STATUTORY INTERPRETATION – THE MYTH OF PARLIAMENTARY INTENT

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Introduction

1. Time without number judges have referred to the intention of Parliament. The intention of Parliament is seen as the key to the interpretation of statutes. Indeed, the interpretation of statutes is thought to *consist* in ascertaining the intention of Parliament.
2. Like all or most of my recent colleagues, I have used this kind of language in judgments. But I have come to think it is misleading and unhelpful. It is misleading because there is no such thing as the intention of Parliament; I will explain why. And it is unhelpful because all too often it has turned the interpretation of statute into a futile quest for this non-existent chimera, causing various quite unnecessary problems. I will explain that too.
3. I will say that our constitution, and the exigencies of statutory construction, require that we pay attention not to the spurious notion of Parliamentary intent but to the objective, and very different, idea of the *purpose* of the legislation under consideration. I will come to that.

4. Let me turn to the first of the two propositions I stated earlier: there is no such thing as the intention of Parliament. Scepticism about the idea of Parliamentary intent is by no means new. Dworkin and Waldron have both had things to say on the subject. I will not pretend that everything in what follows is original, though I hope some of it is. It is partly a philosophical treatise with more than a whiff of ordinary language philosophy, but I think it is necessary in order to get to the root of the matter; and I will make no apology for that.
5. Parliament is a many-headed body. Intention is a characteristic of a single mind. The members of a group of persons may in theory have the *same* intention, in the sense that each may intend to act in the same way as each of the others. Or each may intend that he and all of the others should together achieve a common plan. But all of these cases are merely instances of members of the group individually intending the same result as each of the others. In neither circumstance does the group (as a whole) entertain an intention in the paradigm sense, that is, a state of mind of a single individual. A group does not have a mind, and therefore cannot possess a state of mind.

The Type-Token Distinction

6. This difference between a group each of whose members intends the same result as each of the others, and an individual who entertains a single intention is of some importance. It calls to mind two meanings of the term "the same". Consider these two statements: (1) "They were all wearing the same raincoat". (2) "They were all caught in the same thunderstorm". In proposition (1) there were many raincoats, but they all happened to be of the same design from Marks and Spencer. But in proposition (2) there was only one thunderstorm.

Yet the use of the adjective "same" is proper and correct in both propositions. It's just that the word "same" can meaning two different things – (a) where there is a single entity affecting many individuals – the same thunderstorm; and (b) where there are many entities which however may be said to be identical – the same raincoats.

7. The notion of Parliamentary intent pretends to be a thunderstorm: the intention of a single entity, in the shape of the legislature. But it cannot work: a single intention can only be the possession of a single person. The intentions of our legislators can, at best, only be raincoats.

8. But that cannot work either. While it is logically possible for every member of the legislature to entertain the same intention as every other with respect to a Bill before Parliament, in the real world it never happens (save in a very etiolated sense to which I will come shortly). First, there are all the MPs and Lords who voted against the Bill. As for the possibility that every MP and every peer voted for the Bill, I am not a good enough historian to know when, if ever, there was unanimity in both Houses for proposed legislation. I assume never. Secondly, it is highly likely (and I imagine happens often in practice) that among MPs who vote in favour of a Bill there are differences of view as to what it will achieve and what precisely it means – some, with great respect to our elected representatives, may not have thought very deeply, or at all, about the latter question.

Can Parliamentary Intention be Saved? (1)

9. But there is one sense in which it may be said that, in respect of any Bill before Parliament, all the individual legislators are raincoats – they all share the same intention. This is elaborated in a book on the subject, *The Nature of*

Legislative Intent[1], by Richard Ekins of St John's College Oxford. Ekins' critical focus is on the idea that a group may act on a joint intention: that is, an intention to form and execute a joint plan of action. This is of course raincoats not thunderstorms. His idea is described in slightly varying ways at different points, notably in Chapter 8, which is itself headed *The Nature of Legislative Intent*. Thus Ekins says: "[t]he legislature intends (its standing intention is) to choose to adopt proposals that are put before it and for which a majority of its members vote"[2]; he refers to "the plan or proposal that is held in common by all legislators and which explains the joint action"[3]; then this: "the standing intention of the legislature is to form, consider, and adopt law-making proposals, such that on majority vote the legislature acts on the relevant proposal… [t]he legislature's intention in any particular lawmaking act – the legislative intent – is to change the law in the complex, reasoned way set out in the open proposal for legislative action"[4].

10. Ekins' formulations are probably the best that can be done for the concept of Parliamentary intent. The difficulty with it is that it is true but trivial. It says no more than that Members of Parliament intend to participate in the legislative process according to the rules. No doubt that is so; but if that is the best that can be done with the supposed notion of Parliamentary intent, it is barren and useless, for it offers no guide whatever to the process of statutory interpretation, which was the only point of getting into the idea of Parliamentary intent in the first place.

Can Parliamentary Intention be Saved? (2)

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1 Oxford University Press, 2012.
2 P. 230.
3 P. 231.
4 Pp. 242-243.

11. But perhaps the advocates of Parliamentary intention can do better than this. They may have to accept that there are at most only raincoats and certainly no thunderstorm, but perhaps the raincoats are not limited to the anodyne truth that Members of Parliament intend to participate in the legislative process according to the rules. Perhaps they have more to say. Perhaps they can claim that at least the subjective intentions of the promoters of a Bill in Parliament can, if the Bill is passed and subject to all applicable amendments and qualifications, be said to represent the intention of Parliament as to what the Bill means.

12. But this is hopeless. I shall come to the case of *Pepper v Hart* very shortly. But first – in principle – why should the Bill's promoters be the sole representatives of the intention of *Parliament*? What about other MPs who supported the Bill? As I have suggested, it is surely highly likely that the supporters of any Bill will have mixed motives and intentions, some more moved by the party whips than anything else. What about Members of Parliament who opposed the Bill, or abstained? The intention of the legislature is presumably supposed to be the intention of the legislature as a whole: the intention of *Parliament*, not the intention of this or that Member of Parliament.

13. Parliamentary intention, then, even if you allow raincoats though there is no thunderstorm, remains elusive except in Ekins' etiolated and uninteresting sense: Members of Parliament intend to participate in the legislative process according to the rules: true but trivial. Any attempt to give the idea a deeper and more useful meaning, relevant to the business of construing statutes, founders on two rocks: (1) the type-token distinction – the so-called intention

of Parliament can only be raincoats; (2) even if you are prepared to buy the raincoats, the many heads of Parliament will not all share the same subjective intention to put the Bill on the statute book with a meaning understood by all to be the same: as I said earlier, in the real world it never happens. So there are not even raincoats.

Pepper v Hart

14. None of this troubled their Lordships in *Pepper v Hart*[5], in which as is well known the House of Lords permitted (in limited circumstances) the ascertainment of so-called Parliamentary intent, as a guide to construction, by reference to what was said in Parliament by the promoters of the Bill in question. The importance of Parliamentary intent was taken as a given. Lord Browne-Wilkinson said this:

> "In my judgment, subject to the questions of the privileges of the House of Commons, reference to Parliamentary material should be permitted as an aid to the construction of legislation which is ambiguous or obscure or the literal meaning of which leads to an absurdity. Even in such cases references in court to Parliamentary material should only be permitted where such material clearly discloses the mischief aimed at or the legislative intention lying behind the ambiguous or obscure words. In the case of statements made in Parliament, as at present advised I cannot foresee that any statement other than the statement of the Minister or other promoter of the Bill is likely to meet these criteria… Statute law consists of the words that Parliament has enacted. It is for the courts to construe those words and it is the court's duty in so doing to give effect to the intention of Parliament in using those words…"

15. I should also note this citation from Lord Griffiths, which, as I shall try to show, begins to point the way out of the trap of intention, though his Lordship is still caught in its claws:

[5] [1993] AC 593.

> "The object of the court in interpreting legislation is to give effect so far as the language permits to the *intention* of the legislature. If the language proves to be ambiguous I can see no sound reason not to consult Hansard to see if there is a clear statement of the meaning that the words were intended to carry. The days have long passed when the courts adopted a strict constructionist view of interpretation which required them to adopt the literal meaning of the language. The courts now adopt a purposive approach which seeks to give effect to the true *purpose* of legislation and are prepared to look at much extraneous material that bears upon the background against which the legislation was enacted. Why then cut ourselves off from the one source in which may be found an authoritative statement of the intention with which the legislation is placed before Parliament?" (my emphasis)

Note Lord Griffiths' use of the term *purpose* – "the true *purpose* of legislation" – as well as *intention.* He appears to use them interchangeably; but in my opinion the difference is very important, and I will return to it.

16. *Pepper v Hart* has been criticized since, notably by Lord Steyn in his article *Pepper v Hart: a Re-examination*[6], and by Lord Hoffmann in *Robinson v Secretary of State for Northern Ireland*[7]. A principal element in these criticisms has been the contention that the use of material from Parliamentary debates, to the extent authorized by *Pepper v Hart*, has made the law more inaccessible and litigation more expensive. Here is Lord Hoffmann at paragraph 40 in the *Robinson* case:

> "References to Hansard are now fairly frequently included in argument and beneath those references there must lie a large spoil heap of material which has been mined in the course of research without yielding anything worthy even of a submission…"

17. But these practical considerations, important as they no doubt are, do not in my opinion get to the root of the matter. To my mind the true defect in the

[6] (2001) 21 Oxford Journal of Legal Studies 59.
[7] [2002] UKHL 32, paragraphs 39 – 40.

decision in *Pepper v Hart*, and the root objection to the notion of Parliamentary intent (well beyond the thunderstorm and the raincoats) is that the deployment of Parliamentary intent as a primary tool – certainly if it is *the* primary tool – of statutory construction undermines vital pillars of the constitution: reason, fairness and the presumption of liberty, because it delivers them to the whim of the legislators for the time being. Some insight into this is to be gained from a comparison between the interpretation of contracts and of statutes, to which I will briefly turn now.

Interpreting Contracts and Statutes

18. I have noted Lord Griffiths' apparently interchangeable use of the terms *intention* and *purpose.* Now, it might be thought that this does not matter very much: however valid my criticisms of Parliamentary intention strictly so called – the thunderstorm and the raincoats – what their Lordships in *Pepper v Hart* were getting at was the ascertainment of the Act's purpose, and that is unquestionably a major function of statutory interpretation; the slippage between the language of intention and the language of purpose is in truth, so the argument would go, no more than a matter of semantics.

19. But the difference between intent and purpose is as I have said very important. Consider the respective functions of interpreting contracts and interpreting statutes. The point of the former *is* to ascertain the *intention* of the parties. The point of the latter is to ascertain the *purpose* of the Act. Let me make this good. Although the construction of contracts eschews any overt enquiry into the subjective intention of the contracting parties and looks to the "natural and ordinary meaning" of the words used, both of those propositions are interestingly qualified in Lord Hoffmann's well known exposition in the

Investors Compensation Scheme case in 1997[8]. Here are two of his five core principles:

> "(3) The law excludes from the admissible background the previous negotiations of the parties and their declarations of subjective intent. They are admissible only in an action for rectification. *The law makes this distinction for reasons of practical policy* and, in this respect only, legal interpretation differs from the way we would interpret utterances in ordinary life…
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> (5) The 'rule' that words should be given their 'natural and ordinary meaning' reflects the common sense proposition that we do not easily accept that people have made linguistic mistakes, particularly in formal documents. On the other hand, *if one would nevertheless conclude from the background that something must have gone wrong with the language, the law does not require judges to attribute to the parties an intention which they plainly could not have had*…" (my emphasis)

20. I think it is implicit in this reasoning, and it is perhaps anyway obvious, that the purpose of construing a contract is indeed to ascertain what the parties intended. Unlike the many-headed legislature, the individual parties to a contract will indeed intend this or that specific result when they enter into the contract: intend in the ordinary sense. Of course there are many-headed contracts, but generally their interpretation is down to thunderstorms rather than raincoats: each party to a contract is a distinct legal person. A corporate party will have a controlling mind; a natural person will have his or her own mind. Direct enquiry into subjective intent is, it is true, generally excluded, but that is "for reasons of practical policy" – including, no doubt, the avoidance of protracted and uncertain litigation. The contract's natural and ordinary meaning is given primacy, but that is defeasible if "something must have gone wrong".

[8] [1998] 1 WLR 896.

21. This brings us to the difference – the important difference – between construing contracts and construing statutes. As every first year law student knows, the general rule is that a contract only binds the parties to it, though obviously it may have important effects and consequences for third parties. Interpreting a contract gives effect to the rights and duties which it confers and imposes on the parties to it. Subject to cases of fraud, undue influence or overriding public policy, the court's only concern is to see that those rights and duties are properly distributed in accordance with the parties' intentions expressed in the contract. Those intentions are both real and paramount.

22. By contrast, interpreting a statute – a Public General Act – gives effect to rights and duties imposed by the legislature on citizens and State at large. It is an instrument of government. The affected citizen was obviously not a party to the Act; he or she will have had no say – no direct say – as to what went into the Bill on its way through Parliament. And the State itself has many faces and functions, not all of which will have had any more say as to what should go into the Bill than had the citizen. The interest of parties to a contract in the contract's correct construction is, *entirely*, to see their intentions vindicated. The interests of citizen and State in a statute's correct construction is, *in part*, to see that the statute fulfils a clear and proper governmental purpose within a proper constitutional framework and to identify what that purpose is.

Intent and Purpose

23. The essential point here is that whereas the construction of a contract is an exercise devoted only to the ascertainment of its makers' intention, the interpretation of a statute involves more than the ascertainment of its purpose.

The statute's construction involves also the application of constitutional principles which the Rule of Law imposes on the process of legislation. I will come to these principles directly. The problem with the idea of Parliamentary intent – quite aside from the thunderstorm and the raincoats – is that it looks like the whole story: the only begetter of the statute's meaning. As a tool of interpretation the intention of Parliament tends to subsume within itself the constitutional principles which qualify and moderate the meaning of the statute in question, so that those principles are the creation, not of the constitution, but of the legislators from time to time. If instead we speak of the purpose of the statute rather than the intention of the legislature, we will avoid such a trap; or at least we will be less likely to fall into it.

An Irony

24. Before leaving the contrast between statutes and contracts let me draw attention to what seems to me to be an irony arising out of the comparison between the two. We have seen that in relation to contracts, as Lord Hoffmann said, "the law excludes from the admissible background the previous negotiations of the parties and their declarations of subjective intent". But in relation to statutes, when the *Pepper v Hart* approach is applied, the law admits express declarations of intent – the intent of the Minister proposing the Bill. So in a context where the true purpose of interpretation is to find out the parties' intent – contracts – direct evidence of that intent is excluded; but where the true purpose of interpretation is (on my approach) not to discover intent, but purpose, direct evidence of intent is in fact admitted. Something has gone wrong. The error at the root of it lies in treating statutory construction as a search for intention.

Three Constitutional Principles

25. Now I will turn to the constitutional principles which I have anticipated. Our constitutional law requires that the construction of a statute, to the extent that it distributes rights and duties between citizen and State, is shaped by the application of constitutional principles which are independent of anything that could be called Parliamentary intent. The core constitutional principles with which I am concerned are threefold, and very familiar: reason, fairness and the presumption of liberty. These principles are imposed on the functions of the State, including the framing of primary legislation, by the Rule of Law, for without them government would be arbitrary and capricious and worse. They colour and direct the construction of statutes. Being constitutional principles they cannot be the creature of the legislature's intention (were there such a thing) which changes at the choice of the legislators from time to time, even day by day.

26. The proposition that such principles do not depend for their legal validity on anything that might be called the intention of Parliament is by no means uncontentious. It has in particular been contested by the proponents of what is called the *ultra vires* doctrine of judicial review, and I will come to that shortly. The proposition also has implications for the traditional doctrine of Parliamentary sovereignty, and I will turn briefly to that as well. Before that I must say a little more about these constitutional principles, or rather the last of them, the presumption of liberty.

27. The resonance of these principles is most acute where citizen and State confront each other; and so it is here that we shall see these hallmarks of the Rule of Law most particularly developed and applied. Reason and fairness as

ideas are readily accessible, though their application may be fraught with difficulty. The presumption of liberty, however, is not as straightforward as it looks.

28. Consider these two propositions: (1) For the individual citizen, everything which is not forbidden is allowed; but (2) for public bodies, and notably government, everything which is not allowed is forbidden. See what this means: if the first proposition – for the citizen, everything which is not forbidden is allowed – is denied, the citizen's freedoms are fatally and viciously curtailed. He cannot go about his daily business without fear of random and arbitrary interference. If the second proposition – for government, everything which is not allowed is forbidden – is denied, any public body released from its coils might act, not out of the trust reposed by its constituents, but for its own self-serving ends. If the body were central government, such a state of affairs would at once enslave the people.

29. These two propositions are central to the presumption of liberty. They are not original; and in some quarters they are certainly contentious. My point is that they are of the first importance for the business of interpreting statutes, but they have nothing to do with Parliamentary intent – if, as I say, you allow such a notion at all – for they are logically prior to it. So are the requirements of reason and fairness.

The Ultra Vires Doctrine

30. Now let me return to the *ultra vires* doctrine. Its importance is that it is a beacon of the doctrine of Parliamentary intent. Professor Paul Craig of Oxford University (not himself a proponent of the doctrine – far from it) expresses the "core idea" of *ultra vires* as follows: "The *ultra vires* principle is

based on the assumption that judicial review is legitimated on the ground that the courts are applying the intent of the legislature"[9] – and that includes judicial review's insistence on reason, fairness and the presumption of liberty. Thus the doctrine treats our three constitutional principles as legitimated by, and only by, the will – the supposed intention – of Parliament; whereas I have said they have nothing to do with Parliamentary intent.

31. The debate over the *ultra vires* doctrine is old and tired. It has generated a large academic literature, spread now over many years. Its principal proponents have been Professors Forsyth and Elliott of Cambridge University. In the face of insuperable original objections, they have produced a modified version of the doctrine which in Professor Forsyth's words "simply asserts that when the courts do turn to common law principle to guide their development of judicial review they are doing what Parliament intended them to do".[10] Professor Elliott put it thus: "judicially created rules of good administration should… be viewed as having been made pursuant to a constitutional warrant granted by Parliament".

32. I cannot enter into the whole debate about the *ultra vires* doctrine. I will just offer these following observations. It is I think clear that the proponents of the doctrine, in its original or modified form, do not in fact purport to derive the legislative intention which they assert from the process of construing any particular statute or statutes. The theory involves no exercise whatever of statutory interpretation as such. It asserts a supposed principle, that Parliament has authorized the judicial review jurisdiction and the

[9] *Judicial Review and the Constitution* (Hart Publishing, 2000) p.48.
[10] *Ibid.,* p. 397.

constitutional norms that go with it, but its proponents cannot point to any Parliamentary source which suggests that Parliament has actually done so.

33. The deployment of Parliamentary intent to legitimize the judicial review jurisdiction and its concomitant principles is a fig-leaf, a fiction. But the objective vindication of a jurisdiction – and a major constitutional jurisdiction at that – cannot be done by a fig leaf; a fiction cannot be the constitutional source of substantive legal power. If the intention of Parliament is indeed what legitimizes judicial review, it must be an actual, not a fictional, intent. But no such actual intent can be found by any known means of statutory construction. The *ultra vires* doctrine is doomed to failure. It asserts an intention on the part of the legislature which (a) cannot be ascertained by any means known to the law, and which (b) is in any event a fiction: for all the reasons I have given, there is no such thing as Parliamentary intent.

34. But that is not the end of it. The idea that the courts' application of constitutional principle in the process of statutory interpretation is no more than "what Parliament intended" (Forsyth) or is done "pursuant to a constitutional warrant granted by Parliament" (Elliott) is not only mythical, but bizarre. It implies a standing continuous Parliamentary intention, which every MP on his election mysteriously begins to share. It is reminiscent of what Lord Reid said[11] about judges and the common law:

> "Those with a taste for fairy tales seem to have thought that in some Aladdin's cave there is hidden the Common Law in all its splendour and that on a judge's appointment there descends on him knowledge of the magic words Open Sesame."

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[11] The Judge as Lawmaker', (1972) *The Journal of Public Teachers o f Law* 22.

I think the notion of an inherited intention is incoherent. Lord Reid added, of course, that we do not believe in fairy tales any more.

The Sovereignty of Parliament

35. The reality is that the *ultra vires* doctrine has been constructed in order to validate and underline another doctrine: that of the sovereignty of Parliament. Professor Forsyth has stated that "one is led inevitably to the conclusion that to abandon *ultra vires* is to challenge the supremacy of Parliament."[12] But you cannot protect or preserve an idea such as the sovereignty of Parliament by stating as a fact what is no more than a wished for doctrine – a doctrine that is impossible in practice and fanciful in theory.

36. The refutation of the *ultra vires* doctrine as it has been stated by Elliott and Forsyth is important because the constitutional source of our foundational principles – reason, fairness and the presumption of liberty – is itself important. That constitutional source is the Rule of Law. If the judicial review jurisdiction is a creature of the legislature as the *ultra vires* theory asserts, the Rule of Law is itself a creature of the legislature; and subject, therefore, to the legislature's whim. That is why, as I said earlier, the deployment of Parliamentary intent as a primary tool of statutory construction undermines vital pillars of the constitution: reason, fairness and the presumption of liberty.

37. If it is possible, The Rule of Law and the traditional English doctrine of legislative supremacy should live together. The concept of Parliamentary intention impedes such an outcome. The concept of a statute's purpose does not. Our constitutional principles – in particular the three I have emphasised –

[12] *Judicial Review and the Constitution,* pp. 39 – 40.

apply to statutes generally, and are separate and distinct from the specific purpose of any particular statute, though the general principles and the specific purpose have to live together.

38. This presents a challenge to the traditional doctrine of Parliamentary sovereignty. What if Parliament were to abridge or even overthrow our constitutional principles? I am not going to suggest that Parliamentary sovereignty should be curtailed in a crude sense, that is by a hard-edged limitation on the power of Parliament to legislate, or the imposition of a higher power entitled to quash its legislation for inconsistency with overriding principle; though in theory there might be a statute so outrageous that any conscientious judge would think it contrary to his judicial oath to uphold it. The reality is that the sharper conflicts between constitutional principle and ambitious legislation are generally overcome by the resourcefulness of statutory interpretation: but that is a process that would demand another lecture – or lectures – altogether. More broadly, we need to consider how best to categorise or describe the true nature of legislative sovereignty.

Auctoritas and Imperium

39. That brings me, at the end, to introduce a little ancient history. If the comparison is not pressed too far, the distinction recognised in ancient Rome during both the republican and the imperial eras between two forms of power, *auctoritas* and *imperium*, may I think tell us something of the route by which the strict doctrine of legislative sovereignty may be qualified or moderated consistently with public tranquility and the proper claims of democratic rule. Very broadly *imperium* meant power conferred by law, the formal power of rule or command, especially over the military: it was possessed by the consuls

and praetors and other senior magistrates. *Auctoritas* was more elusive, or seems so to modern eyes. It had overtones of reputation and of moral authority. It is associated in particular with the Emperor Augustus, who established the Principate after the Battle of Actium in 31 BC. What was called the *auctoritas principis* described his personal authority, the quality which allowed him to gather and to keep the dignified powers of the republican magistrates, and to settle the new imperial regime.

40. Obviously I intend no direct comparison between the constitutional position of the UK Parliament and the concepts of power that prevailed in ancient Rome. My point is only that the idea of sovereignty need not reside, and in the UK does not reside, only in the formality of hard legal power. If the State is to be tranquil, the legislature, especially if it aspires to sovereignty, must possess something akin to *auctoritas* as well as out-and-out *imperium.* Because Parliament's legislation is not limited to cold command, but may range across the kaleidoscope of human welfare secure in the moderating influence of the law's foundational principles, its authority – its *auctoritas* – is enhanced. It may obtain the trust, and not merely the subservience, of the people. Sovereignty is by no means only a matter of *imperium.* But it requires a self-limiting ordinance: respect for constitutional principle. Such an ordinance may be seen as a condition of sovereignty.

41. It may be said that the recognition of moral authority – *auctoritas* – as a feature of our constitutional arrangements broadens the scope of our enquiry from law pure and simple into the field of sociology, or something very like it.

Are we concerned with the wisdom or acumen of our legislators, as well as with their objective legal powers? Immanuel Kant said this[13]:

> "We must not expect a good constitution because those who make it are moral men. Rather it is because of a good constitution that we may expect a society composed of moral men".

42. Such an antithesis raises speculative questions well beyond the reach of this lecture. I am concerned only to demonstrate that the sovereignty of Parliament demands *auctoritas* as well as *imperium*: it rules, or should rule, with the will of the people; but that means more than the quinquennial visit to the ballot-box. It requires that hard power be tempered by constitutional principle: as I would put it, by our foundational principles of reason, fairness and the presumption of liberty. But constitutional principle is undermined if the supposed intention of Parliament is set on the throne of statutory interpretation.

[13] Quoted by Lon Fuller, *The Morality of Law*, Yale University Press (revised edition 1969), p. 152.