

Bartosz Janik

Supervenience and grounding of legal norms - legal and philosophical analysis

Superweniencja i ugruntowanie norm prawnych - analiza filozoficznoprawna

The main hypothesis of this dissertation states that:

The relation of supervenience does not offer sufficient explanation (or understanding) of the relationship between what is social and what is legal, whereas the relation of grounding provides sufficient explanation (and understanding).

This hypothesis may seem unclear. It uses terms which are contested in philosophy (explanation, understanding), which are vague (*what is social, what is legal*) or which are subject to theoretical disputes (supervenience and grounding). Therefore, a lot of space in this work is devoted to both the analysis of these concepts and describing the philosophical debates around them, as well as to the choice of such ways of understanding them that are most useful in the context of the philosophy of law. However, one must be aware that these choices are, at least to some extent, arbitrary. However, this is not something special: "establishing a dictionary" is a typical procedure preceding a complex philosophical considerations.

This work consists of two parts separated by a methodological interlude. In the first part, next to the analysis of the concepts of understanding and explanation, it is demonstrated that the reductionist and anti-reductionist approaches do not constitute theoretically satisfactory explanations of the relationship between what is legal and what is social. In Interlude, which separates the two main parts of the work, two concepts were analyzed: "social facts" and "legal facts". It was determined what types of entities may be *relata* of the relations of supervenience and grounding. In turn, the second part of the dissertation gathers support for the main hypothesis. After reviewing the general philosophical debate on supervenience and grounding, the findings were analyzed within the legal theoretical perspective and the main hypothesis was corroborated.

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Bartosz Janik