

Propositions accompanying the dissertation

Using Law to Depoliticize Adjudication? A Skeptical Thesis

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1. The notion of “apolitical” adjudication is *itself* a political concept.
2. Adjudication always involves a moment of political self-assertion, even in cases where the authority of the judiciary is seemingly beyond dispute.
3. Three interrelated but distinct ideals underpin attempts to distinguish the judicial from the political domain: legality, the autonomy of politics, and judicial propriety.
4. Distinguishing between “judicial” and “political” standards is theoretically coherent, but in practice unlikely to be effective in depoliticizing politically sensitive legal disputes.
5. Appeals to norms of judicial deference can only be legitimate if their acceptance does not result in the deterioration of socially embedded practices of democratic governance.
6. Courses in Western jurisprudence should centrally feature theories about the foundations of juridico-political sovereignty — such as Hobbes’, Rousseau’s or Schmitt’s —, even if that would imply dropping some analytical texts developed in the wake of Hart, Dworkin and Raz.
7. Both in academic and in popular discourse, it is ordinarily more important an intellectual task for political philosophers to explain political controversy than to normatively “solve” it.
8. Instead of muddily debating the question whether human rights are valid “universally”, we should ask whether their value is *absolute* — which it certainly is.
9. Though there is a long philosophical tradition of understanding law as an embodiment of public reason, it makes at least as much sense to approach law as an organized attempt to defang and suppress reason.
10. Western jurisprudence would benefit from a more active exchange with scholarship in cultural anthropology and non-Western philosophy, allowing legal theorists to bracket the self-evidence of often-unquestioned conceptions of state, contract and citizenship.
11. Public spending on primary school teacher salaries in the Netherlands should at least be quadrupled, attracting society’s most skilled professionals to provide tailor-made education for students of all social backgrounds.