
The Canadian Journal of Law & Jurisprudence

An International Journal of Legal Thought

Vol. XXXVII No.1 February 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

Brooke Granovsky
Eric Lee
Thidas Senanayaka
Emily Vaillancourt
Natalie Workewych

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.

ISSN: 0841-8209
E-ISSN: 2056-4260

© *Canadian Journal of Law & Jurisprudence* 2024



Applies to text only

TABLE OF CONTENTS

| | |
|--|---|
| Gabriel Costa Val Rodrigues | Human Rights, Interpretivism, and the Semantic Sting 1 |
| Leora Dahan Katz and Adi Libson | The Impact of the Size of Bribes on Criminal Sanctions: An Integrated Philosophical and Economic Analysis 31 |
| Alma Diamond | Shadows or Forgeries? Explaining Legal Normativity 47 |
| Nathan Gibbs | The Foundations of Constitutional Democracy: The Kelsen-Natural Law Controversy 79 |
| Maricarmen Jenkins | Defending Dworkin's One-System Anti-Positivism 109 |
| Alexander Loehndorf | Rights Talk and Constitutional Emotivism 133 |
| Avital Margalit and Shai Stern | The Property Right to Voice 167 |
| Francesco Parisi, Ariel Porat and Brian H. Bix | Opportunistic Breach of Contract 199 |
| Philip Petrov | The Physical-Emotional Distinction in Tort 231 |
| Irina Sakharova | The Power to Contract and the Offer-and-Acceptance Analysis of Contract Formation 261 |
| Richard Stacey | Public Law's Cerberus: A Three-Headed Approach to Charter Rights-Limiting Administrative Decisions 287 |
| <i>Book Review</i> Alan Brudner | The Rise and Fall of Private Law 323 |

alis volat propriis