

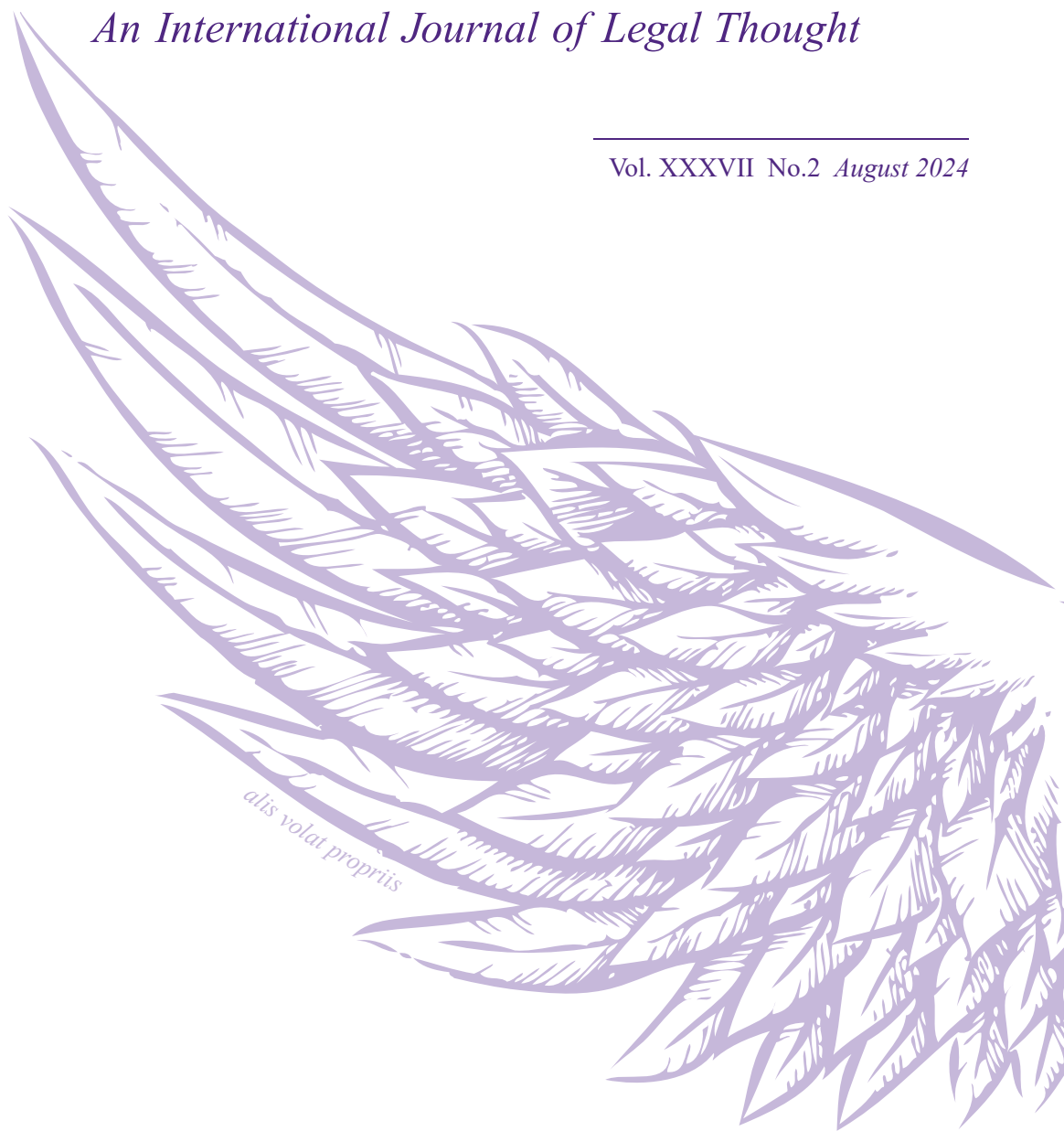
---

# The Canadian Journal of Law & Jurisprudence

*An International Journal of Legal Thought*

---

Vol. XXXVII No.2 August 2024



Western  Law

CAMBRIDGE  
UNIVERSITY PRESS

## Statement of Purpose

The *Canadian Journal of Law & Jurisprudence* serves as a forum for special and general jurisprudence and legal philosophy. It publishes articles that address the nature of law, that engage in philosophical analysis or criticism of legal doctrine, that examine the form and nature of legal or judicial reasoning, that investigate issues concerning the ethical aspects of legal practice, and that study (from a philosophical perspective) concrete legal issues facing contemporary society. The journal does not use case notes, nor does it publish articles focussing on issues particular to the laws of a single nation.

## Editorial Board

### **Editors**

Margaret Martin  
Zoë Sinel

### **Production Editor**

Sylvia Squair

### **Student Editors**

Daya Gill  
Alain Grenier  
Raza Husnain  
Eric Lee  
Thidas Senanayaka  
Maja Soltysiak

### **Founding Editor**

Richard Bronaugh

### **Consulting Editors**

Andrew Botterell  
Alan Brudner  
Bruce Chapman  
David Dyzenhaus  
Christopher Essert  
Leslie Green  
Barry Hoffmaster  
Charles Jones  
Dennis Klimchuk  
Joanna Langille

Michael Milde  
Jennifer Nadler  
Jason Neyers  
Dennis M. Patterson  
Dan Priel  
Denise Réaume  
Arthur Ripstein  
Wayne Sumner  
Richard Vernon  
Wil Waluchow  
Grégoire C. N. Webber

**Cover:** The motto of this Journal is *alis volat propriis*. What this motto says is that we fly on our own wings. What it has meant was our being not only self-sustaining, but also going wide with regard to what we view as jurisprudentially attractive and worthwhile as philosophical discovery. The people at Cambridge University Press observed that *CJLJ* has been a successful journal in the field of legal philosophy and they wanted in on the flight. Our prospects have opened and our wings will spread.

Beginning with Volume 28 the *Canadian Journal of Law & Jurisprudence* has been published jointly by Cambridge University Press and the Faculty of Law, Western University.

The journal is included in the Cambridge Core service and can be found at [cambridge.org/cjlj](http://cambridge.org/cjlj).

ISSN: 0841-8209

E-ISSN: 2056-4260

© *Canadian Journal of Law & Jurisprudence* 2025



Applies to text only

TABLE OF CONTENTS

William Hamilton Byrne and Henrik Palmer Olsen	Doctrinal Legal Science: A Science of Its Own?.....343
Amin Ebrahimi Afrouzi	John Robots, Thurgood Martian, and the Syntax Monster: A New Argument Against AI Judges.....369
C. Ignacio Giuffré	The Coming of Age of Deliberative Constitutionalism.....397
Marc Goëtzmann	The Liberal Case for Community Land Trusts.....427
Kenneth Einar Himma	The Practical Otiosity of Exclusionary Reasons .....457
Tom Kohavi	Moral Pluralism and Constitutional Horizontality .....475
Lee McConnell	When Is it Right to Speak of Animal Rights? .....507
Michael Pal	Democracy and the Notwithstanding Clause.....545
David Tan	Defending Aggregated Legislative Intent.....571
<i>Essay</i>	
Shane D. Drefcinski	Necessary Truths and St. Thomas Aquinas’ Definition of ‘Law’ .....601
<i>Critical Notice</i>	
Sagi Peari	Should No Further Books Be Written on the Law of Unjust Enrichment? .....619
<i>Book Review</i>	
Manish Oza	<i>Freedom Under the Private Law</i> by Allan Beever .....639
<i>Erratum</i>	
Aaron Graham	<i>The Standard Picture and Statutory Interpretation – ERRATUM</i> .....645

*alis volat propriis*