

## LEGAL SCHOLARSHIP AS A SOURCE OF LAW

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The chapter goes on to discuss and reject some arguments to the effect that legal scholarship (standard scholarship included) cannot or does not function as a source of law. Arguments about what scholarship cannot do may be interpreted as conceptual arguments; arguments about what scholarship does not do are empirical arguments.

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My account of legal scholarship as a source of law would be condemned to be disappointingly superficial (if at all informative) if it were to rest on a truly ecumenical, all-embracing account of legal reasoning.

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Chapter 4 argues that legal scholarship or, more precisely, a particular type of legal scholarship that might be described as standard or doctrinal can be, and indeed is, used as a source of law in modern legal systems. The conclusion that legal scholarship is used as a source of law (and thus as a source of content-independent reasons for action) may come as a surprise to those who

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It discusses the possibility that legal scholarship may function as a genuine source of law in modern municipal legal systems. The book advances a number of claims, some conceptual, some empirical, some normative. The major conceptual

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