A Treatise of Legal Philosophy and General Jurisprudence
with Enrico Pattero, Editor-in-Chief;
Gerald J. Postema & Peter G. Stein, Associate Editors;
Antonino Rotolo, Assistant Editor
and Individual Authors Responsible for Individual Volumes

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A book review, written by:
Raimo Siltala,
Professor of Jurisprudence,
University of Turku, Finland

1. The General Idea of the Series

A Treatise of Legal Philosophy and General Jurisprudence is like a legal philosopher´s dream come true. It is a huge collective enterprise in coverage and intensity, with over 50 authors in the 12 books and 13 volumes of the Series, as the book # 12 is split into two. The mastermind behind the whole project is Enrico Pattaro, Professor of Philosophy of Law at the University of Bologna. He initiated the idea of such a book series as early as the 1980´s. He is the editor-in-chief of the whole series, with Gerald J. Postema and Peter G. Stein as the associate editors and Antonino Rotolo as the assistant editor. The individual volumes each have editors and/or authors of the own, being highly competent professionals of the field of inquiry concerned. The project was skillfully edited and published in print and in digital form by *Springer Publishing* between the years 2007–2016.

The individual volumes of the Series are as follows:

– Volume 1: ***The Law and The Right. A Reappraisal of the Reality that Ought to Be***, by Enrico Pattaro (457 p., 2007);
– Volume 2: ***Foundations of Law***, by Hubert Rottleuthner (205 p., 2005);
– Volume 3: ***Legal Institutions and the Sources of Law***, by Roger A. Shiner (252 p., 2005);
– Volume 4: ***Scientia Juris, Legal Doctrine as Knowledge of Law and as a Source of Law***, by Aleksander Peczenik (200 p., 2005);
– Volume 5: ***Legal Reasoning, A Cognitive Approach to the Law***, by Giovanni Sartor (844 p., 2005);
– Volume 6: ***A History of the Philosophy of Law from the Ancient Greeks to the Scholastics***, by Fred D. Miller Jr. and Carrie-Ann Biondi (444 p., 2007);
– Volume 7: ***The Jurists' Philosophy of Law from Rome to the Seventeenth Century***, edited by Andrea Padovani and Peter G. Stein (257 p., 2007);
– Volume 8: ***A History of the Philosophy of Law in the Common Law World****, 1600–1900*, by Michael Lobban (267 p., 2007);

– Vol. 9: ***A History of the Philosophy of Law in the Civil Law World, 1600-1900***; edited by Damiano Canale, Paolo Grossi and Hasso Hofmann (409 p., 2009);

– Vol. 10: ***The Philosophers' Philosophy of Law from the Seventeenth Century to Our Days***, by Patrick Riley (325 p., 2009);

– Volume 11: ***Legal Philosophy in the Twentieth Century: The Common Law World***, by Gerald J. Postema (618 p., 2011);
– Volume 12: ***Legal Philosophy in the Twentieth Century: The Civil Law World, Tome 1: Language Areas & Tome 2: Main Orientations and Topics***, edited by Enrico Pattaro and Corrado Roversi (1062 p. & 850 p., 2016).

In all, this makes up to no less than slightly over 6.000 pages of mostly outstanding texts on Western jurisprudence, legal theory and legal philosophy. As such, it is an indispensable tool of analysis for any law professor, scholar, or post-graduate student in law endowed with serious interest in the theoretical and/or methodological studies in law. It is hard to think of an law library that could do without a copy of the book series, providing such an ample view on the various tenets of jurisprudence and legal philosophy in both historical and systematic manner.

The individual volumes of the book series are structured in accordance with two different lines of ideas. On the one hand, the *key topics and issues* of law and legal philosophy are approached in a systematic manner in Volumes 1–5, with reference to the ontology of law (Vol. 1), the foundations of law (Vol. 2), legal institutions and the sources of law (Vol. 3), legal science (Vol. 4), and legal reasoning, as seen from a cognitive point of view (Vol. 5). On the other hand, there is an *historical* string of legal philosophy that is followed in Volumes 6–12 from the Greek Antiquity up to the 20th century. Within the historical string of analysis, the text is further split into the philosophers´ and the lawyers´ notion of law in volumes 6, 7 and 10, and into the common law and civil law thinking in volumes 8, 9, 11 and 12. In Vol. 1: *The Law and The Right. A Reappraisal of the Reality that Ought to Be*, there is a kind of a "road map" to the whole project, in addition to the specific ontological concerns outlined by the professor Pattaro. The overall structure of the Series would seem to be well thought of, and most of the key issues of legal philosophy and legal theory are duly covered in it. As is quite understandable, there are some overlaps and some omissions, but the overall coverage of the key issues of jurisprudence and legal philosophy is good.

Some of the individual volumes are rather large in scope, such as Volume 5: *Legal Reasoning, A Cognitive Approach to the Law*, by Giovanni Sartor (844 p.), and the two-part Volume 12: *Legal Philosophy in the Twentieth Century: The Civil Law World, Tome 1: Language Areas* and *Tome 2: Main Orientations and Topics*, edited by Enrico Pattaro and Corrado Roversi (1062 p. & 850 p.). Other volumes may score fewer pages, but the contents is invariably interesting and noteworthy. Perhaps a volume or two should have been devoted to the development and the key concepts of a sociological theory of law, as the weight of analysis is more on the linguistic and epistemic tenets of legal thinking, and not the social dimension of law, the chapters on legal realism in Vol 12/2 notwithstanding. Be that as it may, the Series is as good as it gets on such premises *vis-à-vis* Western jurisprudence and philosophy of law.

2. The Individual Volumes of the Series

Volume 1: *The Law and The Right. A Reappraisal of the Reality that Ought to Be*, by Enrico Pattaro (457 p., 2007), gives an inspiring outline of a dualist ontology of law, with reference to the twin realms of *the reality that is* (= *Sein*) and *the reality that ought to be* (= *Sollen*), as Pattaro has it. At the beginning of the book, there is also an illustrative "road map" to the whole book series where

professor Pattaro, the editor-in-chief and mastermind behind the worthy project, explains the birth and original agenda of the project. In the text, he defends a highly plausible ontological stance, to the effect that the notion of legal validity is commonly but mistakenly seen as a predicate of a legal norm in the sense of satisfying a certain validity criterion, whether it be the will of a legislator according to legal positivism, or the effective "law in action", as enforced by the courts of justice and other officials, according to legal realism, or some other such criterion. Yet, according to Pattaro, legal validity is rather to be conceived of in terms of a primordial *type/token* dualism that underlies all claims or propositions concerning validity, whether of legal or any other kind. Thus, "validity" refers to the idea of a correspondence that may or may not prevail in-between a general type, or an abstract (Platonic) form, and an individual token, or some concrete exemplification of it. Pattaro´s account of legal validity admirably widens the horizon of conventional legal ontology but, I presume, we still have need for a more familiar concept of legal validity when coping with the issues of law-application *vis-à-vis* a given fact-constellation, even if it were ultimately subsumed under such type/token dualism. In other respects, too, Pattaro gives an inspiring and in some respects slightly unorthodox view of legal ontology, and book is rich with fine insights into the subject matter. Thus, the author unveils the common dichotomy of *ius*/*lex*, *Recht*/*Gesetz*, or the Law/Right, in the various spheres of language and legal culture. Individual chapters are devoted to a very vast array of topics, such as normativity, the motives of human behavior, the norms as beliefs, and so on. In all, prof. Pattaro is a reliable tour guide to the ontic realms of law, but the structure of the book seems at times a bit fragmented, as the topics range widely from the workings of the human brain to H. L. A. Hart´s remarks in his famous *Postscript*, from the Homeric *Dike* to the intricacies of nature and culture contrasted, and so on. A more disciplined structure would no doubt make the task easier for the reader, even if prof. Pattaro´s intelligent and refined style of writing, loaded with cultural allusions, is always a pleasure to follow.

Volume 2, *Foundations of Law* by Hubert Rottleuthner, digs into the deep and often muddy waters of legal philosophy in the sense of the very *ultimate* premises of law and legal thinking. By *foundations* the author refers to "the fundamental, crucial elements that are used in order to explain important features or the ´essence´ of law", and the law is, accordingly, framed with the pair of concepts of legal normativism and legal realism. As a consequence, the very final premises of law and legal thinking are looked for in the *transcendent* foundations of law (= religion & mythology of law, c. 30 p.), the *immanent* but legally *external* foundations of law (= naturalism/human rights, economics/Marx, moral foundations of law/Durkheim, Ehrlich, c. 100 p.), and the *internal* foundations of law (= Kelsen, Luhmann, Fuller, c. 10 p.). The self-referring character of law is – briefly – viewed in light of Kelsen´s transcendental-logical *Grundnorm* and Luhmann´s notion of system theory, but Fuller´s original idea of the *internal morality of law* is not on the same footing as the other two, due to Fuller´s decision of splitting the notion of morality into the categories of a morality of duty and a morality of aspiration. It is only the idea of proper legal promulgation that is placed under the morality of duty in Fullers´s "check list" for any devoted legislator or court of justice, having the unfortunate side-effect of watering down the idea of a "morality that makes the law possible". In addition, one scholar that ought to have been included in Rottleuther´s troika of internal legal foundationalism is, of course, Gunther Teubner and his key notion of *legal autopoiesis*. Hart´s idea of the ultimate rule of recognition might have deserved some attention, too, and the same goes for the American and Scandinavian legal realists with their idea of an effected law in action, based on a sheer use of power by the courts and other officials. The ontological traits of a 20th century legal phenomenology are missing, even though they claim to grasp the very essence of the law and legal phenomena. In all, the internal foundations of law would have deserved more consideration by the author, due to the significance of legal positivism and legal realism in the Western legal thinking

Volume 3: *Legal Institutions and the Sources of Law*, by Roger A. Shiner (252 p., 2005), approaches the subject matter from a predominantly common law point of view, though there is a brief note on the civil law issues, too, as a kind of an appendix to the main frame. This is illustrative of an inherent dilemma that cuts through several volumes of the present, great and very useful book series, *viz*. the fact that the source material will not yield under a common frame of analysis, when it comprises both common law or civil law material. The author/editor of the present book is of course well aware of the said dilemma, but the contents is not fully balanced, due to the inherent divergent characteristics of the two legal cultures. The later books of the series take the matter better into account, as they seek to deal with the two phenomena in differentiated terms. (The said dilemma affects the two high-quality books issued by the famous *Bielefelder Kreis*, i.e. *Interpreting Statutes: A Comparative Study* and *Interpreting Precedents: A Comparative Study*, both masterfully edited by D. Neil MacCormick and Robert S. Summers in the 1990´s). Thus, in *Legal Institutions and the Sources of Law*, Roger Shiner gives a well-founded outline on legislation, precedent, custom, delegation of legislative power, constitution, international law, and legal authorities. The civil law material on legal sources is packed into one chapter only by Antonino Rotolo, with reference to three masters of the 20th century: Kelsen, Hart, and Ross. Yet, the Dane Alf Ross notwithstanding, the other two intellectuals had remarkably little to say on the sources of law in their key writings. Certainly, Kelsen´s *Grundnorm* and Hart´s rule of recognition both draw the limits of the realm of law, as distinguished from any non-law, but neither gave a satisfactory account of the legal source doctrine in the proper sense of the term. The discussion on Kelsen and Ross is fortunately continued at more depth in Volume 12: *Legal Philosophy in the Twentieth Century: The Civil Law World*, and the analysis of Hart´s legal thinking correspondingly in Volume 11: *Legal Philosophy in the Twentieth Century: The Common Law World*.

Volume 4: *Scientia Juris, Legal Doctrine as Knowledge of Law and as a Source of Law*, (200 p., 2005) by Aleksander Peczenik (1937–2005), the gifted author of Polish nascent but subsequently living in Sweden, gives a solid, even if slightly out-of-focus, view of legal doctrine *vis-à-vis* legal knowledge and the sources of law. As the author points out, the terminology, scope, and meaning of "legal science" is far from uniform in the different legal systems, as the terms are loaded with a highly culture-specific content. Therefore, Peczenik opts for the neutral (though a bit artificial) Latinism *Scientia Juris* for the book title, instead of, say, legal dogmatics, *Rechtswissenschaft*, technical legal analysis, or the doctrinal studies of law. Under the title, Peczenik gives a noteworthy account of the subject matter, at first altering his position in-between the civil law and the common law approaches to the issue. The civil law approach is seen in the author´s account of the key relation between legal doctrine and legal theory. The analysis to a great degree resembles the one presented in the two fine treatises of the *Bielefelder Kreis*, i.e. *Interpreting Statutes. A Comparative Study* (1991) and *Interpreting Precedents. A Comparative Study* (1997), and Peczenik of course was one of the key members of that international research group. The common law issues get the upper hand in relation to a set of certain legal doctrines and fields of law, i.e. property, contract, torts, criminal law, and the law and economics approach. Still, some of Peczenik´s fluently expressed ideas would seem to be in a slightly odd context. The reflections on legal coherence might be more at home in Volume 5: *Legal Reasoning*. The chapter on *Law and Morality* would not seem to have a very keen connection with the express mission of knowledge and sources of law, and the thoughts on exclusive and inclusive legal positivism are touched upon at length in Volume 12: *Legal Philosophy in the Twentieth Century: The Civil Law World*, too. The last chapter on the metatheory and ontology of law touches upon the same issues as are covered by Enrico Pattaro in Volume 1: *The Law and The Right. A Reappraisal of the Reality that Ought to Be*. Nevertheless, Peczenik´s style of writing always makes a very pleasant reading, and that is the case even now.

Volume 5: *Legal Reasoning, A Cognitive Approach to the Law*, by Giovanni Sartor (844 p., 2005) is a true horn of plenty of legal reasoning. It is divided into two main parts, *viz*. Legal Reasoning and Practical Rationality, based on Aristotelian rhetoric, and the more formal issues of Legal Logic. It is one of the most inspiring contributions of the book series, even if slightly overwhelming in its scope and ambition. As the subtitle indicates, the emphasis is now on the *cognitive* and not, for instance, on the axiological issues of legal reasoning. The tale of legal reasoning, as now presented, begins from the Aristotelian syllogisms and ends, after c. 800 pages, in the intricacies of legal logic and dialectics. Among other issues, there is fine analysis of the conclusive and defeasible modes of legal reasoning, with reference to the validity and truth-preserving criteria of syllogistic reasoning and the alternatives to them. *Defeasibility* certainly has very some highly interesting applications in the legal context, as notified in modern legal literature since H.L.A. Hart. What is perhaps a bit odd is that there are no comments on *abductive* reasoning à la Charles S. Pearce, despite its obvious relevance for legal reasoning, but the examples and comments on the model of statistical syllogism (on p. 62) would seem come pretty close to that subject matter. There is a good account of *bounded* rationality. The topic on *collective* rationality is presented mainly in light of mathematical play theory, plus a few remarks on Raimo Tuomela´s and John R. Searle´s key ideas on the issue. Govert den Hartogh´s and Eerik Lagerspetz´s promising idea of the role of *mutual expectations* and co-operative dispositions of the persons concerned (= "A knows that B knows that A knows . . . that X") of is touched upon in the passing only. Still, in the legal context the notion of such mutual expectations and co-operative dispositions would seem to have more use than Tuomela´s and Searle´s idea of collective action, due to the presence of conflicting and/or colliding interests but parallel cognitive states of the participants to a legal issue. The school of analytical legal reasoning, as exemplified by e.g. Aulis Aarnio, Aleksander Peczenik, Robert Alexy, and Neil MacCormick occupies a few footnotes only (on p. 392), despite its major role in the Northern European countries and Scotland. The few shortcomings notwithstanding, Sartos´s *opus magnum* gives a very rewarding and interesting account of the many facets of cognition-based legal reasoning.

Volume 6: *A History of the Philosophy of Law from the Ancient Greeks to the Scholastics*, by Fred D. Miller Jr. and Carrie-Ann Biondi (444 p., 2007), and Volume 7: *The Jurists' Philosophy of Law from Rome to the Seventeenth Century*, edited by Andrea Padovani and Peter G. Stein (257 p., 2007), give a sharp-edged account of the historical unfolding of legal philosophical thinking by the philosophers and lawyers alike. The two volumes very nicely supplement one another. Volume 6 on philosophers begins from the Pre-Socratic thinkers of the Antique Greece and ends up at the Scholastic writers of the later scholastic philosophy, i.e. Francisco de Vitoria, Domingo de Soto, Francisco Suárez, Gabriel Vázquez, and Juan de Salas. In Volumes 7, the emerging lawyers´ view of the world is reliably unfolded from the early Roman times till the birth of modern legal era by the *glossators* and the *commentators* on the 12th and 13th centuries, though the *decretalists* (canonists) have been left out. As far as I can judge (being a non-expert in legal history), the two books give a solid picture of the birth and early development of both the philosophical and the legal traits of the Western intellectual culture.

In the three books of Volume 8: *A History of the Philosophy of Law in The Common Law World, 1600–1900*, by Michael Lobban (267 p., 2007); Volume 9: *A History of the Philosophy of Law in the Civil Law World, 1600-1900*; edited by Damiano Canale, Paolo Grossi and Hasso Hofmann (409 p., 2009); and Volume 10: *The Philosophers' Philosophy of Law from the Seventeenth Century to Our Days*, by Patrick Riley (325 p., 2009), the issues under consideration are – wisely enough – divided both into the philosophers´ and the lawyers´ point of view, on the one hand, and into the differentiated points of view on civil law and common law, on the other. The field covered in other words extends from the early modern times at 1600 until 1900 in the first two books and the 20th century in the third one.

The philosophers´ account of early modern legal philosophy in Volume 10: *The Philosophers' Philosophy of Law from the Seventeenth Century to Our Days*, entails a pretty exhaustive list of the makers of modern legal thinking, with entries on Grotius, Hobbes, Locke, Pufendorff, Leibniz, Montesquieu, Rousseau, Kant, Hegel, Marx, Mill, Nietzsche, Rawls, and Habermas. It is of course difficult to say anything truly novel about such a canon of Western legal philosophy, but Patrick Riley succeeds well in conveying the basic and essentials of the common tale. All the major figures are there well covered, and it is only the inclusion of Friedrich Nietzsche that may raise some eyebrows. As to the 20th century, there is Rawls and Habermas but for some reason none of the others. Some other contemporaries might have deserved a place there as well, such as W.N. Hohfeld, G.H. von Wright, J.L. Austin, Martin Heidegger, John R. Searle, and Michel Foucault.

As to the legal philosophers´ point of view on law, Volume 9: *A History of the Philosophy of Law in the Civil Law World, 1600-1900*, gives an outstanding view on how the notion of modern law and legal science have evolved with the invention of the enlightenment, the strife for national codification between the two rivals Thibaut and Savigny, the rise of *Begriffsjurisprudenz* in Germany, the return to the values and interest in law in von Jhering´s *Interessenjurisprudenz* and the later constitutionalism, the rise of empirical social theory construction, and the later revival of legal idealism, as nicely outlined in Gustav Radbruch´s reflections on the legal thinking of the prior century in his key commentary dating from the 1920´s. The unfolding of modern legal thought is now presented on a national or rather language-based account. This results in the stronghold of the German legal culture in the 19th century, as seen in Puchta´s legal formalism, von Jhering´s interest-oriented legal reasoning, and the Kantian prequels of Hans Kelsen´s pure theory of law on the next century. The impact of the French legal culture occupies significantly fewer pages, but there is a good outline of the French codification movement and François Gény´s multi-faceted theory of law. On the whole, the 10 authors of the book give a solid account of the rise and mastery of modern law, with more emphasis on the German-speaking world than its French or Latin rival.

Volume 8: *A History of the Philosophy of Law in The Common Law World, 1600–1900* gives a worthy account of the development of the modern common law, with good contributions on "the age of" Bracton and Fortescue, Sir Edward Coke, Selden and Hale, Blackstone and Kames, the American Federalists, Jeremy Bentham and John Austin, Maine and Oliver Wendell Holmes. The text on Coke, for instance, traces his arguments on the role of the King, the Parliament and the courts of justice in enacting and enforcing the laws of England. The similar American tale extends until the times of C. C. Langdell and early Oliver Wendell Holmes. While Bentham and Austin are self-evidently in the right place in among the founders of modern common law, O.W. Holmes perhaps rather belongs to the next phase in legal philosophy. Happily, there is profound analysis of Holmes and his intellectual legacy on the 20th century in Volume 11.

In all, the three books that focus on modern law – i.e. Volume 8: *A History of the Philosophy of Law in The Common Law World, 1600–1900*, Volume 9: *A History of the Philosophy of Law in the Civil Law World, 1600-1900* and Volume 10: *The Philosophers' Philosophy of Law from the Seventeenth Century to Our Days* – succeed in delivering quite a lively outline of the rise and high tide on modern legal thinking, both on the Continent and in the common law world on both sides of the Atlantic.

Volume 11: *Legal Philosophy in the Twentieth Century: The Common Law World*, by Gerald J. Postema (618 p., 2011), gives a solid account of the development of both American and English common law thinking during the 20th century. The American tale of the common law neatly follows O.W. Holmes´s well-known *dictum* to the effect that "the life of the law has not been logic, it has been experience". On the other side of the Atlantic, in turn, the impact of analytical jurisprudence has been strong, to a great extent due to H. L. A. Hart´s contributions to jurisprudence. As a

consequence, professor Postema´s book is divided into two: “The Holmesian Legacy” unfolds the tale of American legal realism, the school of law and economics and the critical legal studies movement. “Hart and His Legacy”, in turn, entails analytical jurisprudence and its later twists and turns in Britain.

On the American side, there is a good account of Holmes, Llewellyn, Oliphant, Frank, and a few other realists. Wesley Newcomb Hohfeld is represented, as well, though his idea of legal research in terms of analytical jurisprudence is of course a far cry from legal realism, pure and simple. The one school of law that seems to be missing is the New Haven school of configurative jurisprudence, as outlined by Harold D. Lasswell and Myres S. McDougal. Ronald Dworkin´s seminal ideas pop up every now and then, and there is a chapter devoted to law as integrity. Lon L. Fuller, John Finnis and Dworkin may not have much to do with the Holmesian legacy, and a similar argument may be extended *vis-à-vis* Hart´s legal philosophy to quite a few of the Continental scholars that are now placed under “Hart and his legacy”.

The English part of the story focuses on Hart and his profound influence on subsequent analytical legal thinking. Unhappily. the Continental part of the said debate has been cut off, as the focus is now on English jurisprudence and legal philosophy only. Yet, Hart did enter and maintain a lively philosophical dialogue with a few legal philosophers of, both in the English-speaking world (Lon. L. Fuller, Lord Devlin, Ronald Dworkin) and on the Continent (Hans Kelsen, Alf Ross and other Scandinavian realists, Rudolf von Jhering). In fact, Hart´s idea of the rule of recognition in *The Concept of Law* may be seen as an empiricist alternative to Kelsen´s *Grundnorm*. Hart´s own prime example of his master rule was notably outlined in terms of the *Queen rule* – “what the Queen in Parliament enacts is law in England” – bearing witness of the impact of Continental legal thinking, and not so much of precedent-based common law ideology, on his jurisprudence. Now that string of analysis remains for the most part unmapped, due to the editors´ decision of splitting the discourse on modern legal philosophy into the two different realms of the common law and the civil law categories. Nonetheless, Hart´s formative impact on legal philosophy in the English-speaking world is well covered, with entries on Joseph Raz and legal formalism, Ronald Dworkin and the incorporation thesis of soft positivism, Jules Coleman and legal conventionalism, Neil MacCormick and legal institutionalism, John Finnis and the re-invention of Natural Law Philosophy, and so on.

The most impressive volume of the Series is the very last one, a true horn of plenty with nearly 2.000 pages of first-rate legal philosophy, with no less than c. 50 individual authors and divided into two books, *viz.* Volume 12: *Legal Philosophy in the Twentieth Century: The Civil Law World, Tome 1: Language Areas* & *Tome 2: Main Orientations and Topics*, edited by Enrico Pattaro and Corrado Roversi (1062 p. & 850 p.). The allocation of pages to the different language areas and main schools of law entailed in the two books is rather revealing in itself.

The book 12/1 on *Language Areas* entails:
– (a) Germany and Austria (c. 370 p.), with entries on Neo-Kantianism, *die Wiener rechtstheoretische Schule* (Verdross, Kelsen, Merkl), German sociological school of law (Ehrlich), legal phenomenology (Reinach, G. Husserl), Neo-Hegelianism (E. Kaufmann), Marxist philosophy of law, Carl Schmitt and the legal philosophy of *die Dritte Reich*, and post-WW2 German legal philosophy;
– (b) Southern Europe and France (c. 200 p.), with entries on Italy (Del Vecchio, Bobbio, S. Romano, Pattaro, Jori), France (Hauriou, Duguit, Gény, Villey, Troper), Spain (Legaz, Díaz), Portugal, Greece;

– (c) Russia and Eastern Europe (c. 150 p.), with entries on Poland (Petrazycki, Znamierowski, Lande, Wróblewski, Woleński), Russia (Pashukanis, Stuchka), Czechoslovia/Czech Republic/ Slovak Republic (Weyr, Weinberger), Hungary, other Eastern European countries;
– (d) the Nordic Countries, plus Netherlands and Belgium (c. 120 p), with entries on Sweden, Denmark (Ross), Norway (Eckhoff, Sundby), Finland (Aarnio, Tuori), and the Low Countries (Perelman);
– (e) Latin America (c. 70 p.), with entries on Argentina (Cossio, Alchourrón, Bulygin), Brazil, and other Latin America.

As the allocation of pages here indicates, the German and Austrian influence on Continental legal thinking has been very considerable, and *die Wiener rechtstheoretische Schule* of Kelsen, Verdross and Merkl looms large therein. It is only after the WW2 that English has gained the upper hand as the *lingua franca* of legal philosophical thinking in Europe.

The book 12/2 on *Main Orientations and Topics*, in turn, comprises the three main schools of jurisprudence, plus the topics of legal argumentation:
– (a) Natural Law Theory (180 p.), with entries on an introduction to the revival of Natural Law in the aftermath of the WW2, and such theory in Germany (Radbruch), France, Italy and Spain;
– (b) Legal Positivism (120 p.), with entries on the *Stufenbaulehre* and the *Grundnorm* (Kelsen, Merkl), legal institutionalism (Santi Romano) and legal decisionism (Schmitt), the later voluntarist phase of Kelsen´s *Reine Rechtslehre* (1960), the Italian methodological and analytical positivism (Bobbio), the French variant of positivism (Troper), Neo-Constitutionalism (Habermas, Alexy, Nino, Garzón Valdés, Bulygin), and the notion of defeasibility in law (Carlos Bayón, Rodríguez)
– (c) Legal Realism (260 p.), with entries on the Scandinavian Realists (Hägerström, Olivecrona, Lundstedt, Ross, Ekelöf, Hedenius), on the one hand, and the Polish and Russian empiricists (Petrazycki, Lande, Larenzon, Znamierowski), on the other.
– (d) Legal Reasoning (200 p.), with entries on legal argumentation (reactions to the French *École de l´exégèse*, Gény and the Free Law Movement), the Aristotelian new rhetorics and topics (Perelman, Viehweg), legal argumentation theory (MacCormick, Aarnio, Alexy, Peczenik), and Law and Logic in the 20th century (von Wright, Jörgensen).

Taken together, the two books of Volume 12 chronicle the 20th century Continental jurisprudence and legal philosophy quite admirably, both in depth and extent. The weight of emphasis *vis-à-vis* the inclusion and exclusion of individual ideas, scholars or schools of legal thought is mostly well warranted in light of the overall significance of each contribution, and the authors are high-ranking professionals of the field concerned.

In Volume 12/1, Agostino Carrino and Hasso Hoffman both give a balanced and many-faceted account of legal philosophy in Germany and Austria before and after the WW2, respectively; Carla Faralli posits a very skillful analysis of the rise of post-war positivist and analytical legal philosophy in Italy; Marc van Hoecke and Arend Soeteman write eruditely about legal philosophy in Belgium and the Netherlands; Tomasz Gizbert-Studnicki, Krzysztif Pleszka and Jan Wolenski give a wide account of jurisprudence and legal philosophy in Poland under the Russian occupation and in the free Poland; Michail Antonov gives a good account of legal philosophy in the post-revolutionary Russia; Uta Bindreiter gives a far-reaching analysis of Axel Hägerström´s profound intellectual legacy in Sweden; Svein Eng writes of legal philosophy in Norway (which country is perhaps better known for its high-ranking legal sociology and criminology); Susanna Lindroos-Hovinheimo gives a balanced account of Finnish jurisprudence in the 20th century, as realized in analytical and also hermeneutical terms; and Manuel Atienza writes skillfully of the rise of phenomenological and logico-analytical philosophy in Argentina.

In Volume 12/2, Francesco Viola writes interestingly of the revival of natural law theory in the 20th century in Europe in general and in Italy in specific; Stephan Kirste gives a solid account of natural law thnking in Germany both before and after the WW2; Carlos I. Massini Correas writes of natural law in the various Latin American countries; Mauro Barberis and Giorgio Bongiovanni give a solid introduction to the many facets of legal positivism in the 20th century (but H. L. A. Hart is missing from the story, due to the book editors´s choice of dealing the common law philosophy separately in Volume 11); Edoardo Fittipaldi writes a solid introduction to the legal realist movement on the Continent; Enrico Pattero, the mastermind behind the Book Series, gives an outstanding view of Axel Hägerström and the intellectual origins of the Uppsala school of jurisprudence in Sweden, to be continued by similarly well-balanced entries on the Swedes Karl Olivecrona by Torben Spaak and on Vilhelm Lundstedt by Uta Bindreiter; Edoardo Fittipaldi writes extensively on Leon Petrazycki´s and Jerzy Lande´s sociological theory of law, to be followed on accounts on Max Larenzon by Elena Timoshina and on Czeslaw Znamierowski by Giuseppe Lorini and Wojciech Zelaniec; Pierluigi Chiassoni has several outstanding entries on legal reasoning; and Jan Wolenski masters in presenting the unfolding of law and logic in the 20th century

The overall impression of the two books on legal philosophy on the 20th century is of high expertise and professionalism. Still, there are some rather odd points of focus, emphasis, and downsizing in the text. The tracking of Hans Kelsen´s legal thinking is abruptly cut off at the publication of the first, 1934 edition of *Reine Rechtslehre* in Volume 12/1, leaving the more mature Kelsen of *The General Theory of Law and State* (1945), the second, enlarged edition of *Reine Rechtslehre* (1960), a set of key post-WW2 articles, and the posthumously published MS *Allgemeine Theorie der Normen* (1979) outside the sphere of Volume 12/1. Luckily, the analysis of Kelsen´s legal thinking is continued in Volume 12/2, but the narrative is still left in a somewhat fragmentary state. Also, the major impact of Kelsen´s theory in the English-speaking world is left untouched, due to the fact that legal thinking in the common law countries is covered in Volume 11. Also, despite his great impact on legal thinking in the Nordic countries, Alf Ross gets no more than 14 pages in Volume 12/2. In comparison, the Polish legal sociologist Leon Petrazycki alone occupies a rather decent amount of 60 pages and his fellow countrymen Jerzy Lande, Max Larenzon and Czeslaw Znamierowski get another 50 pages. Now, the only entry on Ross´s legal philosophy is placed under the subtitle, ”Danish Legal Philosophy after Alf Ross”, as if Ross´s own philosophy were not worthy of comments at all. A more generous treatment of Ross´s ideas would have been well warranted, given the profound impact that his analytical and realist ideas of law have exerted on the Nordic countries. Similarly, while Niklas Luhmann´s systems theory of society is duly covered in the text, Gunther Teubner´s parallel idea of legal autopoiesis is ignored. Luc Wintgen´s challenging, if sketchy, theory of legislation is noted in the passing, but his novel term suggested, *legisprudentia*, is not mentioned.

The editors´ decision to deal with civil law and common law issues separately has the less-than-happy effect of cutting H. L. A. Hart off from the Continental discourse on law. True, Hart´s alignment with Hans Kelsen´s pure theory of law is mostly latent and placed in a few key footnotes in *The Concept of Law*, but the said book may be read as a more sociologically and linguistically oriented variation of, and alternative to, Kelsen´s *opus magnum*. Now, the traces and inter-connections that characterize the analytical discourse on law under the Hartian premises have to be looked up in the two distinct volumes of the Series, dealing with the civil law and the common law worlds, respectively. Though Hart is amply covered in the Volume 11 of the Series, his intellectual homeland would rather be near Kelsen and other intellectuals on the European continent, and not with Oliver Wendell Holmes, Richard Posner and other great American thinkers.

In all, *A Treatise of Legal Philosophy and General Jurisprudence*, with Enrico Pattero, Editor-in-Chief, and Gerald J. Postema & Peter G. Stein, Associate Editors, and Antonino Rotolo, Assistant Editor, is an outstanding series of books on Western legal philosophy and jurisprudence, from the the times of the Antique Greece to the modern times. It admirably covers a vast field of topics, both historical and systematic, in its 12 Volumes (13 Books) and c. 6000 pages. It is to be warmly recommended to anyone interested in law, jurisprudence, and legal philosophy!

Raimo Siltala,
Professor of Jurisprudence,
University of Turku,
Finland
raisil@utu.fi