

Preface

Over the past fifteen years I have written a dozen essays in different journals that were pieces of a central organizing vision of legal philosophy. They constitute a jigsaw puzzle that up to now has not been put together. Some of the pieces of the puzzle are in journals that are rather specialized and are not to be found in most libraries. Clearly the time has come to fit the pieces together in one book.

Although I divide the book into two main parts, Descriptive Analysis and Normative Analysis, and although the progression logically builds from rudimentary theories of legal systems in any state to evaluative theories about particular legal rules, I would suggest that some readers might consider beginning with the last chapter. In Chapter 12, I recount Professor Lon L. Fuller's famous "Case of the Speluncan Explorers," which has served to introduce fascinated students the world over to the field of legal philosophy, and go on to add three new "opinions" in the case. Although this chapter is the most recently published of all the essays in the book, many colleagues have informed me that they are using it in their classes in jurisprudence, legal philosophy, and legal process, both in undergraduate and law schools, as an introductory statement to the concept of law. Chapter 12 might serve as an initial look, and then at the end as a final summing up, of the book as a whole.

This book is addressed to anyone who is interested in "law." I hope that you, the reader, will write to me if you have any comments or criticisms. This book is my way of reaching out to you, and I will be very grateful if you can find a few minutes to send me your reactions, positive or negative.

I have made very few changes in the essays that comprise the chapters of this book. Of the few changes I have made, most are in the introductory paragraphs of the chapters, and there are a few substantive paragraphs that have been added to Chapters 9 and 11. If I were redoing the essays today, I would perhaps make more changes in some of them. Yet I think that writers should stand on what they have published, and not try to alter the published record in any substantial fashion. In addition, there is a chance that any “correction” I might make now would worsen the old arguments. It is a sobering thought for me that, although I have studied and played thousands of games of chess since I was twelve years old, if somehow I could play a game today against my former twelve-year-old self I would probably lose badly.

I wish to thank Northwestern University School of Law for several summer grants that made it easier for me to write some of the chapters during summer vacations. My particular gratitude goes to a large number of law-review editors who read the various chapters in draft form and who worked with me in improving the drafts. I hoped they learned half as much from reading my manuscripts as I learned from them in their varied and always helpful reactions to my writing. Finally, I would like to thank Professor Arthur Jacobson for his gracious and learned Foreword.