

of Comparative Law. We are not competent to assess its value as a statement of Canadian law, but we may say (we hope without impertinence) that the author's high professional standing and the editorship of Professor Kennedy should sufficiently warrant this. What we appreciate especially is the advantage of having before us an account of the Canadian Unfair Competition Act, 1932. That, of course, is only one of the topics in the book, but to any one interested in law reform it is one of the most important parts. The learned author regards it as ill-drawn, but none the less a step in the right direction. That is our own humble opinion. We wonder what the relation of section 11 of the Act is to a case of the type of *White v. Mellin* [1895] A. C. 154. It is implied at p. 337 that such conduct is not actionable according to the Canadian authorities, although we should have thought that section 11 (c) would have made it unlawful even if section 11 (a) did not.

The difficulties raised by some of the remarks of the judge in *Heppells, Ltd. v. Eppels, Ltd.* (1928) 46 R. P. C. 96, might be discussed in the next edition.

P. H. W.

The Law of Income Tax. By E. M. KONSTAM, K.C., a judge of county courts. Eighth edition. London: Stevens & Sons, Ltd., and Sweet & Maxwell, Ltd. 1940. 98 and 811 and (Index) 55 pp. (£2 12s. 6d. net.)

THERE is little that can usefully be said about a book as well known as *Konstam's Income Tax*. It is nearly twenty years since the first edition was published, and in that time the author has steadily polished and improved what has from the first been recognized as a reliable and lucid practitioners' text-book. The present edition appears to have incorporated all the relevant new statutes and case-law, although it may be noted that since it went to press the decision of Lawrence J. in *Sothorn-Smith v. Clancy* [1940] 2 K. B. 276 (p. 205) has been reversed by the Court of Appeal ([1941] 1 All E. R. 111). Thinner paper has been used for this edition, with the result that a book over a hundred pages longer than the seventh edition is nearly half an inch less thick. Present conditions make it hardly surprising that the price has been increased by half a guinea. The only suggestion which we can make is that the author should improve an already useful index by arranging the items alphabetically under each word; thus at present under 'Surtax' (p. 856) the first words of six successive entries are 'Notice', 'Assessment', 'When', 'Collection', 'Relief', and 'In', in that order, and this cannot be called good indexing.

R. E. MEGARRY.

Contemporary Juristic Theory. By ROSCOE POUND. Claremont, California: Pomona College, Scripps College, Claremont Colleges. 1940. viii and 83 pp. (\$1.50 net.)

In this book Dean Pound publishes three lectures delivered by him at Claremont, California, early in 1940. Lecture I deals with the revival of absolutism in government, and the recrudescence of political and juristic

Contemporary Juristic Theory

Verena Klappstein, Maciej Dybowski



Contemporary Juristic Theory:

Contemporary Juristic Theory Roscoe Pound, 1940

St. Paul, the Natural Law, and Contemporary Legal Theory

Jane Adolphe, Robert Fastiggi, Michael Vacca, 2012-03-22 The editors of this unique collection of essays exploring the relationship of St Paul and the natural law bring together contributions by scripture scholars theologians philosophers and international lawyers Inspired by the special Jubilee Year from June 2008 to June 2009 proclaimed by Pope Benedict XVI to celebrate the 2 000 year anniversary of the birth of St Paul the chapters in this book are the fruit of the contributors collaboration during the celebration of the Year of St Paul They share a common appreciation of the natural law as a basis for civil law and contemporary legal theory and each chapter examines the foundations of the natural law particularly in the writings of St Paul giving special recognition to the Catholic contributions to natural law and contemporary legal theory

Modern Legal Theory & Judicial Impartiality

Ofer Raban, 2012-09-10 This book argues that at the core of legal philosophys principal debates there is essentially one issue judicial impartiality Keeping this issue to the forefront Raban s approach sheds much light on many difficult and seemingly perplexing jurisprudential debates Modern Legal Theory and Judicial Impartiality offers a fresh and penetrating examination of two of the most celebrated modern legal theorists HLA Hart and Ronald Dworkin The book explains the relations between these two scholars and other theorists and schools of thought including Max Weber Lon Fuller and the law and economics movement offering both novices and experts an innovative and lucid look at modern legal theory The book is written in an engaging and conversational style tackling highly sophisticated issues in a concise and accessible manner Undergraduates in jurisprudence and legal theory as well as more advanced readers will find it clear and challenging

The Methodology of Legal Theory

Michael Giudice, Wil Waluchow, 2017-07-05 The last decade has witnessed a particularly intensive debate over methodological issues in legal theory The publication of Julie Dickson s Evaluation and Legal Theory 2001 was significant as were collective returns to H L A Hart s Postscript to The Concept of Law While influential articles have been written in disparate journals no single collection of the most important papers exists This volume the first in a three volume series aims not only to fill that gap but also propose a systematic agenda for future work The editors have selected articles written by leading legal theorists including among others Leslie Green Brian Leiter Joseph Raz Ronald Dworkin and William Twining and organized under four broad categories 1 problems and purposes of legal theory 2 the role of epistemology and semantics in theorising about the nature of law 3 the relation between morality and legal theory and 4 the scope of phenomena a general jurisprudence ought to address

Poznań School of Legal Theory Paweł Kwiatkowski, Marek Smolak, 2021-02-08 This book grew out of the conviction that the original concepts of the Pozna School of Legal Theory are still perfectly suited for application in the era of moral pluralism and multicentric legal systems Moreover the legal theoretical proposals put forward by the circle of Pozna legal theorists and supported by firm methodological foundations have not by any means lost their value Although each of the

authors tackle issues from different perspectives there is a discernible unity in their approaches expressed in the conviction that modest analysis makes more sense than ambitious analysis of the concept of law or the nature of law The Pozna School has made several valuable contributions to contemporary legal theory its works have drawn from Polish philosophy of language and therefore embedded its theoretical and legal considerations in the Polish philosophical culture it created an original model method which consists of considering ideal situations in which dependencies are not disturbed by the influence of other factors and it treats the human being as a rational person and thus as a cognizing subject and a rational agent Law and Contemporary Problems ,1949 African Legal Theory and Contemporary Problems Oche

Onazi,2013-11-26 The book is a collection of essays which aim to situate African legal theory in the context of the myriad of contemporary global challenges from the prevalence of war to the misery of poverty and disease to the crises of the environment Apart from being problems that have an indelible African mark on them a common theme that runs throughout the essays in this book is that African legal theory has been excluded under explored or under theorised in the search for solutions to such contemporary problems The essays make a modest attempt to reverse this trend The contributors investigate and introduce readers to the key issues questions concepts impulses and problems that underpin the idea of African legal theory They outline the potential offered by African legal theory and open up its key concepts and impulses for critical scrutiny This is done in order to develop a better understanding of the extent to which African legal theory can contribute to discourses seeking to address some of the challenges that confront African and non African societies alike

Feminist Legal Theory (Vol. 2) Frances Olsen,1995-10 A collection of previously published articles Research Handbook on Critical Legal Theory Emilios Christodoulidis,Ruth Dukes,Marco Goldoni,2019 Critical theory characteristically linked with the politics of theoretical engagement covers the manifold of the connections between theory and praxis This thought provoking Research Handbook captures the broad range of those connections as far as legal thought is concerned and retains an emphasis both on the politics of theory and on the notion of theoretical engagement The first part examines the question of definition and tracks the origins and development of critical legal theory along its European and North American trajectories The second part looks at the thematic connections between the development of legal theory and other currents of critical thought such as Feminism Marxism Critical Race Theory varieties of post modernism as well as the various turns ethical aesthetic political of critical legal theory The third and final part explores particular fields of law addressing the question how the field has been shaped by critical legal theory or what critical approaches reveal about the field with the clear focus on opportunities for social transformation Legal Theory and the Legal Academy Maksymilian Del Mar,2017-07-05 The third in a series of three volumes on Contemporary Legal Theory this volume deals with four topics 1 the role of legal theory in the legal curriculum 2 the teaching of legal theory 3 the relationship of legal theory to legal scholarship and 4 the relationship of legal theory to comparative law The focus of the first two topics is on the common law world where

the debates over the aims and proper place of legal theory in the study of law have traversed a good deal of ground since John Austin's 1828 lecture *The Uses and the Study of Jurisprudence*. These first two parts offer a selection of the most important papers including surveys as well as pedagogical viewpoints and particular course descriptions from analytical critical feminist law and literature and global perspectives. The last three decades have seen just as many changes for legal scholarship and comparative law. These changes such as the rise of empirical legal scholarship have often attracted the attention of legal theorists. Within comparative law the last thirty years have witnessed intense methodological reflection within the discipline; the results of these reflections are themselves properly recognised as legal theoretical contributions. The volume collects the key papers including those by Neil MacCormick, Mark Van Hoecke, Andrew Halpin, William Ewald and Geoffrey Samuel.

A Theory of Legal Sentences Manuel Atienza, J. Ruiz Manero, 1997-11-30. Legal statements are according to the authors the most basic elements of the law. Nevertheless they must be considered not only as the pieces of a puzzle but also as the components of a dynamic and highly complex reality: the law of contemporary society. The book presents an analysis of the different types of legal statements: mandatory rules, principles, power conferring rules, definitions, permissions, values and the rule of recognition from a threefold perspective that is considering their logical structure, their function in legal reasoning as reasons for action and their connections with the interests and power relationships among the individuals and the social groups. The result is conceived as a first step in the building of a general theory of law designed not as an isolated discourse but as a decisive element for the dynamization of the legal culture.

Islamic Legal Theory Mashood A. Baderin, 2017-03-02. Islamic legal theory or *fiqh* is literally regarded as the roots of the law whilst Islamic jurists consider it to be the basis of Islamic jurisprudence and thus an essential aspect of Islamic law. This volume addresses the sources, methods and principles of Islamic law leading to an appreciation of the skills of independent juristic and legal reasoning necessary for deriving specific rulings from the established sources of the law. The articles engage critically with relevant traditional views to enable a diagnostic understanding of the different issues covering both *Sunn* and *Sh* perspectives on some of the issues for comparison. The volume features an introductory overview of the subject as well as a comprehensive bibliography to aid further research. Islamic legal theory is a complex subject which challenges the ingenuity of any expert and therefore special care has been taken to select articles for their clarity as well as their quality, variety and critique to ensure an in-depth, engaging and easy understanding of what is normally a highly theoretical subject.

Epistemic Uncertainty and Legal Theory Brian Burge-Hendrix, 2016-12-05. Crossing the usual boundaries of abstract legal theory, this book considers actual charter systems, legal systems with explicitly posited moral, political rights such as those of Canada and the United States as well as cases in constitutional adjudication. It shows the worth of careful reflection on methodological and meta-theoretical issues for a comprehensive account of a present-day legal system which is fast becoming the norm. The author explicitly connects the ongoing Methodology Debate within legal philosophy to constitutional adjudication and

Canadian law By drawing out the implications of the Methodology Debate and the challenge of giving a proper account of constitutional adjudication in a general theory of law the study examines how a descriptive morally and politically neutral legal theory can deal with epistemic uncertainty uncertainty about the actual status of moral political legal provisions and their jurisprudential function in a thoroughgoing manner It also demonstrates the merits of a minimalist version of Legal Positivism with regard to the practical importance of charters in charter systems and societies Legal Theory and the Social Sciences Maksymilian Del Mar, Michael Giudice, 2017-07-05 Ever since H L A Hart's self description of The Concept of Law as an exercise in descriptive sociology contemporary legal theorists have been debating the relationship between legal theory and sociology and between legal theory and social science more generally There have been some who have insisted on a clear divide between legal theory and the social sciences citing fundamental methodological differences Others have attempted to bridge gaps revealing common challenges and similar objects of inquiry Collecting the work of authors such as Martin Krygier David Nelken Brian Tamanaha Lewis Kornhauser Gunther Teubner and Nicola Lacey this volume the second in a three volume series provides an overview of the major developments in the last thirty years The volume is divided into three sections each discussing an aspect of the relationship of legal theory and the social sciences 1 methodological disputes and collaboration 2 common problems especially as they concern different modes of explanation of social behaviour and 3 common objects including most prominently the study of language in its social context and normative pluralism

Globalisation and Legal Theory William Twining, 2000-03 The text makes the case for a revival of general jurisprudence in response to globalisation **Feminist and Queer Legal Theory** Martha Albertson Fineman, Jack E. Jackson, Adam P. Romero, 2016-04-15 Feminist and Queer Legal Theory Intimate Encounters Uncomfortable Conversations is a groundbreaking collection that brings together leading scholars in contemporary legal theory The volume explores at times contentiously convergences and departures among a variety of feminist and queer political projects These explorations foregrounded by legal issues such as marriage equality sexual harassment workers rights and privacy re draw and re imagine the alliances and antagonisms constituting feminist and queer theory The essays cross a spectrum of disciplinary matrixes including jurisprudence political philosophy literary theory critical race theory women's studies and gay and lesbian studies The authors occupy a variety of political positions vis vis questions of identity rights the state cultural normalization and economic liberalism The richness and vitality of feminist and queer theory as well as their relevance to matters central to the law and politics of our time are on full display in this volume **A Companion to Philosophy of Law and Legal Theory** Dennis Patterson, 2010-01-15 The articles in this new edition of A Companion to Philosophy of Law and Legal Theory have been updated throughout and the addition of ten new articles ensures that the volume continues to offer the most up to date coverage of current thinking in legal philosophy Represents the definitive handbook of philosophy of law and contemporary legal theory invaluable to anyone with an interest in legal philosophy Now features ten entirely new articles covering the

areas of risk regulatory theory methodology overcriminalization intention coercion unjust enrichment the rule of law law and society and Kantian legal philosophy Essays are written by an international team of leading scholars *Theory of Legal Evidence - Evidence in Legal Theory* Verena Klappstein, Maciej Dybowski, 2022-01-03 This book addresses theoretical problems concerning legal evidence The concept of evidence is expected to fulfill a number of distinct roles in science and philosophy but also in legal theory and law some of which are complementary while others are conflicting In their profession lawyers have to deal with evidence and proof Yet the legal concept of evidence is constantly changing and the debate concerning the distinction between a legal concept of evidence the ordinary concept of evidence and the concept of evidence in science is far from being settled What is more the problem of evidence is central to both epistemology and the philosophy of science and by extension to our academic thinking on law In short legal theorists' interest in evidence may include such diverse objects as a bloody knife sensory data linguistic entities or psychologically recognized beliefs The book surveys selected theoretical roles that the concept of evidence plays and explores their relations and interconnections The content is divided into three parts investigating 1 evidence in epistemology and the philosophy of science which focuses on evidence methodologies and the problem of proof in legal scholarship 2 evidence in legal theory and legal philosophy where particular attention is paid to the interplay between evidence legal reasoning and the binding force of such reasoning and 3 evidence in law where theoretical problems pertaining to witnesses expert opinions explanations of the accused statistical evidence and neuroscientific evidence are examined **Introduction to Critical Legal Theory** Ian Ward, 2012-10-02 Introduction to Critical Legal Theory provides an accessible introduction to the study of law and legal theory It covers all the seminal movements in classical modern and postmodern legal thought engaging the reader with the ideas of jurists as diverse as Aristotle Hobbes and Kant Marx Foucault and Dworkin At the same time it impresses the interdisciplinary nature of critical legal thought introducing the reader to the philosophy the economics and the politics of law This new edition focuses even more intently upon the narrative aspect of critical legal thinking and the re emergence of a distinctive legal humanism as well as the various related challenges posed by our new world order Introduction to Critical Theory is a comprehensive text for both students and teachers of legal theory jurisprudence and related subjects **The Blackwell Guide to the Philosophy of Law and Legal Theory** Martin P. Golding, William A. Edmundson, 2008-04-15 The Blackwell Guide to the Philosophy of Law and Legal Theory is a handy guide to the state of play in contemporary philosophy of law and legal theory Comprises 23 essays critical essays on the central themes and issues of the philosophy of law today written by an international assembly of distinguished philosophers and legal theorists Each essay incorporates essential background material on the history and logic of the topic as well as advancing the arguments Represents a wide variety of perspectives on current legal theory

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