

Index

- Aarnio, A.; 176
- acceptance
 of institutional facts; 59, 172
 of law; 110, 113, 172–173, 185
 of rule of recognition; 100, 113, 161, 163
- action
 and behaviour; 6, 66–67
 communicative; 72–73, 83
 social; 66–67, 70–73, 76–77, 80, 82, 84, 87, 93, 127
 strategic; 67–68, 73, 83
- adjudication. *See* judicial practice
- administration; 16–17, 22, 32, 73, 80, 83–84, 95, 259, 275–276, 278, 280
- administrative law; 15, 17–19, 83, 105, 155, 157, 175, 282
- administrative power; 16, 22, 83, 189, 276
- Agamben, G.; 270
- agency; 135, 277–280, 282
- a-historicism; 147
- Aktenversendung*; 97, 99
- a-legality; 9, 42, 81, 135, 197–198, 200–201, 272
- Alexy, R.; 27, 42, 168, 171, 175, 177
- algorithmic regulation; 282, 286
- Allgemeine Lehren*; 15, 24, 43, 155
- American Realism; 61, 68
- analogy; 18, 58, 79, 144, 146, 162
- Analytical Jurisprudence; 36, 88, 147
- anarchist, perspective of; 111, 113, 160
- Anschauung*; 177
- Anwendungsvorrang*; 43, 258
- appropriateness, of court decisions; 118, 123
- argumentation, legal; 13, 102, 106, 120, 138–139, 143, 146, 158, 181, 185, 268, 271
- Austin, J.; xiii, 36–38, 63, 133–134, 150, 152, 194
- Austin, J. L.; 92, 118, 121
- authority
 fundamental conflict of; 43, 249, 252
 principle of; 247
- authorisation; 5, 33, 37, 129, 134–135, 152–154, 164, 194, 200
- autonomy, of law
 dimensions of; 7, 12–13, 17, 40, 104, 142–143, 159, 192, 271–272
- autopoietic social systems; 254
- Background; 70, 79, 82
- bad man; 8, 277
- Begriffsjurisprudenz*; 20, 64, 67, 85, 151
- Benjamin, W.; 135, 270
- Bentham, J.; xiii, 13, 20, 36–37, 63, 105, 133, 147, 149, 194
- best practices; 79, 98, 129, 219, 245
- bifurcation, thesis of; 16–18
- Big Data; 275–278, 282
- Bill of Rights; 169–170, 177, 192, 237
- black-box view of legal plurality; 13, 33, 39–41, 205–214, 217–218, 239, 242–243, 255
- both / and approach; 10, 157, 242
- Bourdieu, P.; 70, 78, 82
- Brown v Board of Education*; 122
- bureaucracy; 32, 270, 275, 278
- Canon Law; 288
- Cassis de Dijon*; 227
- Cicero; 19
- civil disobedience; 8, 199, 277, 279
- climate change; 32, 81, 274
- coerciveness, of law; 5, 21, 27, 33, 38, 60–61, 102, 133–135, 184, 193–194, 208, 219–220, 272
- cognition
 of law; 25, 58, 112, 162
- Cohen, H.; 54

- coherence
 agonistic; 183
 comprehensive and local; 156, 158
 diachronic and synchronic; 150–151
 formal and substantive; 136, 150–151, 153, 155, 218, 260
- collective intentionality; 67–68, 90
- common law; 20, 149, 152, 170, 229, 233
- communication and information
 infrastructure; 282–283
- communicative power; 22, 189, 191
- communist, perspective of; 18, 111, 113, 160
- conceptualism; 130, 140, 151
- concrete order of behaviour; 6, 42, 89–90, 92, 147
- conflict of laws; 179, 228, 247, 252, 254
- conscientious objection; 8, 171, 199, 277, 279
- constitution
 as higher law; 186–187
 in a formal sense; 186
 in a material sense; 186
 in transnational law; 225–226, 228–229, 262–263, 285
 juridical and political dimension; 187
 legal and political; 187
 types of; 189–190
- constitutional court; 105, 169–170, 188, 242
- constitutional culture; 188–189, 201, 264, 273
- constitutional discourse; 188
- constitutional function; 190–192, 243
- constitutional identity; 40, 218, 230, 249–252, 256, 261
- constitutional moment; 191, 200
- constitutional practice; 189
- constitutional review; 122, 169–170, 184, 187, 199, 202, 237, 240
- constitutionalisation; 226
- consuetudo*; 121
- contract; 12, 15, 18, 32, 68, 83, 85, 87, 91–92, 139–140, 146, 156–157, 175, 181–182, 193–194, 198–199, 220–221, 230, 279
- co-regulation; 19, 259
- Costa v ENEL*; 244, 250
- Court of Justice of the European Union (CJEU); 11, 25–26, 40, 226–229, 238, 249–256
- Critical Legal Studies; 27, 68, 183
- custom; 11, 35, 94, 98, 121, 145, 163, 231
- customary law; 38, 79, 81, 86, 96, 127–129, 134, 144–145, 207, 229, 232, 233
 in foro; 144
 in pays; 144
- datafication; 280
- decision norm; 104, 129, 136, 138, 177, 181, 242
- declaration
 of independence; 189, 251
 standing; 118, 128, 172, 186, 201
- deductivism; 179
- deep culture; 15, 142, 158, 199, 236, 242, 255, 266–267
- deference; 245–246, 252, 271
- delegation; 19, 221, 245, 259
- democracy; 175, 182, 189, 191, 196, 202, 226, 229, 271, 274, 281, 284–285
- demos*; 31, 189, 191, 195–197
- Derrida, J.; 135, 270
- desuetudo*; 59, 121, 166, 173
- détournement de pouvoir; 157, 282
- dictatorship
 commissioner; 196, 202
 sovereign; 196, 200–202
- differentiation
 in modern state law; 29, 49, 139, 215
 of legal expert culture; 109
 of norms from practices; 65, 98
 of second- from first-order socio-legal practices; 30, 38, 78, 94
- digital colonisation; 276, 283
- digital unconscious; 277
- digitalisation; 1, 32, 273–276, 278–279, 283–286
- discourse
 of application; 103
 practical; 103, 119, 123
 theoretical; 118
 theory of; 102–103, 122
- discursive knowledge; 10, 83, 243
- divisions, of law; 10, 13, 15, 22, 24, 148, 152, 154–158, 183, 217, 259–260
- doctrinal function; 99–101, 106, 120, 136, 176
- doctrinal research; 14, 26, 49, 96, 107
- doctrine of legal sources; 25, 36, 100, 106, 115, 120, 139, 145–146, 162, 165, 271
- Dred Scott*; 122, 171
- Dworkin, R.; xiii, 3, 16–17, 27, 32, 34–35, 37, 42, 107, 159, 161, 174–178, 180
- economic law; 156, 260
- economy; 11–12, 16–18, 22, 31, 50, 73, 80, 83, 89, 95, 104–105, 218, 254, 259, 275–276, 278, 280

- efficacy (effectiveness)
 of law; 4, 34, 51, 59, 63, 121, 159, 166, 173, 209
 principle of international law; 209, 266
 either / or approach; 10, 12, 157, 242
Entscheidung; 196, 198
 epistemological constructivism; 53
 epistemology; 58, 163–164
 equality; 84, 101, 104, 171
 essentialism; 130
 ethical reasoning; 9
 EU law; 18, 24–26, 40, 219–220, 225–228, 238–242, 244, 247–253, 255–256, 258, 260–263, 266
 Eurocentrism; 29, 216, 267
 European Convention on Human Rights (ECHR); 234–235
 European Court of Human Rights (ECtHR); 220, 238, 243–244, 250–251
 European Court of Justice (ECJ); see Court of Justice of the European Union
 evolutionary theory; 29, 72, 97–98, 109, 127, 270, 276
 Ewald, F.; 281
 expert culture; 14, 76, 84, 109, 139, 142, 222, 225, 230
- facilitating law; 14–15, 18, 134, 247
 fair trial; 179, 235
 felicity condition, of speech acts; 102
 field of law; 15, 25, 148, 155, 157, 176, 182–183
 Finland; 66, 92, 186, 190, 201, 245, 280
 Foucault, M.; xiii, 79, 150, 276, 281
 foundational violence; 135, 200, 202, 270
 Founding Treaties, of the European Union; 217, 229, 244
Fremdbeschreibung; 22, 27, 43
 Freud, S.; 277
 Fuller, L.; 16–17, 19
 fundamental right
 culture; 189, 202
 principle; 31, 84, 176–178, 182–183, 187, 202
- Gardner, J.; 144–145
Gauweiler; 255
Geltungsvorrang; 43, 258
Gemeinschaft; 31, 43, 73–74, 98–99
 Gerber, C. F. von; 150–151
 German Constitutional Court; 26, 40, 249, 251–253, 255–256
Gesellschaft; 31, 43, 73–74, 150
- globalisation; 1, 30, 32, 215–216, 218, 267, 273
 governance; 31, 224, 226, 229, 259, 275, 279, 284, 287
Grundnorm; 4–5, 25, 34–35, 37, 39, 43, 51, 53, 57–59, 89, 95, 111–112, 134–135, 142–144, 146, 151, 153–155, 159–162, 164, 172–173, 186, 194–200, 207–209, 253, 258, 265–266
 Günther, K.; 103, 123, 136
- Habermas, J.; xiii, 16, 18, 22, 31, 44, 70, 72, 75, 80, 83, 99, 118–119, 122–123, 141, 276
 habitus; 70, 79, 82
 hard case; 76, 116, 180, 183
 hard law; 220–221, 223, 225–226, 229, 236, 241, 285
 harmonisation, of law; 223, 227, 247, 281
 Hart, H. L. A.; xiii, 1, 3–5, 11, 14, 22, 27–28, 32–38, 56, 79, 94–95, 97–98, 100, 110, 112–113, 121, 130, 133–134, 143–144, 147, 150, 152, 159–164, 171–174, 194, 198–199, 205, 211, 215, 268, 274, 280
 Hayek, F. A.; 16–18
 Heidegger, M.; 3, 90
 hermeneutics; 110
 Hildebrandt, M.; 276–277
 Historical School; 63, 85, 95, 97, 132, 134, 136, 141, 150, 152, 177, 231
 Hobbes, T.; xiii, 13, 19–21, 33, 38, 105, 133, 149, 172, 193–195, 197–198
 Hohfeld, W. N.; 36, 63, 88–89, 147
 Holmes, O. W.; 277, 280
 human rights; 15, 44–45, 105, 158, 169, 177, 233, 234–238, 240–241, 244–246, 250–251, 253, 256, 263–264, 267, 285
 Hume, D.; 53
 Husserl, E.; 3, 54
- ideal entity; 140
 identity
 as sameness; 205, 257–258
 as selfhood; 205, 258
 of law; 148, 152–153, 205–206, 257–258, 261
 illocutionary force; 56, 116, 118–122, 128, 132, 138–139, 167, 169–171, 173, 184, 272
 incorporation; 220, 223, 237, 245
 independence; 13, 140, 156, 190, 222, 235, 251, 259, 285
 indigenous law; 28–29, 78, 216, 229–234, 239, 241, 245–247, 252, 264, 269, 274

- induction; 176
- Institutional Theory of Law (ITL); 52, 61, 63
- instrumentalism; 105, 133
- instrumentalisation; 83, 156, 177, 199, 272
- integration
- social; 43, 72–73
 - systemic; 16, 73
- Interest Jurisprudence (*Intressenjurisprudenz*); 67
- interlegality; 41, 109, 142, 206, 212–213, 237, 239–243, 253, 255–257, 260–262, 269
- interlocking, of legal regimes; 64, 240–241
- international law; 10, 15, 39–40, 108, 179, 206–211, 213, 217, 219, 221–224, 226, 228, 234–235, 237–238, 242–244, 246–247, 251–253, 255, 264–266
- Internationale Handelsgesellschaft*; 255
- Internet; iv, 224, 241, 276, 279, 282
- interpretation, of law
- literal; 138, 146, 179
 - teleological; 103, 119, 146, 178, 183
- Islamic Law; 96, 101, 103, 106, 108, 110, 116, 119, 129, 136, 138–139, 146, 153–154, 170
- Ius commune*; 13
- Iustitia*; 21, 38, 133, 225
- Jellinek, G.; xiii, 208, 270
- Jewish Law; 230, 233–234, 264
- judicial function; 94, 96–100, 127
- judicial practices; 5, 24, 60, 66, 75, 80–81, 92, 94–95, 98–104, 106–108, 115–116, 145, 169, 178, 192–193, 225, 232, 199, 241, 280–281
- judicial review; 282, 285–286
- judicial syllogism; 104, 129, 138, 177, 181, 242
- Juristenrecht* (*jurists' law*); 95, 225, 233
- just conduct, rule of; 17
- justice; 15, 17, 75, 81, 104, 136, 155, 160–161, 169, 171, 177, 188, 222, 232, 271, 283
- justification; 5, 8, 14, 34, 43, 54, 57, 104, 106, 134, 136, 165, 182, 184, 197, 246, 271
- Kadi*; 244, 251–252
- Kant, I.; xiii, 33, 53, 58, 135, 162, 184, 193, 197
- Kelsen, H.; x, xiii, 1, 3–5, 7, 10–12, 18–19, 25, 27, 32–35, 37–38, 40, 43, 51–63, 79, 85, 88, 90–91, 94–95, 97, 101, 110–113, 117, 119–121, 127–128, 130–135, 143–144, 146, 151–154, 156–157, 159–160, 162–165, 169, 172–174, 178, 183, 185–187, 193–200, 205–211, 214–215, 223, 242, 247, 253, 258, 264–268, 270, 274, 288
- Koskenniemi, M.; xiv, 251, 253–254
- Kramer, M.; 144–146
- Laband, P.; 150–151
- law
- (re)production; 6–7, 18, 24, 26, 29, 42, 51, 57, 64, 81, 95, 97–98, 100, 106–107, 110, 128, 186, 193, 217
 - and non-law; 2, 9, 11–14, 19, 28, 42, 180, 182, 217, 220, 222, 226, 230, 233, 237, 245, 260
 - as institution; 10, 16, 18, 25, 73, 83–84, 99, 143, 173, 189, 199, 272, 282–283
 - as medium; 10, 16, 18, 23, 25, 83–84, 99, 105–106, 143, 156, 168, 178, 199, 218, 272, 276, 282–283
 - definition; 2, 10, 12, 60, 231
 - formal-rational; 275
 - historicity; 28, 30, 132, 151
 - layers of; 13, 122, 142–143, 157, 183–184
 - modes of existence; 2, 4, 7–9, 18, 23, 25, 27, 29–30, 41, 49, 51–52, 60, 81, 98, 100, 192, 261, 268–270, 273, 276, 278
 - national and international; 10–11, 24, 40, 43, 129, 154, 170, 206–213
 - plurality; 13, 25, 39–41, 148, 205–206, 208, 210, 212, 257, 264, 269
 - positivity; 33, 36, 131–132, 134, 136, 141
 - premodern; 14, 29–30, 98, 129, 187
 - public and private; 10, 13, 15, 18, 24, 141, 154–156, 217, 223
 - realisation; 6, 8–9, 21, 29, 33, 43, 51, 60, 63–66, 79–80, 83, 85, 89–90, 94, 261, 268, 279
 - religious; 29, 40–41, 213–216, 219, 229–234, 239, 242, 245–248, 252, 256, 264, 267, 270
 - soft; 19, 219–221, 226, 229–230, 236–237, 260, 262
 - spatiality; 133, 143
 - surface-level; 14, 31, 35–36, 39, 108, 116, 122, 129, 139, 142–143, 146, 167, 176, 188, 192, 201, 225, 241, 261
 - temporality; 132, 152, 178, 286
 - textuality; 129, 138, 219, 233, 283
 - transnational; 24, 215–220, 222–230, 233–237, 240–241, 247–248, 251, 254, 259–260, 262–263, 281, 284
- Law and Economics; 68, 178
- law-drafting; 101, 105, 115, 119, 241
- legal act, definition of; 42–43
- legal actor, definition of; 42

- legal community
 in a narrow sense (*sensu stretto*); 109, 112, 120, 166–167, 171, 199
 in a wide sense (*sensu largo*); 109, 112, 120, 139, 167, 171
- legal concepts; 35, 41, 44, 55, 106, 108, 139–143, 146–147, 157–158, 268
- legal counsellor; 23, 42
- legal culture; 14–15, 20, 27–28, 30, 34–36, 41–42, 76, 82, 99–101, 103–104, 108, 113, 116–117, 127, 129, 135, 138–143, 145–147, 149, 158, 167, 170, 176, 178, 180–183, 188, 200, 202, 225, 228, 230, 234, 255, 261, 263, 266–268, 270, 272–273, 283
- legal decision-making; 97, 106
- legal disciplines; 24, 26, 30, 155–157
- legal discourse; 6, 26–27, 37, 43, 52, 57, 95, 97, 105–107, 109, 115–117, 119–123, 127, 138–140, 143, 149, 165–166, 171, 182–183, 188, 241, 262, 266, 269
- legal doctrine; 7, 81, 100–101, 106, 116, 140, 183, 226, 260
- legal dogmatics; 96
- legal institution; 63, 84–85, 87–88, 172
- legal language; 30, 41, 50, 78, 104–106, 109, 139, 142, 158, 205, 213, 216, 234, 241, 247, 266, 268, 273
- legal layman; 71
- legal man; 112
- legal methodology; 106, 154
- legal order; 2, 4–9, 13–15, 18, 20, 23, 25–26, 30, 34–42, 49–50, 53, 58–59, 61–62, 81, 84, 88–89, 94–96, 100–101, 105–113, 115–116, 127, 129–131, 133, 136–138, 144, 146–148, 153–158, 161–162, 165–167, 173–176, 178–179, 182, 186–188, 192, 195, 198, 200–201, 205–209, 218, 223, 226, 228, 240, 244, 253, 255, 258–262, 264–265, 268–269, 278
- legal phenomenology; 3–4, 7, 14, 27, 44, 82–83, 109–111, 242
- legal pluralism; 211–213, 239–240, 247–256
 dialogical; 253, 255–256
 radical; 240, 253–255
 weak and strong; 239, 246
- legal point of view; 109–114, 127
- legal practitioner; 109
- legal principle
 decision principle; 175
 general legal principle; 45, 139, 167, 175, 178, 181–183, 185, 187, 202, 271
 interpretative principle; 175, 177, 181, 183, 202, 227, 237, 244, 256, 271
 source principle; 175
- legal professionals; 2, 8, 10, 14, 23, 25, 42, 100, 103, 107–114, 268, 271–273, 285–286
- legal programming; 55, 81, 100, 105–106
- legal qualification; 52, 61–62, 74, 85, 90–91, 119
- Legal Realism; 3–4, 24, 27, 61, 63–64, 67–68, 84, 280
- legal reasoning; 13, 139, 146, 180, 242, 271, 280
- legal regime; 5, 10, 14, 24, 31, 36, 41, 80, 109, 140, 172, 176, 187, 190, 192, 200–201, 205–206, 213, 221, 223, 225–226, 228, 233, 235–237, 240–241, 243–245, 247–249, 252, 254, 261–264, 268, 273
- legal relationships; 6, 42, 63–66, 84–86, 88–89, 92, 127, 150
 artificial; 64, 80, 84, 88
 natural; 64
- legal role; 26, 79, 92, 112
- legal scholarship; 24, 26, 28, 41–42, 49–50, 63, 72, 81, 85, 95–97, 99, 101–102, 106–107, 110, 112, 115–117, 132, 136, 148, 176, 228, 233, 241, 261, 269, 280
- legal sociology; 27, 49–50, 78
- legal subjectivity; 79, 82, 274
- legal theory; xiii, 1, 3, 11–12, 17, 26–27, 30, 32–33, 38–39, 49–51, 109, 130–132, 134, 147, 194, 206, 213–214, 220, 254
- legal-institutional facts; 52, 62, 64–66, 82–83, 85, 88, 90–93, 119, 127
- legislation. *See legislative practice*
- legislative expert; 23, 108, 148, 183
- legislative function; 38, 94, 96, 99–100, 127, 232–233
- legislative practices; 20–21, 39, 81, 99–100, 103–107, 119, 201, 223, 281
- legitimacy
 constitutional function; 187–193, 195–198
 of law; 82–83, 164, 167–168, 171–173, 187, 198–200
- lex digitalis*; 218, 222, 224, 238, 285
- lex mercatoria*; 218, 222, 224–225, 238, 281, 285
- lex posteriori*; 154, 258
- lex specialis*; 154, 258
- lex sportiva*; 218, 222, 224, 238
- lex superior*; 154
- lifeworld; 3–4, 6, 8–9, 11, 16–19, 22, 32, 43–44, 65, 70–73, 75, 81–84, 108–109, 173, 189, 192–193, 199, 242, 252, 273, 275–280, 282–283
 colonisation of; 16, 276, 278

- Lindahl, H.; xiv, 9, 110, 197–198, 200, 245, 258, 261
- Lochner*; 120, 122, 171
- logical interpretation of meaning; 96
- Luhmann, N.; xiii, 11–13, 22, 26, 29, 52, 81, 95–97, 105, 197, 201, 218, 254, 268
- MacCormick, N.; 77–78, 86, 92, 110, 253, 289
- machine learning; 276, 286
- margin of appreciation; 243–244
- Master Rule; 4–5, 13, 35–36, 40, 89, 95, 135, 142–143, 152, 155, 158, 160, 162–163, 165, 172, 182, 184, 193, 200, 205, 257–258
- modern state law, ideal type of; 30–32, 50, 127, 130, 182, 185, 270–272, 275, 278
- moral reasoning; 178
- morals, and law; 3, 11–14, 19, 33, 36–37, 50, 56–57, 60, 82, 85, 131, 135, 142–143, 154, 157, 159–162, 174, 178, 180, 185, 193, 198, 210–211, 232, 271
- mutual recognition, principle in EU law; 227–228, 247
- natural law; 13, 33, 36, 122, 134–135, 141–142, 144, 151, 194, 196–198, 211, 232
- Natural Law; 3, 13–14, 20, 32, 131–132, 134, 149, 151–152, 154, 160, 162, 184, 232, 246, 269
- Neo-Kantianism; 34, 52–54, 57, 61
- New Public Management; 259
- Nietzsche, F.; 277
- non-contradictoriness, of law; 153–155, 211
- non-state law; xiv, 28–29, 32–33, 38–39, 41, 156, 205–206, 212–213, 215–216, 220, 229, 236–237, 239, 243–245, 248, 259, 262, 266, 269–271
- norm
- moral; 33, 37, 78, 131, 161, 211
 - social; 78, 82
- normative correctness; 37, 118, 122, 167, 171, 185
- normative interpenetration; 240
- normativity
- justified; 111, 160–161
 - legal; xiii, 8, 11, 14, 23, 29–30, 34, 37, 41, 43, 50–51, 53, 57–61, 64, 89, 102, 111, 113, 127, 130, 137–138, 151, 154, 157, 160–164, 166, 172–173, 193–194, 198–200, 205, 207, 209, 211, 217, 219, 232, 270, 272, 276–277
 - non-legal; 3–4, 11, 13, 85, 131, 142, 155, 157, 173, 198, 206, 216
 - social; 23, 78–84, 98, 103, 160, 189, 277
- nulla poena sine lege*; 138, 157, 175, 178, 182
- ontology; 57, 61–62
- orderedness, of law; 89, 148–158, 231
- organicity; 64, 150
- organisation
- of social practices; 69, 74, 80
 - rules of; 17–18, 87
- Ought; 3–4, 10, 34, 51–54, 56–62, 85, 128, 157, 159, 161, 164, 173, 195, 209, 241
- pacta sunt servanda*; 139, 157, 175, 178, 181–182
- paradox, of law; 197–198, 200
- Pashukanis, E.; 16–18
- performative contradiction; 114, 168, 171
- perspectivism
- exclusive (extreme); 211–212, 240, 253
 - in law; 8, 22–28, 20, 41, 108, 112, 129, 181, 209–212, 216, 246, 253, 255, 265, 267
 - of legal professionals and laymen; 140
 - with Kelsen; 25–26, 112, 209–212
- platform economy; 275, 278
- pluralism
- and monism in international law; 209–211, 243, 265
- politicisation; 103
- polycentricity; 258–260
- Posner, R.; 178
- post-national plurality; 29, 40–41, 155–156, 211, 213, 216, 219, 225, 234, 239–240, 257–258, 262, 266, 270
- Pound, R.; 16–17
- pouvoir constituant* (constituent power); 42, 135, 190–191, 195–202, 270
- pouvoir constitué* (constituted power); 191, 195, 197, 202, 270
- power
- and law; 2, 21–22, 27, 31, 44, 59, 68–69, 88–89, 102–103, 119, 141–142, 190–191, 193–197, 272–273
 - symbolic power; 22, 272–273
- practical knowledge; 10, 23, 29, 36, 70–73, 82–84, 101, 108–110, 113, 116, 139, 180–181, 184, 189, 243, 272, 283

- practical reason; 21–22, 177, 202
 pragmatic reasoning; 168
 precedent; 57, 99, 116, 120, 122, 154, 163
 pre-emptive computing; 278–279
 primitive law; 38, 79–80, 94–95, 215
 privacy; 189, 278, 285
 privatisation; 92
 proportionality, principle of; 146, 157, 175
 Puchta, C. F.; 97, 133
 Pure Theory of Law; ix, 51, 144, 288
- Radbruch, G.; 16–17, 170
ratio; 10, 13, 16, 19–21, 27, 38, 132, 141, 188, 202, 256, 272
 Raz, J.; 37, 111–112, 152, 155, 160, 257
réalisation contentieuse; 44
réalisation pacifique; 44
 reductionism; 4, 72–73, 269
 reflexion theory, of law; xiii, 26, 28, 267–269, 281
 reflexivity; 187
 regulation
 in EU law; 226, 247
 Reinach, A.; 117
 relational approach, to law; 6, 49–50, 269
 religious law; 29, 40–41, 213–216, 219, 229–234, 239, 242, 245–248, 252, 256, 264, 267, 270
res judicata; 171
 revolution; 14, 42, 57, 59, 189, 191, 195, 200–201, 272
 Ricoeur, P.; 258
Riggs v Palmer; 171
Roe v Wade; 122
 Roman law; 13, 20, 30, 39, 99, 141–142, 155, 233, 241
 routine
 in practice theory; 67, 70–71, 101
 routine case; 113, 116, 180, 270
 rules
 and principles; 174–175, 177, 186, 202
 constitutive and regulative; 14, 42, 57, 59, 189, 191, 195, 200–201, 272
 of behaviour and of competence; 9, 13–15
 primary and secondary; 10, 13, 38, 94–95, 98–99, 131, 215, 268
 social; 34, 36, 144, 159, 161
 rule of law; 22, 136, 155, 202, 271, 274, 283–285
 rule of recognition; 4–5, 34–39, 89, 95, 98, 100, 113, 134, 142–145, 152–153, 159, 161, 163–164, 169, 172, 174, 179, 184, 198, 258
 Savigny, F. C. von; 44, 52, 61, 63–64, 80, 84–86, 88, 95, 97, 133–134, 150, 261
 Scandinavian Realism; 63
 Schatzki, T.; 65, 67, 69–70, 74
 Schmitt, C.; 135, 196–198, 270
 Schütz, A.; 3, 72
 Searle, J.; 67, 70, 79, 82, 86, 90–93, 118, 128, 167, 172, 198
 secession; 189–191, 195, 200–201
 sedimentation; 141, 143, 145, 147, 149, 176, 178, 184–186, 192, 200, 202, 242, 263, 273
Selbstbeschreibung; 22, 27
 self-regulation; 19, 259, 282
 separability thesis; 142, 159, 161–162, 164–165, 168–169, 180, 185, 234, 271
 simple diversity; 39–41, 43, 206, 212–213, 218, 221, 239–240, 269
 social practices
 characteristics; 66–73
 dispersed; 65–66, 69, 74
 general and specialised; 6, 71–72, 75–76, 80, 129
 integrative; 65–66, 69, 74, 77–78
 sociolegal, characteristics of; 77–93
 social science; 105
 social-sources thesis; 34, 56, 159
 socio-legal practices
 first- and second-order; 7, 13, 19, 22, 27, 38, 41–42, 50, 64, 80–81, 94, 219, 268, 276, 278
Solange; 251, 255
 Sousa Santos, B. de; 242
 special administrative law; 18, 156
 speech act
 illocutionary; 23–24, 56, 116–122, 128, 132, 138–139, 167, 170–171, 173, 184, 254, 272
 legal; 6, 21, 23–25, 35, 37, 42, 56, 92, 115–123, 128–129, 132, 137–139, 141, 143, 148–149, 165–167, 169–170, 180, 183–184, 186–187, 192–193, 201, 231, 241, 254, 262, 270–271
 locutionary; 118
 perlocutionary; 23–24, 118–119, 254, 272, 281
 theory; 23, 52, 56, 92, 117, 120, 128, 165
Spezialistendogma; 95
stare decisis; 104
 status function; 92

- structural coupling
 law and economy; 16–18
 law and politics; 105, 201, 270
Stufenbau; 43
supremacy, principle of EU law; 227, 248–251, 255–256, 258
systematisation, of law; 16, 44, 64, 85, 89, 106–107, 116, 148, 150, 154, 156–157, 165, 259–260
technolegality; 19, 281–282, 284–285
Teubner, G.; 218, 238, 254, 283, 285, 291
threshold of consciousness; 8–9, 11–12, 23, 109–110, 171, 242
travaux préparatoires; 115–116, 118–119, 141, 165–166, 168, 176, 178, 181–182
truth, claim to; 118, 121–122, 245
Tuomela, R.; 65, 67, 69, 74
unity, of law
 formal and substantive; 152, 155, 205, 260, 263
 in plurality; 264
 internal; 39, 213–214, 257, 264
universal law; 210, 214, 264–266
universalism; 49, 213, 234, 261, 267–269
validation; 38, 258
validity, of law
 claim to; 116
 empirical; 122, 173
 formal; 105–106, 117, 121, 128, 166–167, 169–171, 200
 substantive; 117, 121–122, 167–171, 184, 189
van Gend en Loos; 244, 250–251
Vernunftrecht; 20, 132
violence; 5, 21, 27, 60, 103, 135, 184, 193, 200, 202
volition; 112, 195
Volksgeist; 85, 132, 150, 152
voluntarism; 21, 33, 35, 38, 131–133, 143, 152, 155, 174
voluntas; 10, 16, 19–22, 27, 33, 38–39, 105, 132–133, 135, 141, 150, 188, 202, 272
Vorverständnis; 7–8, 10, 12, 23–25, 27–28, 30, 36, 38, 43, 82, 100–101, 108, 113, 116, 127, 129, 133, 139, 141–144, 149, 162, 165, 180–181, 183, 185, 188, 202, 213, 243, 254–255, 261, 264, 266–268, 270, 272–273, 283
we-attitude; 67–68
Weimar Republic; 143, 196, 198
Weiss; 255
welfare state; 14, 18, 105, 132, 156, 260, 283