The Canadian Journal of Law & Jurisprudence

An International Journal of Legal Thought

Vol. XXXVII No.2 August 2024



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 Founding Editor Michael Milde Jennifer Nadler Richard Bronaugh Margaret Martin Jason Neyers Zoë Sinel **Consulting Editors** Dennis M. Patterson Andrew Botterell Production Editor Dan Priel Alan Brudner Svlvia Squair Denise Réaume Bruce Chapman Arthur Ripstein Student Editors David Dyzenhaus Wayne Sumner Christopher Essert Dava Gill Richard Vernon Leslie Green Alain Grenier Wil Waluchow Barry Hoffmaster Raza Husnain Grégoire C. N. Webber Charles Jones Eric Lee Dennis Klimchuk Thidas Senanayaka Joanna Langille Maja Soltysiak

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 2025



Applies to text only

The Canadian Journal of Law & Jurisprudence

Vol. XXXVII No.2 August 2024

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
Essay		
Shane D. Drefcinski	Necessary Truths and St. Thomas Aquinas' Definition of 'Law'	601
Critical Notice		
Sagi Peari	Should No Further Books Be Written on the Law of Unjust Enrichment?	619
Book Review		
Manish Oza	Freedom Under the Private Law by Allan Beever	639
Erratum		
Aaron Graham	The Standard Picture and Statutory Interpretation – ERRATUM	645

alis volat propriis



CAMBRIDGE UNIVERSITY PRESS