



Legisprudence: Practical Reason in Legislation (Applied Legal Philosophy)

Luc J. Wintgens

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This book establishes legisprudence, in contrast to jurisprudence, as a legal theory of rational law-making. It suggests that by rejecting the common wisdom about the nature of political law-making, legislation could be improved and streamlined. Using the methods, theoretical insights and tools of current legal theory and philosophy of law in a new way, the book suggests the creation of law by legislators rather than government. Raising new questions and problems of the validity of norms, the book opens a new perspective on legitimacy of norms, their meaning and the structure of the legal system. In distinguishing legitimacy and legitimation of law, the book ventures into the philosophical roots of legal theory and suggests the articulation of a new conception of sovereignty. In shifting the emphasis to the position of the legislator and legislation, this book opens a number of new insights into the relationship between legislative problems and legal theory. Its main claim is that legislation should be justified by the legislator.

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