



# The Province of Jurisprudence Democratized

*Allan C Hutchinson*

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## **The Province of Jurisprudence Democratized** Allan C Hutchinson

*The Province of Jurisprudence Democratized* explores the implications of taking a vigorously democratic approach to issues of traditional legal theory. Allan C. Hutchinson introduces the democratic vision and examines the complementary philosophy of a Dewey-inspired pragmatism. This is followed by an examination from a pragmatic perspective of the dominant theories of analytical jurisprudence in both their positivist and naturalist forms. He emphasizes the contested concepts of 'truth', 'facts' and 'law/morality relation' and explores what a more uncompromising democratic/pragmatic agenda for law and legal theory would entail.

The Author's intent is to contribute to the shift away from a technical and elite philosophical approach to jurisprudence to a more democratic engagement. It advances and follows through on the critical claim that there is no position of theoretical or political innocence. Like the law it seeks to illuminate, legal theory must recognize its own political and social setting as well as its own responsibilities. Moreover, whatever else democracy might entail or imply, it opposes elite rule whether by autocrats, functionaries or theorists, however enlightened or principled their proposals or interventions may be: authority must come from below, not above.

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