

Dr Veronica Rodriguez-Blanco

Senior Lecturer

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About

Veronica Rodriguez-Blanco has published articles in leading journals on the nature of law, legal positivism, legal methodology and legal objectivity. Her forthcoming book *Law and Authority Under the Guise of the Good* (August 2014) argues that law is an actuality of our practical reasoning powers. The book shows that an understanding of the nature of legal normativity involves an understanding of the nature and structure of practical reason in the context of the law. Using the philosophies of action enshrined in the works of Aristotle, Thomas Aquinas and Elisabeth Anscombe, the study explains practical reason as diachronic future-directed intention in action and argues that this conception illuminates the structure of practical reason of the legal rules's addressees. The account is comprehensive and enables us to distinguish authoritative and normative legal rules in just and good legal systems from 'apparent' authoritative and normative legal rules of evil legal systems. At the heart of the book is the methodological view of a 'practical turn' to elucidate the nature of legal normativity and authority.

Veronica's future research focuses on omissions and responsibility in the context of the law. She argues that omissions and causation are fully normative and therefore cannot be reduced to mental states, expectations or socially constructed entities.

Further details can be found in my personal webpage: <http://www.rodriquez-blanco website.yolasite.com/>

Feedback and office hours

My office and feedback hours are as follows:

Semester 1 and 2:

weeks 2,4,6,8,10: Fridays 12-2

weeks 1,3,5,7,9,11, Wednesdays 11-1

Alternatively, please contact me by e-mail (v.rodriquez-blanco@bham.ac.uk) to arrange an appointment.

Qualifications

- LLB (Catholic University, Caracas-Venezuela)
- Mg. Sc. in Logic and Philosophy of Science (Central University of Venezuela)
- MJur (Balliol College, University of Oxford)
- PhD in Legal Philosophy (Corpus Christi College, University of Cambridge)

Biography

Veronica studied law and philosophy at Venezuela, Cambridge and Oxford and joins Birmingham Law School as a lecturer in 2001. In 2006, she was promoted to a Senior Lectureship.

She has been invited to deliver keynote lectures/ papers at Monash University (Australia, 2014), University of Cajamarca-International Congress of Fundamental Rights (Peru 2014), University of Catanzaro (Italy 2014), the University of Freiburg (2014), University of Stokholm (2013), University of Loja-II International Congress of Legal Philosophy and Constitutional Justice (Ecuador, 2013), Centre for Law, Philosophy and Human Values at the University of Chicago Law School (2012), University of México, UNAM (2012), University of Palermo (2012 and 2013), the Third Central and Eastern European Forum for Young Scholars, Belgrade(2011), Conference on "Pluralism" Universidad Autónoma de Madrid, Philosophy Department (2011), Royal Institute of Philosophy, Birmingham Branch (2011 Workshop on 'Free Will), University of Paris-Nanterre (2010), Oxford Jurisprudence Discussion Group (Oxford 2010), Edinburgh Legal Theory Festival (2010), European University Institute, Florence (Italy, 2010), University of Antwerp (Workshop on "Normativity in Law and Morality", 2009), Centre for Law and Society, University of Edinburgh (2009), the University of Girona (Legal Theory Seminars, 2008), Yale Law School (13th Analytic Legal Philosophy Conference, 2008), Jean Beer Blumenfeld Center for Ethics (Georgia State University 2007), University of Bristol (Research Seminars 2006), University of Toronto (Legal Theory Workshop, 2005), University of Leicester (Legal Theory Workshop 2005), Queen's University, Belfast (Forum for Law and Philosophy 2003). She has also presented papers in numerous workshops, conferences and congresses.

She has been awarded the Alexander Von Humboldt Fellowship in 2010 (University of Kiel, Germany) and in 2004-5 (University of Heidelberg, Germany), British Academy Grants (Conference Overseas Grant, 2001, 2003), the Cambridge Overseas Trust Scholarship and the British Council- Fundayacucho Scholarship.

She has recently been awarded the Fernand Braudel Senior Research Fellowship at the European University Institute, Florence (2012) and a Research Fellowship from the University Centre St-Ignatius, Antwerp (2011).

She is the Book Review Editor of the journal *Jurisprudence: An International Journal of Legal and Political Thought*, Evaluator of the Leiter's Philosophical Gourmet Report (legal philosophy section), member of the Board of Editors of the **IVR Encyclopedia in Jurisprudence, Legal Theory and Philosophy of Law** (<http://www.IVR->

Teaching

- Tort
- Contract
- Jurisprudence

Postgraduate supervision

Veronica is happy to receive research proposals from potential research students on any of the following areas:

- a) Philosophical aspects of Tort and/or Contract Law, e.g. causation in Tort Law, the role of promises in Contract Law.
- b) A philosophical analysis of agency and intentional action to shed light on collective and individual responsibilities in the fields of Criminal Law, Human Rights Law, Tort Law and Corporate Law.
- c) Empirical research on moral psychology and its implications on our understanding of specific aspects of private law, e.g. omissions.
- d) Classical philosophical approaches to agency.
- e) Methodological issues on theories of human rights.

Current PhD students:

Pedro Savaget "Stoic's philosophy of action and Classical Roman Law"

Research

Veronica Rodriguez-Blanco's book *Meta-ethics, Moral Objectivity and Law* and her publications in leading scholarly journals aim to advance a better understanding of the relationship between legal and moral objectivity. She is also interested in, and has written on, the methodological problems in legal theory, i.e. the distinction between normative and descriptive jurisprudence, the nature of conceptual analysis and the idea of paradigm in law.

Her current research is located at the intersection of contemporary philosophy of action, classical and medieval philosophical reflections on intentional action, and legal philosophy. Her forthcoming book *Law and Authority Under the Guise of the Good (August 2014)* argues that law is an actuality of our practical reasoning powers. The book shows that an understanding of the nature of legal normativity involves an understanding of the nature and structure of practical reason in the context of the law. Using the philosophies of action enshrined in the works of Aristotle, Thomas Aquinas and Elisabeth Anscombe, the study explains practical reason as diachronic future-directed intention in action and argues that this conception illuminates the structure of practical reason of the legal rules's addressees. The account is comprehensive and enables us to distinguish authoritative and normative legal rules in just and good legal systems from 'apparent' authoritative and normative legal rules of evil legal systems. At the heart of the book is the methodological view of a 'practical turn' to elucidate the nature of legal normativity and authority.

Veronica's future research relies on her idea of law as an actuality of practical reasoning powers and focuses on omission and responsibility. She argues that omissions cannot be explained without a normative component. However, the normative component cannot be reduced to what is the 'standard' in the circumstances or 'normal' as to fulfill reasonable expectations. The problem with these understandings of normative as reduced to what is 'normal' or 'standard' is that they rely on a notion of 'state of affairs' that is independent of the agent. These are attempts to reduce the 'normative' to something empirical, e.g. the mental states of the actor, the subjective expectations of the agents or the objective expectations of reasonable agents. The normative element of causation cannot be grasped by these socially or mentally observed explanations. Her hypothesis is that a sound theory of agent-causation is able explain the concept of omission as an absence that occurs within a series of continuous actions that 'ought to happen' and/or 'ought to be performed' by an agent engaged in practical reasoning. Consequently, these absences or gaps undertaken by agents have the power to produce certain effects in the world. Her proposal is that we need to look at the nature of agency to understand how we cause states of affairs in the world. The core idea is that negligent actions and omissions are imperfect realisations of our practical knowledge and that the agent's defective or imperfect directiveness of the will causes the wrong. The work aims to defend a realist conception of powers and agent-causation in the context of a new theory of negligence.

Other activities

- Convenor of the Staff Research Seminar Series.
- Member of the Global Faculty Doctoral Programme in Contemporary Legal and Political Theory (University of Antwerp, University of Glasgow, University of Tilburg and University of Kiel).
- Module leader of Contract Law

Publications

Books:

Reasons and Intentions in Law and Practical Agency (edited with G.Pavlakos) (Cambridge: Cambridge University Press, forthcoming 2015).

Law and Authority Under the Guise of the Good (Oxford: Hart Publishing, July 2014).

Meta-ethics, Moral Objectivity and Law (Paderborn: Mentis Verlag), Series 'Perspectives in Analytical Philosophy', Julian Nida-Rümelin and Georg Meggle (eds.), 2004.

Chapters in books:

"Legal Authority and the Paradox of Intention in Action". In: *Reasons and Intentions in Law and Practical Agency*. Cambridge: CUP, forthcoming.

"Claims of Legal Authorities and 'Expressions of Intentions': The Limits of the Philosophy of Language". In: *Law and Language: Current Legal Issues*, Volume 16, Michael Freeman & Fiona Smith, 2013, OUP.

"The Moral Puzzle of Legal Authority". In: *New Essays on the Normativity of Law* (Oxford: Hart Publications, 2011)

Articles:

- "Reasons in Action v Triggering Reasons: A Reply to Enoch on Reason-Giving and Legal Normativity". In: *Problema* (2013), 7 <http://biblio.juridicas.unam.mx/revista/FilosofiaDerecho/> (<https://owa.bham.ac.uk/owa/redirect.aspx?C=6de3f7631aec420db567baa1d414a934&URL=http%3a%2f%2fbiblio.juridicas.unam.mx%2frevista%2fFilosofiaDerecho%2f>)
- "If You Cannot Help Being Committed to It, then It Exists: A Defense of Robust Normative Realism". In: *32 Oxford Journal of Legal Studies* (2012), issue 4, pp. 823-841
- "Does Kelsen's Notion of Legal Normativity Rest on a Mistake?". In: *31 Law and Philosophy* (2012), pp. 725-752
- "Social and Justified Legal Normativity: Unlocking the Mystery of the Relationship" In: *Ratio Juris* (September 2012), vol. 25, issue 3, pp. 409-433.
- "Towards a Concept of Human Rights: Inside and Outside Genealogy" In: *98 Archives for the Philosophy of Law and Social Philosophy* (2012), issue 3
- "Objectivity in Law". In: *Philosophy Compass* (2010), Vol. 5, issue 3, pp. 240-249.
- "From Shared Agency to the Normativity of Law: Shapiro's and Coleman's Defence of Hart's Practice Theory of Law Reconsidered". In: *Law and Philosophy*, 2009, Vol. 28, No.1, pp.59-100.
- "Is Finnis Wrong?: Understanding Normative Jurisprudence" (with the comments of John Finnis) *Legal Theory* (2007), Volume 13, issues 3-4, pp. 257-283
- 'Peter Winch and H.L.A. Hart: Two Concepts of the Internal Point of View'. In: *The Canadian Journal of Law and Jurisprudence*, July, Vol. XX, No. 2 (2007).
- "The Methodological Problem in Legal Theory: Descriptive and Normative Jurisprudence Revisited". In: *Ratio Juris*, Vol 19, No 1, March 2006, pp 26-54.
- "A Defence of Hart's Semantics as Non-Ambitious Conceptual Analysis". In: *Legal Theory* (2003).
- "Moral Convictions in Dworkin's Legal Theory". In: *1 Rechtstheorie* (2001).
- 'Genuine Disagreements: a Realist Reinterpretation of Dworkin'. In: *Oxford Journal of Legal Studies* (2001)
- A Revision of the Epistemic and Constitutive Coherence Theories in Law'. In: *Ratio Juris* (2001).

Encyclopaedia (in Spanish):

Enciclopedia de Filosofía del Derecho y Teoría Jurídica (Jorge Fabra and Rodriguez-Blanco, eds.), Vol. 2, México-Buenos Aires, Instituto de Investigaciones Jurídicas, Universidad Autónoma de México-Rubinzal Culzoni, *forthcoming*.

Short pieces in journals:

- "Accountability or Preemption" (Symposium on the Nature of Legal and Political Authority). In: *Jurisprudence: An International Journal of Legal and Political Thought* (2011, Volume 2).

Book Reviews:

- Review of Enrico Pattaro's 'The Law and The Right: A Reappraisal of the Reality that Ought to Be'. In : *The Canadian Journal of Law and Jurisprudence*, Vol. XXII, No.2, July 2009, pp. 451-455.
- Review of Brian Leiter's *Naturalizing Jurisprudence* (Oxford: Oxford University Press, 2007). In: *Mind*, October 2008, 117, pp. 468
- Review of George Pavlakos' *Our Knowledge of the Law* (Oxford: Hart Publications, 2007). In: *Modern Law Review*, Vol. 72, No.2, March 2009, pp. 327-329.
- Review of Matthew Kramer's 'Objectivity and the Rule of Law' (Cambridge: Cambridge University Press, 2007). In: *Notre Dame Philosophical Reviews*/<http://ndpr.nd.edu/news/23390-objectivity-and-the-rule-of-law/> (<http://ndpr.nd.edu/review.cfm?id=12563>)