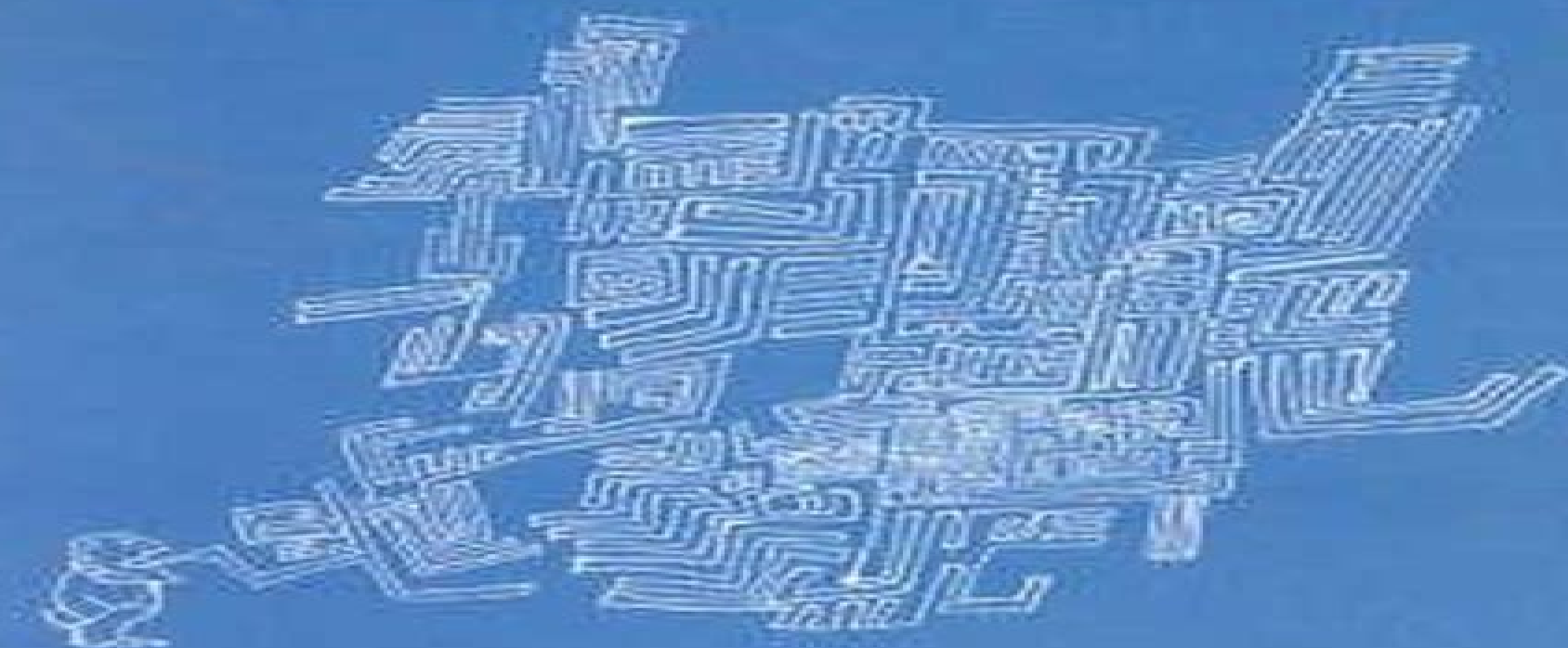


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# Rediscovering Fuller

Essays on Implicit Law  
and Institutional Design



Amsterdam University Press

# Rediscovering Fuller

**Sean Coyle**



## **Rediscovering Fuller:**

Rediscovering Fuller W. J. Witteveen, Wibren van der Burg, 1999 Lon Fuller one of the great American jurists of this century is often remembered only for his stand on the morality of law in the Fuller Hart debate Rediscovering Fuller considers the full range of Fuller s writings from his early engagement with legal fictions and his critique of legal positivism to his later work on implicit law and the art of institutional design Contributors from the fields of both civil law and common law argue that Fuller s insights are highly relevant to contemporary concerns The book contains essays by K Winston D Dyzenhaus P Cliteur F Schauer Beyond the Fuller Hart Debate P Westerman W van der Burg D Luban Moralities of Law G Postema P Teachout Implicit Law R Macdonald W Witteveen J Allison M Hertogh K Soltan The Art of Institutional Design J Allan F Mootz J Vining Law s Dialogue and a preface by Ph Selznick At some point in the future when we become more open to the moral relevance of social inquiry more empirical in our study of philosophical issues more capable of uniting moral and social theory Lon Fuller s work will stand as a landmark This volume will help show the way Ph Selznick Designing Government F. Pearl Eliadis, Margaret M. Hill, Michael Howlett, 2005 This collection of readings examines the tools used by today s government to achieve legitimacy effectiveness and accountability The contributors examine the instrument choice perspective on government and public policy over the past two decades moving beyond the preoccupation with deregulation and efficiency to trace the complex relationships between instrument choices and governance Readers are encouraged to consider factors in the design of complex mixes such as issues of redundancy context the rule of law and accountability These latter factors are especially central in today s world to the design and implementation of effective instrument choices by governments and ultimately to good governance The authors conclude that instrument choice itself is integral to government and governance **The Love of God Holds Creation Together** Ryan P. Hoselton, 2018-02-26 The English Baptist Andrew Fuller 1754 1815 is well known today for his nuanced Evangelical answer to the Modern Question against hyper Calvinism founding and leading the Baptist Missionary Society and his exemplary pastoral ministry In his day however he was also esteemed as a formidable apologist for Christian orthodoxy especially in the area of moral reasoning Following in the footsteps of his theological mentor Jonathan Edwards Fuller labored to defend the moral goodness and salutary nature of Christian doctrine against the new moral philosophy of the Enlightenment As optimism in the moral potential of human nature waxed reliance on God for truth and virtue waned Echoing a long tradition of classical theologians Fuller wished to declare afresh that the love of God as manifested in the gospel furnished humankind s only hope for virtue excellence and happiness In this concise study Hoselton looks to recover the importance of ethical reasoning in Fuller s theology and ministry and reflect on its merit for today **Preservation of Ecosystems of International Watercourses and the Integration of Relevant Rules** Lee Jing, 2014-07-17 In Preservation of Ecosystems of International Watercourses and the Integration of Relevant Rules An Interpretative Mechanism to Address the Fragmentation of International Law Lee Jing takes

an innovative approach to developing an international legal framework for preserving ecosystems Deploying Article 31 3 c of the 1969 Vienna Convention an analytical framework is devised that examines the ecosystem approach under international law through the prism of Article 20 of the UN Watercourses Convention The analysis provides an enhanced normative scope and content for the UN Watercourses Convention s approach to the obligation to preserve taking into account contemporary developments in international law The work demonstrates the full potential of the Vienna Convention s Article 31 3 c as an integration tool in addressing the fragmentation of international law Architectures of Justice Henrik Palmer Olsen, Stuart Toddington, 2016-05-23 Law can be seen to consist not only of rules and decisions but also of a framework of institutions providing a structure that forms the conditions of its workable existence and acceptance In this book Olsen and Toddington conduct a philosophical exploration and critique of these conditions what they are and how they shape our understanding of what constitutes a legal system and the role of justice within it Who is Afraid of the State? Gordon S. Smith, Gordon Scott Smith, Daniel Wolfish, 2001-01-01 The essays in this collection argue that contrary to some private sector populists the state is in the best position to lead in making policy in a rapidly changing world and should retain and refine this responsibility

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**New Waves in Philosophy of Law** Maksymilian Del Mar, 2011-08-15 A collection of 11 cutting edge essays by leading young scholars challenging long held assumptions and offering new research paradigms in Philosophy of Law in five parts 1 methodology metatheory 2 reasoning evaluating 3 values the moral life 4 institutions the social life and 5 the global international dimension The Dynamics of Law and Morality Wibren van der Burg, 2016-03-23 This book investigates the

dynamic intertwinement of law and morality with a focus on new and developing fields of law Taking as its starting point the debates and mutual misunderstandings between proponents of different philosophical traditions it argues that this theoretical pluralism is better explained once law is accepted as an essentially ambiguous concept Continuing on the book develops a robust theory of law that increases our grasp on global legal pluralism and the dynamics of law This theory of legal interactionism inspired by the work of Lon Fuller and Philip Selznick also helps us to understand apparent anomalies of modern law such as international law the law of the European Convention on Human Rights and horizontal interactive legislation In an ecumenical approach legal interactionism does justice to the valuable core of truth in natural law and legal positivism Shedding new light on familiar debates between authors such as Fuller Hart and Dworkin this book is of value to academics and students interested in legal theory jurisprudence legal sociology and moral philosophy

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*Law and Morality* Kenneth Einar Himma, 2017-07-05 This volume collects many of the key essays exploring the possible relationships between the concepts of law and morality a central concern of contemporary philosophizing about law It is organized around five conceptual issues classical natural law theory legal positivism's separability thesis Ronald Dworkin

s constructive interpretivism inclusive legal positivism s assertion that there can be legal systems with moral criteria of legality and the relevance of morality and moral theorizing in theorizing about the concept of law and associated legal concepts Each of the essays makes an important contribution toward addressing these issues

**Modern Jurisprudence** Sean Coyle, 2014-12-01 This book provides a concise and accessible guide to modern jurisprudence offering an examination of the major theories and systematic discussion of themes such as legality and justice It gives readers a better understanding of the rival viewpoints by exploring the historical developments which give modern thinking its distinctive shape and placing law in its political context A key feature of the book is that readers are not simply presented with opposing theories but are guided through the rival standpoints on the basis of a coherent line of reflection from which an overall sense of the subject can be gained Chapters on Hart Fuller Rawls Dworkin and Finnis take the reader systematically through the terrain of modern legal philosophy tracing the issues back to fundamental questions of philosophy and indicating lines of criticism that build to a fresh and original perspective on the subject

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**Comparative Constitutionalism** A.V. Dicey, 2013-10 The Oxford Edition of Dicey provides sources with which to reassess the extraordinary authority and lasting influence of Dicey s canonical text Volume Two Comparative Constitutionalism provides a complement to Dicey s The Law of the Constitution These largely unpublished comparative constitutional lectures were written for different versions of a comparative constitutional book that Dicey began but did not finish prior to his death in 1922 The lectures were a pioneering venture into comparative constitutionalism and reveal an approach to legal education broader than Dicey is widely understood to have taken Topics discussed include English French American and Prussian constitutionalism the separation of powers representative government and federalism The volume begins with an editorial introduction examining the implications of these comparative lectures and Dicey s early foray into comparative constitutionalism for his general constitutional thought and the kinds of response it has elicited

**Judicial Review and the Constitution** Christopher Forsyth, 2000-05-01 This collection of essays presents opposing sides of the debate over the foundations of judicial review In this work however the discussion of whether the ultra vires doctrine is best characterised as a central principle of administrative law or as a harmless justificatory fiction is located in the highly topical and political context of constitutional change The thorough jurisprudential analysis of the relative merits of models of

legislative intention and judicial creativity provides a sound base for consideration of the constitutional problems arising out of legislative devolution and the Human Rights Act 1998 As the historical orthodoxy is challenged by growing institutional independence leading figures in the field offer competing perspectives on the future of judicial review Confucius was wrong to say that it is a curse to live in interesting times We are witnessing the development of a constitutional philosophy which recognises fundamental values and gives them effect in the mediation of law to the people Sir John Laws Contributors Nick Bamforth Paul Craig David Dyzenhaus Mark Elliott David Feldman Christopher Forsyth Brigid Hadfield Jeffrey Jowell QC Sir John Laws Dawn Oliver Sir Stephen Sedley Mark Walters With short responses by TRS Allan Stephen Bailey Robert Carnworth Martin Loughlin Michael Taggart Sir William Wade

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Tax Justice and Tax Law Dominic de Cogan, Peter Harris, 2020-11-12 Most people would agree that tax systems ought to be just and perhaps a great deal more just than they are at present What is more difficult is to agree on what tax justice is This book considers a range of different approaches to and ideas about the nature of tax justice and covers areas such as imbalances in international tax arrangements that deprive developing countries of revenues from natural resources and allow wealthy taxpayers to use tax havens protests against governments and large business attempts to influence policy through more technical means such as the OECD s Base Erosion and Profits Shifting project interpersonal matters such as the ways in which tax systems disadvantage women and minorities the application of wider philosophical or economic theories to tax systems The purpose of the book is not to iron out these underlying differences into a grand theory but rather to gain a more precise understanding of how and why we disagree about tax justice In doing so the editors are assisted by a stellar cast of contributors from four continents with a wide variety of views and experiences but a common interest in this central question of how to agree and disagree about tax justice This is of course not only an intellectual exercise but also a necessary precursor to achieving real world change

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