

Cambridge

Now in paperback

The Science of a Legislator

The Natural Jurisprudence of David Hume and Adam Smith
KNUD HAAKONSEN

'This excellent book is aimed, in a sense, at completing the last great work which Adam Smith projected . . . As well as making a first-class contribution to Smith studies, this book is in its own right an important statement in legal and political philosophy.'

Political Studies

£9.95 net Pb 0 521 37625 4 240 pp.

The Province of Legislation Determined

Legal Theory in Eighteenth-Century Britain

DAVID LIEBERMAN

It has been nearly a century since the appearance of the last comprehensive account of eighteenth-century English legal thought. David Lieberman's bold new synthesis, with its ambitious reinterpretation of historical attitudes towards social change and law reform, is a welcome change to the traditional literature.

£30.00 net Hb 0 521 24592 3 328 pp.

Ideas in Context

Published with the support of the Exxon Education Foundation

Readings in the Economics of Contract Law

Edited by **VICTOR P. GOLDBERG**

Economic analysis is being applied by scholars to an increasing range of legal problems. This collection brings together many of the main contributions to this expanding area of study.

£30.00 net Hb 0 521 34120 5 264 pp.

Moral Vision in Professional Life

The Changing Values of Women and Men Lawyers

RAND JACK and **DANA CROWLEY JACK**

What is the relationship between gender and patterns of moral thinking? How does personal morality affect public professional responsibility? Is the legal system responding to social changes in public ethics and in women's roles? The authors, a lawyer and a developmental psychologist, shed new light on these fundamental issues.

£25.00 net Hb 0 521 37161 9 224 pp.



Cambridge
University Press

The Edinburgh Building, Cambridge CB2 2RU, UK.

NOTES FOR CONTRIBUTORS

Communications concerning articles should be addressed to the Editor, Mr. C. C. Turpin, Clare College, Cambridge CB2 1TL; those concerning notes to Mr. J. G. Collier, Trinity Hall, Cambridge CB2 1TJ.

Books for review should be sent to the Cambridge Law Journal, Squire Law Library, The Old Schools, Cambridge.

Notes for Contributors are reproduced in Part 1 of the journal annually (see pp. 184–186 of this issue). Copies are available from the Editor at the above address. Prospective contributors are urged to observe the guidelines carefully.

Copying. This journal is registered with the Copyright Clearance Center, 27 Congress Street, Salem, MA 01970. Organisations in the USA who are also registered with CCC may therefore copy material (beyond the limits permitted by sections 107 and 108 of US Copyright law) subject to payment to CCC of the per-copy fee of \$5.00. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0008–1973/89/5/\$5.00 + .00.

ISI Tear Sheet Service, 3501 Market Street, Philadelphia, PA 19104, USA, is authorised to supply single copies of separate articles for private use only.

For all other use, permission should be sought from Cambridge or the American Branch of Cambridge University Press.

BOOK REVIEWS—continued from p. 4 of cover

| | | | |
|--|-----|--|-----|
| DE ZAYAS, ALFRED M.: The Wehrmacht War Crimes Bureau, 1939–1945 | 148 | MCNEIL, KENT: Common Law Aboriginal Title | 169 |
| EVANS, MALCOLM D.: Relevant Circumstances and Maritime Delimitation | 171 | MERRILLS, J.G.: The Development of International Law by the European Court of Human Rights | 162 |
| FRIER, BRUCE N.: A Casebook on the Roman Law of Delict | 157 | PETTINATI, HELEN M. (ed.): Hypnosis and Memory | 177 |
| GLENDON, MARY ANN: The Transformation of Family Law: State, Law and Family in the United States and Western Europe | 155 | RUBIN, GERRY R.: War, Law and Labour: The Munitions Acts, State Regulation and the Unions, 1915–1921 | 150 |
| GOODE, R.M.: Consumer Credit Law | 166 | SPENCER, J.R. (ed.): Jackson's Machinery of Justice | 141 |
| GOYDER, D.G.: EEC Competition Law | 168 | VICUÑA, FRANCISCO ORREGO: The Exclusive Economic Zone. Regime and legal nature under international law | 172 |
| HARDING, A.J.: Public Duties and Public Law | 158 | WILSON, HEATHER A.: International Law and the Use of Force by National Liberation Movements | 174 |
| HARRIS, DONALD & TALLON, DENIS (eds.): Contract Law Today. Anglo-French Comparisons | 152 | | |
| LIEBERMAN, DAVID: The Province of Legislation Determined. Legal Theory in Eighteenth-Century Britain | 165 | | |
| LEWELLYN, KARL: The Case Law System in America | 179 | | |

THE CAMBRIDGE LAW JOURNAL

March 1990

CASE AND COMMENT

| | | | |
|---|----|--|----|
| Contempt of court—House of Lords | 1 | Tort and privity of contract | 21 |
| Judicial review—child abuse | 4 | Title—adverse possession | 23 |
| Accessory to murder—mens rea | 6 | Constructive trust—cohabitants | 25 |
| International organisations—Tin Council | 8 | Employment—injunctions and pay | 28 |
| Promissory estoppel—extinguishment of obligation | 13 | Taxation—partnerships | 32 |
| Void contracts—restitution | 15 | Children Act 1989 | 33 |
| Contract and trust—gaming | 17 | Stay of proceedings— <i>forum non conveniens</i> | 37 |
| | | Service abroad—standard of proof | 39 |
| | | Pleadings—the law of the case | 41 |

ARTICLES

| | |
|---|-----|
| Evasion of Law and Mandatory Rules in Private International Law: J. J. FAWCETT | 44 |
| Why Conventionalism Does Not Collapse into Pragmatism: N.E. SIMMONDS | 63 |
| Discretion and Security: Excluding Evidence under Section 78(1) of the Police and Criminal Evidence Act 1984: C.J.W. ALLEN | 80 |
| The Writs of Dower and Chapter 49 of Westminster I: JOSEPH BIANCALANA | 91 |
| Common Law Marriage: PETER LUCAS | 117 |

BOOK REVIEWS

| | | | |
|---|-----|---|-----|
| CHOWDHURY, SUBRATA ROY: Rule of Law in a State of Emergency. The Paris Minimum Standards of Human Rights Norms in a State of Emergency | 160 | COTTERRELL, ROGER: The Politics of Jurispru- dence: A Critical Introduction to Legal Philosophy | 163 |
| COCKBURN, J.S. & GREEN, THOMAS A. (eds.): Twelve Good Men and True. The Crimi- nal Trial Jury in England, 1200–1800 | 145 | DETMOLD, M.J.: Courts and Administrators, A Study in Jurisprudence | 135 |
| | | DEWAR, JOHN: Law and the Family | 178 |

[continued on p. 3 of cover]

© The Cambridge Law Journal and Contributors, 1990
CAMBRIDGE UNIVERSITY PRESS

The Pitt Building, Trumpington Street, Cambridge CB2 1RP
40 West 20th Street, New York, NY 10011, USA
10 Stamford Road, Oakleigh, Melbourne 3166, Australia