

A THEORY OF LEGAL OBLIGATION

The focus of this monograph lies in the construction of a theory of legal obligation, understanding it as a discrete notion with its own defining traits. In this work, Stefano Bertea specifically addresses the question: how should legal obligation be distinctively conceptualized? The conceptualization of legal obligation he defends in this work gradually emerges from a critical assessment of the theories of legal obligation that have been most influential in the contemporary legal-theoretical debate. Building on such critical analysis, Bertea's study purports to offer a novel and unconventional conceptualization of legal obligation, which is characterized as a law-engendered intersubjective reason for carrying out certain courses of conduct.

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Cambridge University Press
978-1-108-47510-5 — A Theory of Legal Obligation
Stefano Bertea
Frontmatter
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CAMBRIDGE
UNIVERSITY PRESS

University Printing House, Cambridge CB2 8BS, United Kingdom

One Liberty Plaza, 20th Floor, New York, NY 10006, USA

477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre,
New Delhi – 110025, India

79 Anson Road, #06–04/06, Singapore 079906

Cambridge University Press is part of the University of Cambridge.

It furthers the University's mission by disseminating knowledge in the pursuit of
education, learning, and research at the highest international levels of excellence.

www.cambridge.org

Information on this title: www.cambridge.org/9781108475105

DOI: 10.1017/9781108566216

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First published 2019

Printed and bound in Great Britain by Clays Ltd, Elcograf S.p.A.

A catalogue record for this publication is available from the British Library.

ISBN 978-1-108-47510-5 Hardback

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To Linda,
who has brought the sun along
everywhere we have travelled
for longer than I can remember

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ACKNOWLEDGEMENTS

In the elder days of Art,
Builders wrought with greatest care
Each minute and unseen part;
For the Gods see everywhere.

—H. W. Longfellow, ‘The Builders’

The amount of time spent researching and writing this book warrants its description as a long-term project. As with any such endeavour, much benefit has come from the support of institutions and people whose role has been essential in developing the original idea into a sustained argument (however much its conclusions will always be open to revision and rethinking).

Funding for the research that has culminated in the book was provided by the Alexander von Humboldt Foundation (through a reintegration grant), the Max Planck Institute for Comparative Public Law and International Law (through an institute grant), the European Commission (through an intra-European Marie Curie Fellowship), the Deutsche Forschungsgemeinschaft (through a DFG research grant), and the Leicester Law School. Under the Alexander von Humboldt reintegration grant I was able to spend three months at the Juristisches Seminar of Kiel University, making it possible for me to engage Robert Alexy and Stanley L. Paulson in important discussions on several of the issues involved in the project. The institute grant funded a two-month research stay at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg. The intra-European Marie Curie Fellowship and the DFG research grant have enabled me to devote myself exclusively to research at the Philosophy Institute of the Goethe University Frankfurt: this period began in February 2015, in a research environment as intellectually stimulating as anyone can hope for, affording several opportunities to share ideas with Marcus Willaschek, a source of invaluable insights, and with the circle of researchers who work at his Lehrstuhl. I am also

ACKNOWLEDGEMENTS

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grateful to the University of Leicester for granting me a semester of study leave in the 2014/15 academic year, and to the Leicester Law School for both providing financial support and showing flexibility in making possible my prolonged absence from the standard teaching and administrative duties that come with an academic position today.

Several academics have influenced my professional, intellectual, and personal development. Here I should like to mention at least those who took my research concerns to heart, gave their time to think through those concerns, and in some cases kindly went through preliminary drafts of parts of this book. Among them are Michał Araszkiewicz, Nick Barber, Francesco Belvisi, Deryk Beyleveld, Bruno Celano, Francois Du Bois, Antony Duff, Jaap Hage, Heidi Hurd, Marisa Iglesias Vila, Andrei Marmor, Jose Juan Moreso, Diego Papayannis, Dietmar von der Pfordten, Thomas Pink, Giorgio Pino, Ralf Poscher, Veronica Rodriguez-Blanco, Corrado Roversi, Claudio Sarra, Aldo Schiavello, Torben Spaak, Nicos Stavropoulos, Daniele Velo dal Brenta, Francesco Viola, Marcus Willaschek, and Andrew Williams. Moreover, I wish to express special thanks to Filippo Valente, who in addition to acting as my copyeditor contributed enormously to clarifying several important threads in my argument.

In recent years at the Leicester Law School, I have had the good fortune of being involved in the doctoral programmes of Maria Paula Barrantes-Reynolds and Daniel Weston: they have been remarkable in embarking into ambitious research projects that in the academic establishment would otherwise wind up yielding to the exigencies of research assessments whose metrics seem to emphasize organizational streamlining and communication skills, while doing little to make for an environment that is actually conducive to quality research. Yet this is precisely the environment occasionally one still finds in some pockets of academia, and the exchanges I have had with Paula and Daniel, thrashing out some challenging theoretical issues, have helped to make my argument much more cogent than it would otherwise have been.

Throughout the course of writing this book a number of people have been wellsprings of encouragement. Among them I should count Mark Bell and Panu Minkkinen, who continued to infuse energy into the project even after the period during which we worked at the same institution. With their attitude and action during their headships at the Leicester Law School, Mark and Panu convinced (even a non-believer like) me that power does not necessarily corrupt, and that, when the leadership is genuine, it requires neither a hierarchy nor a command structure.

Nowadays senior management at different UK universities is informed by a deep-rooted belief that research is a competitive enterprise, not a cooperative one. That view seems to me to carry a misconception. I would not have come fully to this realization had I not met a good many marathoners whose ability to physically sustain a 42 km run and still enjoy the effort has pointed me to a larger truth: that those who commit themselves to the same activity share something, as opposed to competing for something. By the same token, my occasional frequentation with marathoners keeps reminding, that long-distance running is a humble and patient enterprise, and that captured in these adjectives are virtues that need to be valued and nurtured in *any* long-term project (inclusive of academic projects). This, too, is a lesson that seems to me to get lost on most UK senior academic managers, who in referring to themselves as ‘leaders’ in my view display a genuinely peculiar (one may be tempted to say, idiosyncratic) sense of decorum, intellectual honesty, self-perception, and self-knowledge.

Finally, this project owes much to the supportive presence and constant stream of inspiration that throughout its course have come from people who are little, if at all, embedded in academic institutions. The lives of Linda, Luciano, Miranda, Simone, Fiore, Nina, Vittoria, Ada, Ettore, Stella, Oliana, Sandro, Lilia, and Bruno have enriched mine with more human truths than I will ever be able to put into practice – truths about life itself, about the things that matter, ranging from freedom to respect, from discipline and patience to courage, from love to wisdom, not to mention ethics and integrity as well as friendship, altruism, companionship, and scholarship. For these truths I am deeply indebted to them, even if I will never be able to acknowledge, let alone repay, what I intellectually and affectively owe to them. More than that, I regret that the time spent on this project was time taken away from their company.