

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

Michael Giudice, Wil Waluchow



Contemporary Juristic Theory:

Contemporary Juristic Theory, Civil Rights, and American Politics George Steven Parthemos, 1962

Contemporary Juristic Theory Roscoe Pound, 1981-01-01 Three lectures delivered by Pound at Claremont The lectures are The Revival of Absolutism The Give it up Philosophies The Possibility of a Measure of Values **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

Essays in Legal Theory Robert Summers, 2013-11-11 As I explain in the introduction this is the third in a series of collections of my previously published essays in legal theory All of the essays here but three have been revised for this volume I now wish to record my gratitude and indebtedness to various persons I am most indebted and grateful to my wife Dorothy Kopp Summers to whom I dedicate this book I also wish to record my gratitude for his interest and patience to Hendrik Jan van Leusen of Kluwer Academic Publishers He strongly encouraged me to put this collection together and without his efforts it certainly would not have appeared in this timely fashion I also wish to thank his successor Sabine Wesseldijk for assistance In the course of my academic career I have benefitted greatly from the many Cornell Law School students serving as my research assistants I have also been privileged to have the fine aid of many Cornell Law School secretaries and administrative assistants Foremost here is Mrs Pamela Finnigan who has so ably seen this collection put together from start to finish

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 tackles 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

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

Feminist Legal Theories Karen Maschke, 2013-09-13 Multidisciplinary focus Surveying many disciplines this anthology brings together an outstanding selection of scholarly articles that examine the profound impact of law on the lives of women in the United States The themes addressed include the historical political and social contexts of legal issues that have affected women s struggles to obtain equal treatment under the law The articles are drawn from journals in law political science history women s studies philosophy and education and represent some of the most interesting writing on the subject The law in theory and practice Many of the articles bring race social and economic factors into their analyses observing for example that black women poor women and single mothers are treated by the wielders of the power of the law differently than middle class white women Other topics covered include the evolution of women s legal status reproduction rights sexuality and family issues equal employment and educational opportunities domestic violence pornography and sexual exploitation hate speech and feminist legal thought A valuable research and classroom aid this series provides in depth coverage of specific legal issues and takes into account the major legal changes and policies that have had an impact on the lives of American women

Authority in Transnational Legal Theory Roger Cotterrell, Maksymilian Del Mar, 2016-09-30 The increasing transnationalisation of regulation and social life more generally challenges the basic concepts of legal and political theory today One of the key concepts being so challenged is authority This discerning book offers a plenitude of resources and suggestions for meeting that challenge

Aristotle and The Philosophy of Law: Theory, Practice and Justice Liesbeth Huppes-Cluysenaer, Nuno M.M.S. Coelho, 2013-02-14 The book presents a new focus on the legal philosophical texts of Aristotle which offers a much richer frame for the understanding of practical thought legal reasoning and political experience It allows understanding how human beings interact in a complex world and how extensive the complexity is which results from humans own power of self construction and autonomy The

Aristotelian approach recognizes the limits of rationality and the inevitable and constitutive contingency in Law All this offers a helpful instrument to understand the changes globalisation imposes to legal experience today The contributions in this collection do not merely pay attention to private virtues but focus primarily on public virtues They deal with the fact that law is dependent on political power and that a person can never be sure about the facts of a case or about the right way to act They explore the assumption that a detailed knowledge of Aristotle's epistemology is necessary because of the direct connection between Enlightened reasoning and legal positivism They pay attention to the concept of proportionality which can be seen as a precondition to discuss liberalism

Multicentrism as an Emerging Paradigm in Legal Theory Marek Zirk-Sadowski, Mariusz Jerzy Golecki, Bartosz Wojciechowski, 2009 The contemporary legal theory is gradually departing from traditional theory of the hierarchical legal system Some authors announce the supposed death of the concept of law within the state The so called multicentrism might become an attractive alternative to the traditional monocentric approach The essence of multicentrism may be characterized as coexistence of many adjudicating bodies especially courts whose verdicts are equally effective within the national legal system Such a situation takes place e.g. within the European legal area where multicentrism could be perceived as the existence of sensitive liaisons entanglements and relations of dependence between the European Court of Human Rights in Strasbourg the European Court of Justice in Luxembourg and national especially constitutional courts in member states The coexistence of many centres of adjudication may thus become a constant feature of the system of regional and global law

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

International Legal Theory and the Cognitive Turn Anne van Aaken, Moshe Hirsch, 2025-04-02 Cognitive

and behavioural studies are making inroads into international law international policy and literature Firstly international practice is drawing increasingly on behavioural studies The United Nations UN and its agencies have turned to behavioural science to confront new challenges faced by the international community including the Sustainable Development Goals climate change and gender equality Similarly the World Bank and World Health Organization have created teams of experts to advise on the incorporation of behavioural insights to support their operations Other international organizations are likewise following suit Secondly the cognitive behavioural turn is generating innovative research work in disciplines neighbouring international law and is gaining similar traction in international legal scholarship Yet despite this the implications of cognitive behavioural studies for international legal theory remain under explored With few exceptions international legal theories have long failed to explicitly address the cognitive behavioural assumptions of their respective theoretical approaches To fill this gap this book systematically examines the impact of the cognitive behavioural turn on the main theoretical schools within international legal scholarship Across thirteen chapters the contributors uncover the cognitive bases of their respective theories exploring both the cognitive similarities underlying the assumptions of different theories of international law as well as the limitations of the use of behavioural science in international law theories International Legal Theory and the Cognitive Turn makes explicit the relationship between cognitive behavioral methodologies and other ways of thinking about international law including TWAIL feminist and legal realist approaches and more This is an open access title available under the terms of a CC BY NC ND 4 0 International licence It is free to read on Oxford Scholarship Online and offered as a free PDF download from OUP and selected open access locations [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 [Law, Economics and Evolutionary Theory](#) Peer Zumbansen,Graff-Peter Calliess,2011-01-01 Evolutionary theory belongs to the rare species of theories that are simultaneously fundamental and over arching implicating as it does numerous life contexts as well as an array of scholarly disciplines Armed with a profound grasp of evolutionary theory and its implications to social research Professors Zumbansen and Calliess have mobilized an appropriately diverse and truly stellar group of academics to investigate how this theory may

provide new insights about law economics and their inter relations Cast against an especially broad intellectual backdrop set by the editors this volume is sure to become a standard reference in literature Amir N Licht Radzyner School of Law Israel Zumbansen and Calliess have done a wonderful job in assembling papers from the leading scholars in the field who draw on evolutionary approaches for explaining developments in both economics and the law Anybody interested in issues of institutional change will be inspired by the wealth of ideas and the diversity of perspectives Stefan Voigt University of Hamburg Germany Law and economics has arguably become one of the most influential theories in contemporary legal theory and adjudication The essays in this volume authored by both legal scholars and economists constitute lively and critical engagements between law and economics and new institutional economics from the perspectives of legal and evolutionary theory The result is a fresh look at core concepts in law and economics such as institutions institutional change and market failure that offer new perspectives on the relationship between economic and legal governance The increasingly transnational dimension of regulatory governance presents lawyers economists and social scientists with an unprecedented number of complex analytical and conceptual questions The contributions to this volume engage with legal theory new institutional economics economic sociology and evolutionary economics in an interdisciplinary assessment of the capacities and limits of the state markets and institutions Drawing as well upon legal sociology and the philosophy of law the authors expand and transform the known terrain of law and economics by applying evolutionary theory to both law and economics from a domestic and transnational perspective Legal scholars evolutionary and regulatory theorists economists economic sociologists economic historians and political scientists will find this cutting edge volume both challenging and engaging

Negotiating Homosexuality in Islam Mehrdad Alipour, 2024-05-13 To enrich the existing debates on Islam and sexual diversity in the present book I seek the potential discursive spaces on homosexuality in modern Islamic legal debates I have undertaken this research on the thesis that modern Islamic legal tradition on homosexuality is more flexible and dynamic than one might expect To address this essential issue I build the study around the following constructive question what are the discursive spaces on homosexuality in contemporary reflections within modern Shi'i legal scholarship Responding to this central query the study is premised on the notion that Islamic legal sources consist of a tradition of sacred textual sources intellectual reasoning a vast stockpile of often contrasting interpretations of these sources and a distinguished methodological repertoire called *ijtihad* Following the same methodology in this work I describe analyse and critique such textual exegetical and intellectual rational discursive aspects concerning homosexuality

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 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

Hans Kelsen's Pure Theory of Law Lars Vinx, 2007-09-06 Hans Kelsen is commonly considered to be among the founding fathers of modern legal philosophy Despite Kelsen's prominence as a legal theorist his political theory has so far been mostly overlooked This book argues that Kelsen's legal theory the Pure Theory of Law needs to be read in the context of Kelsen's political theory It offers the first comprehensive interpretation of the Pure Theory that makes systematic use of Kelsen's conception of the rule of law of his theory of democracy his defense of constitutional review and his views on international law Once it is read in the context of Kelsen's political works Kelsen's analysis of legal normativity provides us with a notion of political legitimacy that is distinct from any comprehensive and contestable theory of justice It shows how members of pluralist societies can reasonably acknowledge the binding nature of law even where its content does not fully accord with their own substantive views of the requirements of justice provided it is created in accordance with an ideal of fair arbitration amongst social groups This result leads to a fundamental re-evaluation of the Pure Theory of Law The theory is best understood as an attempt to find a middle ground between natural law and legal positivism Later positivist legal theorists inspired by Kelsen's work failed to appreciate the political theoretical context of the Pure Theory and turned to a narrow instrumentalism about the functions of law The perspective on Kelsen offered in this book aims to reconnect positivist legal thought with normative political theory

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

On Philosophy in American Law Francis J. Mootz, 2009-03-23 Original essays by 38 leading legal theorists mark the 75th anniversary of Karl Llewellyn's essay *On Philosophy in American Law*

Legal Doctrinal Scholarship Bódig, Mátyás, 2021-07-31 Providing a comprehensive account of the often misunderstood area of legal doctrinal scholarship this incisive book offers a novel framing for conceptual legal

theory and the functions of conceptual theorising in legal studies It explores the ways in which a doctrinally oriented legal theory may provide methodological support to legal scholars arguing that making adequate sense of the rational reconstruction of law is pivotal in delivering such active support

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Contemporary Juristic Theory Introduction

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