

The fourteenth volume of *Current Legal Problems* maintains the pattern of the first thirteen. With but two exceptions—those of Mr. Justice Salmon and Dr. Stoljar—all the articles are by members of the Law Department of University College, London. Despite its title and despite the fact that it is published annually between hardboards, *Current Legal Problems* is essentially a law review (or at least the article section of a law review). The articles do not differ in nature from those appearing in more orthodox law reviews, and most of them would undoubtedly so appear if *Current Legal Problems* were not published. One is inclined to wonder, therefore, what is the justification for preceding publication of these articles by oral delivery as lectures. The formal lecture started to become obsolescent when Caxton introduced printing. One would have thought that by now publication was the necessary and sufficient means for the communication of ideas. However this is a matter for University College rather than for a reviewer whose only concern is with the published volume.

Very few of the articles are concerned with legal problems that are in any way particularly current. Professor Powell has the courage to admit this in relation to his article on “Frustration of a Promise to Marry”. It is, however, none the worse for this. It is in fact one of the more interesting pieces in the volume, although your reviewer was disappointed that Professor Powell did not take the opportunity of discussing the *pre-Hall v. Wright* cases, for, despite his assertion that: “When *Hall v. Wright* came before the courts in the middle of last century there was relatively little authority on the subject”, the fact is that there are some eight *pre-Hall v. Wright* cases in the reports and their analysis helps to place *Hall v. Wright* in a better perspective.

Those authors who are less courageous than Professor Powell tend to spend much time and space demonstrating that the problem of their choice really is current.

The strangest contribution is undoubtedly that of Mr. Hargrove who in eighteen pages attempts to dispose of “Religious Factors in Family and Welfare Law”. His field is so vast that his treatment is necessarily superficial. It appears to be a plea for the sanctions of the law to be placed behind religion. Thus one of his proposals is that:

a person who fails to provide Christian religious instruction (or non-Christian religious instruction where both parents belong to a particular non-Christian faith) to children up to school leaving age would be deemed to have neglected the children, and in fact the children would be deemed to be in need of care and protection.

One wonders whether rationalism, materialism, agnosticism or atheism qualify as “non-Christian faiths”. If they do not then the proposal would discriminate against those who have no religious faith: if they do then the proposal is meaningless.

The one really outstanding contribution is Dr. Stoljar's paper on "More Thinking on Law and Morals". This is a most stimulating contribution to the current debate on the subject. Your reviewer, however, has difficulty in accepting Dr. Stoljar's dismissal of "legal morality". He states:

One will observe that my whole argument, as indeed the whole positivist case, rests on a notion of the law as it is, of law existing here and now.

It is submitted that the distinction between law as it is and law as it should be cannot be stated with the precision and clarity that is assumed by the positivists. It is your reviewer's submission that the assumption that this distinction can be made with clarity is the essential weakness of the positivists' position.

The other contributions are mainly expository in nature. Both Mr. Justice Salmon and Mr. Prevezer discuss *Smith's* case, the former as part of his address to the Bentham Club entitled "The Criminal Law Relating to Intent" and the latter under the heading "Recent Developments in the Law of Murder". Professor Lloyd uses *Sim v. Heinz* as a peg upon which to hang his reflections on "The Recognition of New Rights". Professor Ryder, delivering his Inaugural Lecture, reflects on the "Construction of Wills" whilst Mr. Waters discusses "Constructive Trusts". Mr. Scamell investigates the "Legal Aspects of Flat Schemes" whilst Dr. Webber considers the influence of Scots cases on recent English decisions. Dr. Schwarzenberger re-prints his paper on "The Abs-Shawcross Draft Convention on Investments Abroad" which had earlier been published in *Public Law* whilst Dr. Cheng reflects on "The United Nations and Outer Space". Finally, Mr. Millner examines "Apartheid and the South African Courts".

The volume is, as usual, an interesting volume although the standard is necessarily uneven. One could wish, however, that in a collection of articles appearing under the rubric "Current Legal Problems" the contributors would be a little more adventurous both in their choice of topic and their treatment of it.