Virtue As The End Of Law: 
An Aretaic Theory of Legislation

WITH Professor Lawrence B. Solum
Carmack Waterhouse Professor of Law at Georgetown University
Chairperson: Professor Ho Hock Lai, NUS Law

5 MARCH 2018, MONDAY
4.00PM – 6.00PM
FEDERAL BARTHOLOMEW CONFERENCE ROOM, LEVEL 1, FEDERAL BUILDING
FACULTY OF LAW, NUS (BUKIT TIMAH CAMPUS)

ABOUT THE PAPER
In his paper, Professor Solum provides a preliminary sketch of an aretaic theory of legislation. The development of an aretaic theory of legislation requires a theory of the virtues. Among the possible approaches are accounts of virtue drawn from Aristotle, the Stoics, Hume, and Confucius. The approach taken here adopts a model theory of the virtues that draws on Neo-Aristotelian ideas, incorporating modified versions of Aristotle’s account of flourishing and the virtues. The paper simply assumes that a Neo-Aristotelian account of the virtues is correct. This assumption seems consistent with common sense and widely shared human experience. Most adults have encountered someone who seems to have an anger management problem or to lack control over their desires and others who are good-tempered and prudent.

Modern normative legal theory reflects ideas in modern moral philosophy. For most of the twentieth century, deontological and consequentialist theories of the ends of law have dominated general jurisprudence. Virtue ethics is a relatively recent development. Work accelerated in the 1970s and 1980s. Over the course of the last quarter century or so, aretaic approaches to moral theory have come to be seen as serious rivals of consequentialist and utilitarian approaches. Normative legal theory has lagged behind. Serious work on virtue jurisprudence began in the 1980s, and it is only in the past decade or so that a substantial body of scholarship has emerged. An aretaic theory of legislation is an essential part of virtue jurisprudence. The aim of this paper is to provide a glimpse of the kind of work that has just begun.

ABOUT THE SPEAKER
Lawrence B. Solum is an internationally recognized legal theorist, who works in constitutional theory, procedure, and the philosophy of law. Professor Solum contributes to debates in constitutional theory and normative legal theory. He is especially interested in the intersection of law with the philosophy of language and with moral and political philosophy. His series of articles on constitutional originalism have shaped contemporary thinking about the great debate between originalism and constitutional theory. Professor Solum’s original theory of the fundamental nature and purpose of law, “Virtue Jurisprudence,” has been debated and discussed in Asia, Europe, and North America. He also works on problems of law and technology, including Internet governance, copyright policy, and patent law. His pathbreaking article, “Legal Personhood for Artificial Intelligences,” published in the early 1990s is widely acknowledged as “far ahead of its time.”

Participation is By Invitation Only
Registration commences at 3.45pm. For more information, please contact Ms Yvonne Lim at lawylhh@nus.edu.sg