

*The Oxford Handbook of Jurisprudence & Philosophy of Law* EDITED BY  
JULES COLEMAN AND SCOTT SHAPIRO. [Oxford: Oxford University  
Press, 2002. x + 1050 pp. Hardcover: £60]

The dust jacket of this book refers to it as a “primary reference and starting point for further research in legal theory.” According to its editors, Coleman and Shapiro, the 26 entries by distinguished scholars of jurisprudence from American, Canadian and English universities “do not aim to be comprehensive and are intentionally distinctive, as is the *Handbook* itself.” (at p. v) The contributors, including Timothy Endicott, John Finnis, John Gardner and Kent Greenawalt, are invited to give their take on the topic assigned to them.

While the chapters are not divided into parts, there appears to be about four divisions of the *Handbook*. The first four chapters consider two main schools of jurisprudence, natural law theory (with a further division into the classical and modern versions) and its archrival legal positivism (with a separate consideration of exclusive and inclusive legal positivism). Arguably, all other jurisprudential theories can be classified under either school, according to their position, even if undeclared, on the issue of whether law has a necessary connection with morality. The next ten chapters consider various themes in law, namely, formalism, adjudication, constitutional and statutory interpretation, methodology, legal and political philosophy, authority, reasons, rights, law and obligations, and responsibility. Chapters 15 to 21 examine the philosophical underpinnings of common law and private law, and various specific areas—tort law, contract law, property law, criminal law and international law. The last three chapters deal with law's inter-relation with language, objectivity and gender issues. The chapters are fairly disparate, with the exception of Finnis' first chapter on classical natural law theory, in which he takes up the challenge of addressing the take of natural law theory on the subjects covered in the other chapters (at p. 2).

Overall, the array of topics included proves impressive, but also somewhat eclectic. The caveat of the editors is that they "did not attempt to include an entry on every worthwhile topic or major school of thought in the philosophy of law" (at p. v). They also note that several intended contributions did not come in (at p. v). As Finnis' entry suggests that he follows the (originally intended) order of the *Handbook* (at p. 2), it seems that the missing chapters would have dealt with pragmatism (see p. 31), institutionality (see p. 25), law and epistemology (see p. 37), and law and rational choice (see p. 40).

What is missing is a chapter on the American trends in jurisprudence—American legal realism and critical legal studies ("C.L.S.")—which would have made this handbook even more impressive. These trends have greatly impacted the vision and approach to law in America, and one would have expected a handbook on jurisprudence, even one that does not purport to be comprehensive, to include a chapter on this. It is probably inadequate to categorize these two schools as falling within positivism, as they represent a whole new manner of looking at the law. American legal realism emphasizes the political nature of law and seeks to expose the facades that a formalistic view of law creates, while C.L.S. emphasizes the importance of deconstructing the false givens of society and reacts against many existing theories, including positivism, formalism, and objectivism. A search of the index, which is one of the tools a scholar using the *Handbook* for his research would turn to, reveals that C.L.S. is discussed in passing on two pages of the *Handbook*, in relation to contract theory. Realism is dealt with only briefly in the chapter on formalism, although the page indicated in the index does not reflect this. Readers might also have expected a chapter

on postmodern trends in jurisprudence in general, considering critical legal studies, feminist legal theory, law and race, and the like. John Rawls' theory of justice and public reason, and the critiques it spawned might also have merited a separate chapter. The same could be said for the theory of deliberative democracy propounded by Gutmann and Thompson, which received a good amount of scholarly attention in recent years.

Readers should bear in mind that the editors' note that the contributors were encouraged to employ their takes in writing, and the views expressed do not exhaust the literature. Some background in legal theory also helps in reading this *Handbook*. In these senses, the *Handbook* is a nice scholarly collection of overview articles dealing with the topics in some depth, rather than an introductory textbook. For a student studying jurisprudence for the first time, a shorter text such as J.W. Harris' *Legal Philosophies* (2<sup>nd</sup> ed., 1997) might prove to be an easier and more engaging read, with its more basic combination of clarity in introducing the issues and depth of critique. Thereafter, the impressive broad survey of issues under each topic in the *Handbook* will prove very useful for the student or scholar hoping to acquire deeper knowledge of the major issues on a particular topic, or wishing to find references for further reading on a particular issue.

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