

EDITORIAL: LAW AND ECONOMICS

The Journal Jurisprudence, as an idea, was born nearly two years ago, when I felt that jurisprudence, as a discipline, was dying a slow death. With our first issue, last September, I came to know that jurisprudence does have a following, and quite a loyal one at that. With time and effort, the celebrity of our journal has grown, with that an affirmation of the life and strength of our discipline.

After the success of our first edition, we have gained new publication and distribution avenues. I am pleased to welcome the many subscribers who have committed to ensuring the journal's long term viability. Furthermore, William S. Hein & Co. Inc. will be carrying *Jurisprudence* in their electronic database, HeinOnline.

The major news, I am pleased to report, is the decision of our publishers, the Elias Clark Group, to increasing the number of issues per year from two to four. Instead of a bi-annual edition, *Jurisprudence* will now be published four times per year. In a nod to the anglophiles among us, these four issues will coincide with the four terms of the legal year – Hillary (February), Easter (May), Trinity (August) and Michaelmas (November).

This move is a vote of confidence in the Journal and a reflection of the vast amount of submission we have received. Every day, I wake up to an inbox filled with wonderful new jurisprudential insights, interest from the far ends of the world and the comradery of legal philosophers of many persuasions. In one day this February, we received eight submissions and we have generally averaged one or two per day, which is extraordinary for a journal which originally aimed to publish only six articles per year.

This is an overwhelming expression of faith in legal philosophy and I deeply enjoy reading each submission. With our expanded number of annual editions, we will be able to accommodate even more opinions, insights and original research.

In this edition, we are pleased to publish four dynamic articles on the topic of "Jurisprudence and Economics." In setting the theme many months ago, I worried that it was too specific. In fact, it may be too broad – the richness and depth of economist working in law and legal philosophers dabbling in economics is genuinely unbelievable.

Mr Benjamin Taibleson of Yale University, a young scholar of obviously great potential, writes on the topic of *Archaic Criminal Codes and Penitential Indulgences*. One does not think of theology giving insight into jurisprudence and

economics, but we must remember that the roots of civil law are in canon law, at least in western, particularly English, jurisdictions. Mr Taibleson is an able and original scholar, and *The Journal Jurisprudence* is pleased to publish his work.

Dr.Jur. Eric Engle of Harvard University, who published in the inaugural edition of *Jurisprudence*, delivers a commanding critique of the Law and Economics school in his article *Law and Economics: Theoretical Puffery, Exaggerated Claims and Counterfactual Models*. Dr Engle is a scholar of command stature and one is inclined to remember *Law as Lex vs Ius* (2008 J. Juris 31) and realise that he is diligently critiquing modern legal methods. Engle's challenge to typical jurisprudential rationales is the foundation of his development of original and substantial theory.

In contrast to the challenge posed by Dr Engle, Professor Nicholas Mercurio of Michigan State University's James Madison College gives an authoritative history of the Law and Economics (L&E) movement. He walks us through the history and evolution of L&E and foregrounds the void created by legal realism. It is a pleasure to publish *The Jurisprudential Niche Occupied by Law and Economics*, a paper of diligent scholarship that, I am certain, will be of importance to scholars for years to come.

Finally, Dr Martin Gramatikov of Tilburg University forges a new path in the study of jurisprudence and economics. He uses the one-two punch of intelligible language and excellent research to illustrate the impediments to justice experienced by so many. I am certain that his insights will be of great importance, not only to legal scholars, but also to courts and to practitioners. Lawyers, through little fault of their own, often forget that many obstacles lie in the path to justice for many people, particularly the poor. Dr Gramatikov's article proposes a framework for measuring these costs and foregrounds issues that are easily forgotten in the world of six-minute billing increments. *The Journal Jurisprudence* is honoured to publish such a meaningful and important work as *A Framework for Measuring the Costs of Paths to Justice*.

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