

## BOOK REVIEWS

*Research Handbook on Legal Evolution* by WOJCIECH ZALUSKI, SACHA BOURGEOIS-GIRONDE and ADAM DYRDA (eds) [Edward Elgar Publishing Limited, Cheltenham, 2024, ISBN: 978-1-80392-1815, 514pp, £230, h/bk]

Influenced by Darwin's theories, this book offers a deep dive into the concept of legal evolution. It examines how legal thought and doctrine evolve over time, seeking to uncover the mechanisms behind these changes. It expands on the idea that law is dynamic, drawing from economics, sociology and biology to construct explanatory theories. It also explores the impact of evolutionary theory on legal philosophy, suggesting it can deepen our understanding of legal concepts and their historical context. Positioning itself as a contribution to ongoing scholarly discussions, the book encourages further exploration in the field, focusing on theoretical and historical analysis, and the evolution of legal and philosophical doctrines.

The interplay between legal studies and evolutionary theory is explored from various angles in Part One of this work. Robert Audi begins by scrutinizing legal naturalism, questioning whether the normative essence of law can withstand scientific naturalization, setting the tone for understanding the complex relationship between law, morality and science. Wojciech Załuski then offers a nuanced view of how evolutionary theory can enhance legal analysis within appropriate limits. Jaap Hage outlines the criteria for a valid evolutionary explanation of legal phenomena, emphasizing the necessity of a solid theoretical foundation. Pauline Westerman then shifts the focus to evolutionary mechanisms that influence the development of deontic units, encompassing legal systems, regulations and social norms. Lastly, Adam Dyrda cautions against confusing Charles Darwin's original ideas with broader interpretations of Darwinian thought.

Part Two considers the mechanisms and patterns of legal change and is divided into three sections. The first examines general issues impacting legal evolution. James M. Donovan presents a fairness-oriented perspective, while John J. Coughlin explores the co-evolution of secular and religious law. Wojciech Załuski supports the notion of moral progress in law and proposes its logic can be elucidated by biological evolutionary theory. Julieta A. Rabanos proposes an evolutionary theory for the development of legal systems.

Section Two of Part Two tackles specific legal institutions and branches. Franciszek Longchamps de Bérier highlights the enduring relevance of Roman law, while Miodrag Jovanović delves into the evolutionary paradigms of international law. The evolution of contracts is examined by Szymon Osmola and Wojciech Ciszewski explores the transformation of marriage. The development of a legal concern for animal welfare (and non-human entities) is discussed by Tomasz Pietrzykowski, while Sacha Bourgeois-Gironde

discusses the novel trend of granting rights and legal personhood to natural entities. Collectively, these scholars underscore the capacity of the law to evolve and adapt to maintain its relevance.

The final section of Part Two addresses the principles relevant to the evolution of law. It includes in-depth discussions on the evolution of political freedom, the intricacies of the separation of powers, the interplay between emotions and constitutional development, the rationale behind punishment, social standing in legal contexts and the transformation of testimony practices. The section thoroughly examines how these principles have been adapted and reinterpreted in response to societal changes and legal advancements.

Part Three considers legal theory through an evolutionary lens. David Duarte begins the discussion with an analysis of the problem of legal norm individuation. Bojan Spaić then advocates for an evolutionary and responsive approach to legal interpretation. Adam Dyrda applies Charles S. Peirce's semiotic theory to the jurisprudential analysis of legal concepts. Finally, Pedro Moniz Lopes and Raquel Franco integrate evolutionary anthropology and neuroscience into their analysis of legal adjudication. The interdisciplinary approach of this part highlights the interplay between theory, interpretation and the biological and psychological underpinnings of legal practice.

The final part explores the evolution of legal–philosophical doctrines. Jonathan Crowe considers the mechanisms behind the evolution of natural law, and Patricia Mindus offers a detailed analysis of the transformation of legal positivism. Torben Spaak investigates the evolution of Scandinavian legal realism, while Luca Malagoli presents an interpretation of Oliver W. Holmes's jurisprudence through pragmatic evolutionism. Péter Cserne provides a broad overview of the evolution of law and economics, and the evolution of care ethics is examined by Alessandro Serpe.

The book has several notable strengths. The main contribution it makes is in addressing the complex relationship between law and morality, and the potential for a legal system to embody moral progress. It delves into the philosophical debates surrounding the naturalization of law, the use of evolutionary biology in legal analysis, and the co-evolution of legal institutions with societal norms. In doing so, it opens up avenues for research and discussion on the role of law in promoting social values and the ethical dimensions of legal change.

The interdisciplinary approach, drawing from various fields such as biology, sociology and philosophy, not only enriches the discourse but also caters to a diverse academic audience. The originality of the contributions also helps to provide fresh insights and moves the discussion beyond mere summation, presenting novel thought that advances the field. The focus on original research ensures that the handbook is a relevant and dynamic resource for scholars.

While the book is rich in content, it assumes a level of prior knowledge that might not be accessible to all readers. Enhancing the introductory sections to provide a more gradual entry point for those new to the field could broaden its appeal and accessibility. Despite this, the book makes a substantial contribution to the field of legal studies. It challenges traditional narratives, promotes interdisciplinary dialogue and provides a platform for diverse scholarly voices. It is an invaluable resource for legal scholars, philosophers, sociologists and advanced students interested in the evolution of legal systems and the philosophical underpinnings of law.

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*Collective Self-Defence in International Law* by JAMES A. GREEN [Cambridge University Press, Cambridge, 2024, ISBN: 978-1009406383, 386pp, £105 (h/bk)]

This book provides a comprehensive analysis of collective self-defence in international law, a topic which the book's author claims has garnered limited attention. Indeed, previous scholarship on the broader topic, such as the *Oxford Handbook on the Use of Force in International Law* (2016), contains no chapter on collective self-defence, and existing literature on collective self-defence focuses on specific aspects of the concept rather than engaging with it holistically. This book aims to address the fundamental questions on the content of the right based on a detailed examination of the existing jurisprudence. In the eight chapters, the author raises seminal questions on collective defence and provides responses through a solid theoretical underpinning and based on State practice and the International Court of Justice's (ICJ) observations in the *Nicaragua* case which laid the foundation for collective self-defence.

The analysis seeks to challenge assertions concerning the limited usage of collective self-defence and its historical links. Chapter 1 seeks to delineate the notion of collective self-defence in international law and examines whether it is an inherent right before considering what constitutes an act of self-defence, including whether lesser forms of support such as providing weapons or logistical support trigger collective self-defence. Chapter 2 probes the origins of collective self-defence prior to 1945, examining how they contributed to the modern concept of collective self-defence which has now attained customary status.

The subsequent chapters examine the legal requirements for the exercise of collective self-defence. Chapter 3 outlines the criteria for exercising collective self-defence, which are shared with the individual right of self-defence, before examining how the criteria operate specifically in the context of collective self-

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