fidelity to Law	195
<i>Index</i>	199