



It's All in the Game: A Nonfoundationalist Account of Law and Adjudication

Allan C. Hutchinson

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Three questions concerning modern legal thought provide the framework for *It's All in the Game*: What should judges do? What do judges do? What can judges do? Contrasting his own answers to traditional responses and moving playfully between debates of high theory, daily practices of appellate judges, and his own enlightening analyses of significant court rulings, Allan C. Hutchinson examines what it means to treat adjudication as an engaged game of rhetorical justification. His resulting argument enables the reader to grasp more fully the practical operation, political determinants, and the transformative possibilities of law and adjudication.

Taking on leading contemporary theories to explore the claim that “law is politics,” Hutchinson delineates a route toward professional, relevant, and responsible—if radical—judicial practices. After discussing the difference between foundationalist, antifoundationalist, and nonfoundationalist legal critiques, he offers a focused, unequivocal, and positive account of the advantages of operating within a nonfoundationalist framework. Although such an approach centralizes the role of rhetoric in law, Hutchinson claims that this does not necessitate a turn away from politics or, more particularly, from a progressive politics. Driving home the political and jurisprudential impact of his critique and of his account of nonfoundationalist alternatives, he urges judges and jurists to engage in law’s language game of politics.

This engaging book will interest linguistic philosophers, legal theorists, law students, attorneys, judges, and jurists of all stripes.

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