

## CORRESPONDENCE

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### "JURISPRUDE" AND THE LAW OF PARTNERSHIP

TO THE EDITOR:

Anyone who can be excited by the publication of a casebook on partnership—the first book on the subject since 1966!—is capable of anything.<sup>1</sup> Anyone who can sustain this excitement after conceding that “. . . there has not been any particularly noteworthy development in the field of partnership law”<sup>2</sup> should be closely watched. When we find the reviewer impatiently looking forward to yet another book on the same subject “. . . it cannot be too soon in coming . . .”<sup>3</sup> the reader begins to doubt his own sanity.

While Mr. Cheung's peculiar enthusiasms are his own business, I hope we are all entitled to resist his assault on the English language. I refer to his uncritical importation of yet another verbal horror coined—where else—in the United States.<sup>4</sup> I should have thought it quite good enough to refer to a scholar in the field of jurisprudence as a “jurist”, or even a “lawyer”.

However, such plain words are not good enough for Karl Llewellyn, whoever he is. Llewellyn, according to Mr. Cheung, has decided that we need “jurisprude”. Clearly, something should be done about this fellow Llewellyn, and we can only hope that there is someone in the United States who will assert jurisdiction.

I hope we in Canada have not become so besotted with the idea of bilingualism that we no longer care about good old-fashioned English. The functional illiteracy among the graduates of our law schools already vexes those of us who employ and train them for practice. It is doubly irritating when law teachers mishandle the tools of our craft.

I hope, Sir, that you will exercise your editorial prerogatives

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<sup>1</sup> K. W. Cheung, reviewing *Casebook on Partnership*, by E. R. Hardy Ivamy (1971), 49 *Can. Bar Rev.* 642, at p. 645.

<sup>2</sup> *Ibid.*, at p. 645.

<sup>3</sup> *Ibid.*

<sup>4</sup> K. W. Cheung, reviewing *The Criminal Liability of Corporations in English Law*, by J. H. Leigh (1971), 49 *Can. Bar Rev.* 646, footnotes 13 and 25, and also text, at p. 650.

more vigorously in future, even against eminent Winnipeg academics. In particular, I hope you will viciously blue-pencil "jurisprude", whenever it appears.

ROBERT W. V. DICKERSON\*

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#### TO THE EDITOR:

Thank you very much for forwarding to me a copy of the letter addressed to you by Mr. Robert W. V. Dickerson dated January 6th, 1972.

Noting that the comments emanated from a man of Mr. Dickerson's eminence, I feel constrained to address myself to the various points raised in his letter. Having recently read Mr. Dickerson's "Proposals for a New Business Corporations Law for Canada",<sup>1</sup> I can perhaps appreciate Mr. Dickerson's temporary lapse of interest in the other important aspects of business organization. However, for my own part not only am I extremely interested in the proposals made by Mr. Dickerson's Committee but also, so far as partnership law is concerned, I regret that I have to point out to Mr. Dickerson that *Ivamy's Casebook on Partnership* was merely the *hors-d'oeuvre*. The appetizer is the new ninth edition of *Underhill's Law of Partnership* edited by George Hesketh<sup>2</sup> and the main course will be the thirteenth edition of *Lindley on Partnership*.<sup>3</sup> First not only is my excitement sustained but indeed it might be apt to say that I find it difficult to contain myself in my present state of sheer ecstasy arising out of the recent amassing of literature on partnership law.

Furthermore, I am obliged to decline all credit so far as my alleged assault on the English language is concerned. As I pointed out in my review the word "jurisprude" was coined by the late Karl Llewellyn and it would appear that at the moment there is no person or state on this earth who or which can assert jurisdiction over Mr. Llewellyn. I do, however, concur most completely with Mr. Dickerson as to what he describes as the "functional illiteracy among the graduates of our law schools" and I can only add that I am no less vexed than he is. On the other hand, I feel that bilingualism has nothing to do with this manifestation which appears to have its roots with the so-called new methods of instruction in the early stages of education. I can assure Mr. Dickerson that my colleagues and I do attempt our best to give what remedial aid as is possible.

\* Robert W. V. Dickerson, of the British Columbia Bar, Vancouver.

<sup>1</sup> Information Canada 1971.

<sup>2</sup> (1971).

<sup>3</sup> (1971).

Finally, in an attempt to resolve what appears to have provoked Mr. Dickerson's ire I am most willing that on any future occasion where I should use the word "jurisprude" in any of my publications, Mr. Dickerson has my full leave and licence to substitute therefor the words "legal philosopher". I regret that I find the suggested alternatives "jurist" and "lawyer" as being unacceptable and inappropriate substitutes inasmuch as neither communicates the inherent meaning of the word "jurisprude". In conclusion may I add the comment that "good old-fashioned English" as described by Mr. Dickerson should not mean that the vocabulary as such is stulified but should mean that words whether they be of ancient or recent vintage should be used in a meaningful manner, in proper context, and ably arranged to form what might be described as poetry in prose.

I should like also to take this opportunity of congratulating Mr. Dickerson on a most lucidly written and well documented proposal for reforming of the Federal Companies Act,<sup>4</sup> even if it is true that I do not agree with all the proposals contained therein.

K. W. CHEUNG\*

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<sup>4</sup>R.S.C., 1970, c. C-32.

\* K. W. Cheung, of the Faculty of Law, University of Manitoba, Winnipeg.