

Grounding and Supervenience in Law: Analysis and Criticism

The aim of this project is twofold. Firstly, the analysis of the relationship between applicability of grounding and supervenience in theories of law which imply the existence of relations between two sets of facts (or properties): a set corresponding to legal facts (legal properties) and a set corresponding to social facts (properties). Secondly, the project aims at determining the mutual relationship between those two sets.

Supervenience is a philosophical relations that roughly states that two sets are connected in a way that ensure that they will covariate with each other. Grounding is a relations with states that two sets are related in a manner in which one is more fundamental than the other.

The research hypothesis of this project is that neither the relation of supervenience, nor the relation of grounding alone offers sufficient explanation - from the point of view of the requirements of positivist legal theory - of the relationship between legal and social facts (qua natural facts) and, as such, both cannot be seen as relevant in the legal context without further additions

The truth or falsity of this hypothesis will be tested based on the analysis of literature in philosophy and philosophy of law focusing on the relations between supervenience and grounding.