

ROUNDTABLE WITH IVR BOOK PRIZE WINNER

Brian Z. Tamanaha, *A Realistic Theory of Law* (Cambridge, 2017)

Wednesday 10 July, 18.00-19.00, HS 10

This book articulates an empirically grounded theory of law applicable throughout history and across different societies. Unlike natural law theory or analytical jurisprudence, which are narrow, abstract, ahistorical, and detached from society, Tamanaha's theory presents a holistic vision of law within society, evolving in connection with social, cultural, economic, political, ecological, and technological factors. He revives a largely forgotten theoretical perspective on law that runs from Montesquieu through the legal realists to the present. This book explains why the classic question 'what is law?' has never been resolved, and casts doubt on theorists' claims about necessary and universal truths about law. This book develops a theory of law as a social institution with varying forms and functions, tracing law from hunter-gatherer societies to the modern state and beyond. Tamanaha's theory accounts for social influences on law, legal influences on society, law and domination, multifunctional governmental uses of law, legal pluralism, international law, and other legal aspects largely overlooked in jurisprudence.



Professor **Brian Z. Tamanaha** is a renowned jurisprudence and law and society scholar, and the author of nine books and over fifty articles and book chapters. His latest book is *A Realistic Theory of Law* (2017), which received an Honorable Mention for the 2018 Prose Awards. Four of his books have received book awards, including *A General Jurisprudence of Law and Society* (2001), which won a prize in law and society and a legal theory prize (with award of \$50,000 AUS). *On the Rule of Law* (2004) has been translated into eight languages, and altogether his publications have been translated into eleven languages. He has delivered eight named lectures at

home and abroad, including the Kobe Memorial Lecture in Tokyo, the Julius Stone Address in Sydney, the Cotterrell Lecture in London, and the Montesquieu Lecture in Tilburg. He spent a year in residence as a Member of the Institute for Advanced Study in Princeton, where he wrote *Beyond the Formalist-Realist Divide* (2010). His work has been the subject of four published symposia, and his books have been reviewed in many venues, including the *Harvard Law Review*, *Michigan Law Review*, *Cambridge Law Journal*, *Law and Society Review*, *Law and History Review*, *American Ethnologist*, *Legal Theory*, and *Washington Post*.

Photo: Lorenzo Ciniglio