Contents

Acknowledgements		
1. In P	raise of Particular Jurisprudence	1
I.	Introduction	1
II.	Courts and Legislatures in Legal Theory	3
III.	Must we be Essentialist about Institutions?	5
IV.	Shared Authority	7
V.	Meta-theoretical Reservations	18
VI.	Working from the Particular	21
VII.	Shared Authority Meta-theoretical Reservations Working from the Particular Legal and Constitutional Theory Persistent Significance of Jurisdiction Introduction The Puzzle A. Practical Authorities B. Legal Authority C. The Qualification	23
2. The	Persistent Significance of Jurisdiction	25
I.	Introduction	25
II.	The Puzzle	27
	A. Practical Authorities	27
	B. Legal Authority	28
	C. The Qualification	31
	D. Jurisdiction: Some Preliminaries	33
III.	Making Room for the Courts	35
	A. The Legislature only Reading	35
	B. The Legislature and the Courts	40
	C. The Division-of-Labour Reading	42
	D. The Dualistic Reading	43
IV.	A Jurisdictionally Bound Sources Thesis	48
V.	Jurisdiction Revisited	53
3. Dim	ensions of Interpretation	56
I.	Introduction	56
II.	The Two Dimensions of Interpretation	57
III.	Problems for Interpretivism	63
IV.	Fit and Theory	65
V.	Interpretation and the Project of Governing	69
VI.	The Return of Legal Positivism	80
	A. Jurisdiction and the Project of Governing Over Time	80
	B. Varieties of Reasons and the Law	84
VII.	Conclusion	91

x Contents

4.	Legal	lity, Integrity and Institutional Design	93
	I.	Introduction	93
	II.	The View from the Courts	95
	III.	Integrity and Legality	97
	IV.	Legality and Separation of Powers	104
		A. Systemic Legitimacy	104
		B. Legality without Integrity	110
		C. The Scope of Jurisprudence Revisited	114
		D. Back to Integrity	116
	V.	Governing Together?	117
	VI.	Shapiro and the Economy of Trust	120
	VII.	Contingency and the Project of Governing	126
	VIII.	Conclusion	131
		utions and Citizens Introduction A Bizarre Authority Triangle Fussy People and the Limits of Authority	
5.	Instit	utions and Citizens	132
	I.	Introduction	132
	II.	A Bizarre Authority Triangle	132
	III.	Fussy People and the Limits of Authority	137
		A. The Theory of Authority as a Strategy of Insulation	137
		B. Enter the Fussy People	141
		C. The Fussy People before the Law	143
	IV.	The Protestant Attitude	145
	V.	Engaging with the Law	147
		A. From Ideal to Practice	147
		B. A Two-way Street	152
	VI.	Conclusion	153
6.	Broad	dening the Canvas	155
	I.	Taking Stock	155
		A. A Moralised Account of Institutional Cooperation	155
		B. Legal Theory from the Perspective of the	
		C-L Relationship	156
		C. Limited Authority and Citizen Engagement with	
		the Law	159
	II.	Where Do we Go from here?	160
Bibliography		165	
Index		171	