

Christian Bumke

Rechtsdogmatik

Eine Disziplin und ihre Arbeitsweise. Zugleich eine Studie über das rechtsdogmatische Arbeiten Friedrich Carl von Savignys



The manner of thinking and working established by legal dogmatics (*Rechtsdogmatik*) exerts formative influence on German jurisprudence. Legal dogmatics is based on the crucial ideas of positive law having to be systemised, of law having an inherent function, and of dogmatic doctrine claiming truth. Dogmatics penetrates and orders the entirety of positive law in order to guide legal practice. This study aims to examine the work within dogmatic tradition, its underlying self-professed conception, its functions, and their actual realization. Thus, the outcome creates a map of legal dogmatics' way of thinking, and exemplarily reveals its way of working. It becomes apparent that, on the basis of common convictions, a fertile variety of diverging self-conceptions has arisen. However, there is some disunity, for example, over the meaning of normative judgements, over the relation of statutory law to work within legal dogmatics, as well as over the question of whether to concentrate on the application of law.

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