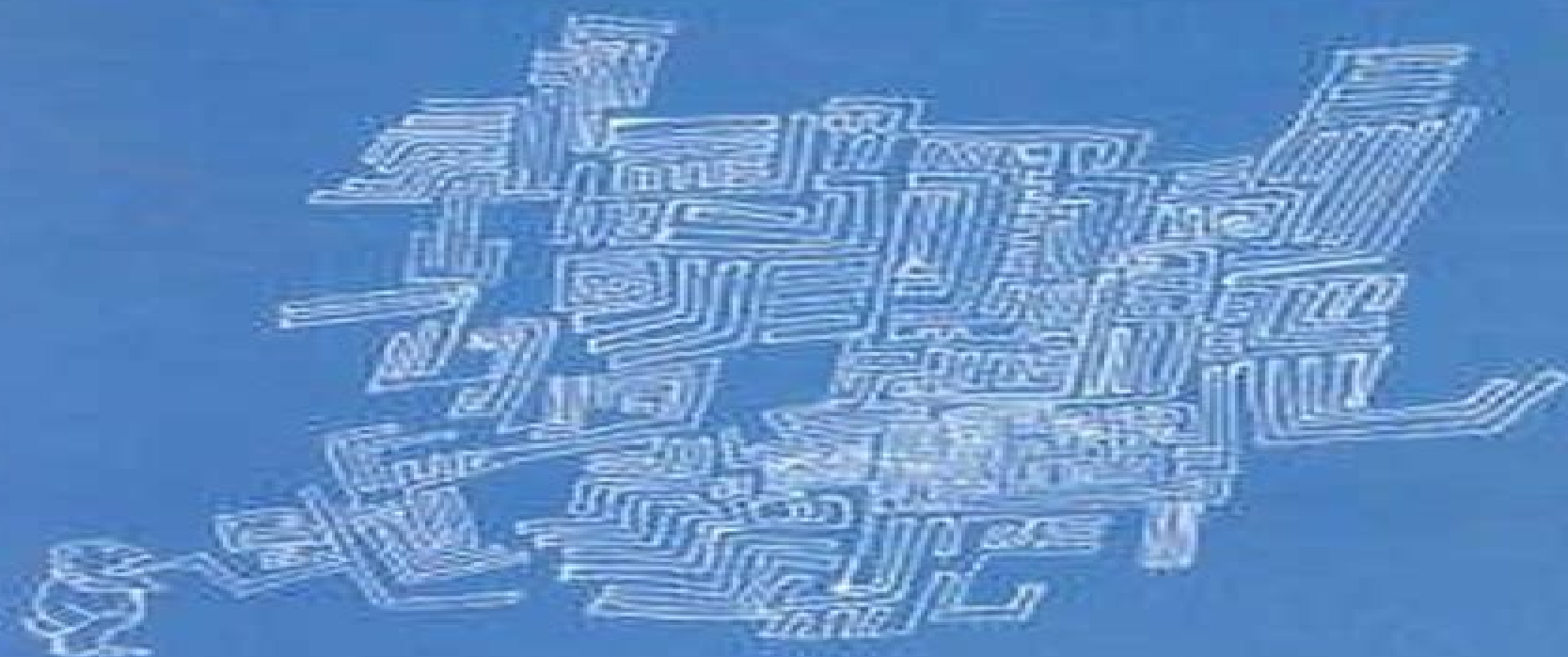


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# Rediscovering Fuller

Essays on Implicit Law  
and Institutional Design



Amsterdam University Press

# Rediscovering Fuller

**Gordon S. Smith, Gordon Scott  
Smith, Daniel Wolfish**



## **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 [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 **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 Oxford Handbook of Global Legal Pluralism** Paul Schiff Berman, 2020 Abstract Global legal pluralism has become one of the leading analytical frameworks for understanding and conceptualizing law in the twenty first century **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

**Law, Society and Community** Richard Nobles, David Schiff, 2016-04-22 This collection of socio legal studies written by leading theorists and researchers from around the world offers original perceptive and critical contributions to ideas and theories that have been expounded by Roger Cotterrell over a long and distinguished career Engaging with many classic issues and theories of the sociology of law the contributions are likely to become classics themselves as they tackle some of the most significant challenges that modern law faces They do not shy away from what one of the contributors describes as the complexity and multiplicity of our contemporary legal world The book is organized in three parts socio legal themes methodological and jurisprudential themes globalization cultural and comparative law themes Starting with a chapter that re engages with the need to interpret legal ideas sociologically and ending with one that explores the global significance of modern fascination with the idea of the rule of law this selection offers important additions to the oeuvre of Roger Cotterrell a list of whose academic writings is included in the book *Routledge Handbook of the Rule of Law* Michael Sevel, 2024-10-24 This Handbook provides a state of the art survey of the study of the rule of law across law the humanities and social sciences as well as insights into the practice of building the rule of law within and among states Its 28 chapters are by many of the world s leading scholars of the rule of law as well as distinguished junior scholars from a dozen countries and representing a number of academic disciplines The chapters are ordered to progress first from theory to the practice of the rule of law and second from the rule of law within to beyond the state They divide into three parts The first part examines the concept history and value of the rule of law This section considers the importance of political and intellectual history in shaping the concept over the centuries and takes novel philosophical approaches to the connection between the rule of law and other important ideals such as justice equality and civil disobedience The second part transitions from theoretical studies to accounts of practical exercises in building the rule of law The chapters consider the challenges of rule of law reform including the use of local intermediaries facilitating interactions between international legal aid organizations and state governments the challenges of legal translation across vastly different societies the pathways of knowledge among the powerless about the protective potential of the rule of law as well as the possible future for artificial intelligence systems in

helping to reinforce rule of law principles The third part examines the rule of law from a number of perspectives within particular supranational and national states such as the European Union China Singapore and South Africa among others and concludes by considering the prospects of the rule of law beyond the state both within and among international institutions such as the United Nations as well as non territorial spaces like the world s oceans This Handbook is aimed at rule of law scholars across law the humanities and the social sciences law and development practitioners policymakers and advanced students and researchers who seek a state of the art overview of the history theory and practice of the rule of law

**Handbook on Global Constitutionalism** Anthony F. Lang,Antje Wiener,2023-11-03 This thoroughly revised Handbook presents an up to date political and philosophical history of global constitutionalism By exploring the constitutional like qualities of international affairs it provides key insight into the evolving world order 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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