

A Critique of MGM v. Grokster Based on Fuller's Jurisprudence of Human Interaction

Chi-Shing Chen^{*}

Abstract

After Roscoe Pound, Lon Fuller held the jurisprudence professorship at Harvard Law School. Fuller's sociological approach emphasizing human interaction is, however, not so welcomed in the jurisprudential world. It is believed that such trend may need a change. This paper discusses the Grokster case first, one that involves digital copyright infringement through the P2P model, and then advocates the need to take Fuller's human interaction conception of law seriously in order to respond to the legal challenges brought forward by the information technologies.

Keywords: Lon Fuller, human interaction, digital copyright, P2P, implicit law, mediation

^{*} Professor of Law, College of Law, National Chengchi University.
Email: cschen@nccu.edu.tw