

The Dynamics of Law and Morality

A Pluralist Account of Legal Interactionism

WIBREN VAN DER BURG

Erasmus University Rotterdam, The Netherlands

ASHGATE

© Wibren van der Burg 2014

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or transmitted in any form or by any means, electronic, mechanical, photocopying, recording or otherwise without the prior permission of the publisher.

Wibren van der Burg has asserted his right under the Copyright, Designs and Patents Act, 1988, to be identified as the author of this work.

Published by
Ashgate Publishing Limited
Wey Court East
Union Road
Farnham
Surrey, GU9 7PT
England

Ashgate Publishing Company
110 Cherry Street
Suite 3-1
Burlington, VT 05401-3818
USA

www.ashgate.com

British Library Cataloguing in Publication Data

A catalogue record for this book is available from the British Library.

The Library of Congress has cataloged the printed edition as follows:

Burg, Wibren van der.

The dynamics of law and morality : a pluralist account of legal interactionism / by
Wibren van der Burg.

pages cm

Includes bibliographical references and index.

ISBN 978-1-4724-3040-3 (hardback) – ISBN 978-1-4724-3041-0 (ebook) –

ISBN 978-1-4724-3042-7 (epub) 1. Law—Moral and ethical aspects. 2. Law and ethics.
3. Legal polycentricity. I. Title.

K247.6.B87 2014

340'.112—dc23

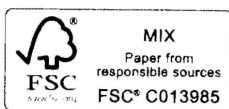
2013039372

ISBN 9781472430403 (hbk)

ISBN 9781472430410 (ebk – PDF)

ISBN 9781472430427 (ebk – ePUB)

Reprinted 2014



Printed in the United Kingdom by Henry Ling Limited,
at the Dorset Press, Dorchester, DT1 1HD

Contents

<i>Preface</i>	<i>vii</i>
<i>Acknowledgements</i>	<i>xi</i>
Introduction	1
PART I: UNDERSTANDING THEORETICAL PLURALISM	
1 Two Basic Models of Law and Morality	19
2 Essentially Ambiguous Concepts	39
3 The Debate between Fuller, Hart and Dworkin	53
4 The Relations between Law and Morality	65
5 A Pluralist Framework	77
PART II: LEGAL INTERACTIONISM	
6 What is Legal Interactionism?	95
7 Understanding the Dynamics of Law	119
8 Three Apparent Anomalies in Modern Law	135
9 The Necessary and Contingent Relationship between Law and Morality	151
<i>References</i>	<i>171</i>
<i>Index</i>	<i>181</i>