A.W.B. Simpson: a bibliography

compiled by Jules Winterton

This is a bibliography of the published works of Alfred William Brian Simpson listed in various bibliographies, library catalogues and indexing services from the early 1950s until about February 1999. The breadth of his interests has necessitated a wide search. An attempt has been made to be comprehensive but such attempts inevitably do not succeed and the compiler will be glad to receive a note of any works omitted.

The works are arranged as far as possible by date of publication from earliest to most recent within four sections: books, articles and book contributions, book reviews, and selected newspaper items. I hope this arrangement may be appropriate in a work celebrating a scholar’s work over his career and give some insight into the development of his interests. For those who would like to trace particular works, there are an alphabetical list by title, a simple subject index, and a list of books reviewed at the end of the bibliography. Each work in the bibliography has a number and the lists and indexes refer to those numbers.

A work is listed each time it was published. The title index can be used to trace all instances of publication of a work under a single title. If a work was explicitly published in revised form under a different title, a note is provided.

The bibliography is of works written by Professor Simpson but not works about him. It would have been almost impossible to include, for example, the vast number of reviews of his works. There are a few exceptions: some articles are mentioned in notes where they were written in reply to his articles and a few newspaper items are included where they mention him by name. Reports of official committees on which he sat are also included.

I should like to acknowledge the assistance of Professor David Sugarman and Paul Norman, Senior Reference Librarian at the Institute of Advanced Legal Studies, as well as Professor Simpson himself.

Books

(1) An introduction to the history of the land law.
xx, 276 p.; 22cm

(2) Oxford essays in jurisprudence: second series.
x, 306 p. 23 cm.


ISBN: 0 907628 83 4
NOTES: Includes bibliographical references and index. “Collection of 16 essays originally published between 1957 and 1981 and one previously unpublished essay.” Contents:
(b) ‘The early constitution of the Inns of Court’, p.17-32;
(c) ‘The early constitution of Gray’s Inn’, p.33-52;
(d) ‘The circulation of Yearbooks in the fifteenth century’, p.53-66;
(e) ‘The source and function of the later Year Books’, p.67-91;
(f) ‘The introduction of the action on the case for conversion’, p.93-109;
(g) ‘The penal bond with conditional defeasance’, p.111-141;
(h) ‘Entails and perpetuities’, p.143-162;
(l) ‘The rise and fall of the legal treatise: legal principles and the forms of legal literature’, p.273-320;
(m) ‘Contract: the twitching corpse’, p.321-333;
(n) ‘The analysis of legal concepts’, p.335-358;
(o) ‘The common law and legal theory’, p.359-382;
(p) ‘The survival of the common law system’, p.383-402;

33 p.; 23 cm

(Invitation series) 227 p.; 22 cm.
ISBN: 0 631 14537 0; 0 631 14538 9 (paperback)
NOTES: Includes index.

NOTES: Includes bibliographical references (p. [436]-442) and index


(a) ‘The study of cases’, p.1-12;
(b) ‘Politics and law in Elizabethan England: Shelley’s Case (1581)’, p.13-44;
(c) ‘The timeless principles of the common law: Keeble v. Hickeringill (1707)’, p.45-75;
(d) ‘Legal science and legal absurdity: Jee v. Audley (1787)’, p.76-99;
(e) ‘A case of first impression: Priestley v. Fowler (1837)’, p.101-134;
(f) ‘The beauty of obscurity: Raffles v. Wichelhaus and Busch (1864)’, p.135-162;
(g) ‘Victorian judges and the problem of social cost: Tipping v. St. Helen’s Smelting Company (1865)’, p.163-194;
(h) ‘Bursting reservoirs and Victorian tort law: Rylands and Horrocks v. Fletcher (1868)’, p.195-226;
(i) ‘The ideal of the rule of law: Regina v. Keyn (1876)’, p.227-258;
“Three of the chapters in this book are based upon articles which have previously appeared in legal journals. I have made some modifications to enhance readability. These include reducing the bulk of footnotes; those who need fuller documentation can use the original versions.” Chapter 6 [‘The beauty of obscurity’] is based on ‘Contracts for cotton to arrive’ 1989 Cardozo Law Review; chapter 8 [‘Bursting reservoirs and Victorian tort law’] is based on ‘Legal liability for bursting reservoirs’ 1984 Journal of Legal Studies; and chapter 10 [‘Quackery and contract law’] is based on ‘Quackery and contract law’ 1985 Journal of Legal Studies. “Chapter 5 [‘A case of first impressions’] is based upon an inaugural lecture delivered in the University of Cambridge, and chapter 9 [‘The ideal of the rule of law’] began life as a Selden Society lecture.”

NOTES: Reprinted in paperback with corrections 1996. Includes bibliographical references (p. [293]-302) and index. First published 1995 (see above for contents).

Articles and Contributions to Books
(including government reports of committees on which Professor Simpson sat.)

(20) ‘The reports of John Spelman.’
Law Quarterly Review, 72 (July 1956), 334-338.

(21) ‘Keilwey’s Reports, temp. Henry VII and Henry VIII.’
Law Quarterly Review, 73 (January 1957), 89-105.

(22) ‘The ratio decidendi of a case.’

(23) ‘The circulation of Yearbooks in the fifteenth century.’
Law Quarterly Review, 73 (October 1957), 492-505.

(24) ‘The ratio decidendi of a case.’

(25) ‘The place of Slade’s case in the history of contract.’
Law Quarterly Review, 74 (July 1958), 381-396.

(26) ‘The introduction of the action on the case for conversion.’
Law Quarterly Review, 75 (July 1959), 364-380

(27) ‘The ratio decidendi of a case.’

(28) ‘The ratio decidendi of a case and the doctrine of binding precedent.’

(29) ‘The analysis of legal concepts.’
Law Quarterly Review, 80 (October 1964), 535-558.

(30) ‘The equitable doctrine of consideration and the law of uses.’
University of Toronto Law Journal, 16 (1965), 1-36.

(31) ‘Real property’

(32) ‘The penal bond with conditional defeasance.’
Law Quarterly Review, 82 (July 1966), 392-422.

(33) ‘Real property’


(35) ‘Real property’

(36) ‘The early constitution of the Inns of Court.’

(37) ‘Real property’

(38) ‘The source and function of the later Year Books.’

(39) ‘Real property’

(40) ‘Real property’

NOTES: A revised version under the same title appears in Legal theory and common law, 8-25, edited by W. Twining and in Legal theory and legal history: essays on the common law, 359-382, edited by A. W. B. Simpson.


NOTES: “This is an amended version of a lecture delivered in the Old Hall of Lincoln’s Inn on July 3 1974.”

NOTES: Professor Simpson was a member of the Advisory Group, appointed by the Home Secretary, chaired by the Hon. Mrs Justice Heilbron, which reported in December 1975.

NOTES: Historical introduction forms part I.

(47) ‘Heraldic evidence and the early history of Lincoln’s Inn.’ Law Quarterly Review, 95 (April 1979), 201-204.

(48) ‘Entails and perpetuities.’ Juridical Review, April 1979, 1-20
NOTES: “A lecture delivered on November 4, 1978, at the Annual General Meeting of the Stair Society.”


NOTES: Professor Simpson was a member of the Committee, appointed by the Home Secretary, chaired by Bernard Williams, which reported in November 1979.
(51) ‘Introduction.’
Chicago: University of Chicago Press, 1979, iii-xv
NOTES: "A facsimile of the first edition of 1765-1769" (taken from title page).
Includes bibliographical references.

(52) ‘The rise and fall of the legal treatise: legal principles and the forms of legal literature.’
NOTES: “This article originated as a paper delivered to the Fourth British Legal History Conference, held at the University of Birmingham, in 1979.”

(53) ‘Historical introduction.’
NOTES: Historical introduction forms chapter 1.

(54) ‘The laws of Ethelbert.’

(55) ‘Obscenity and the law.’
NOTES: Appears in a selection of papers from the proceedings of the Royal Institute of Philosophy conference on the philosophy of law, September 1979. Article follows and comments on ‘The tendency to deprave and corrupt’ by A. D. Woozley, 217-238, and is followed by ‘Reply to Professor Simpson’ by A. D. Woozley, 255-261.

(56) ‘Regina v. Archer and Muller (1875): the leading case that never was.’
NOTES: Footnote p.181: “This article is an extract from a book I have been engaged in writing on the case of Regina v. Dudley and Stephens and its historical background.”

(57) ‘The legal treatise and legal theory.’
NOTES: Footnote at page 29: “This paper is an abridged version of a fuller study of the history of the legal treatise, and is here presented in essentially the form in which it was delivered at the Conference, without supporting notes; a fuller annotated version is available in the University of Chicago Law Review for 1981.”

(58) ‘Legal liability for bursting reservoirs: the historical context of Rylands v. Fletcher.’

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(59) ‘Obscenity and the law.’
In M. A. Stewart (ed.), Law, morality, and rights, 223-238. Dordrecht ; Boston: Reidel, 1983,
NOTES: The volume contains the papers of the Royal Institute of Philosophy conference 1979 and forms volume 162 of the Synthese Library.

(60) ‘Quackery and contract law: the case of the Carbolic Smoke Ball.’
CASE: Carlill v. Carbolic Smoke Ball Co. [1893] 1 Q.B. 256

(61) ‘The common law and legal theory.’
NOTES: “A revised version of pages 77-99 of the Oxford essays in jurisprudence (2nd series)".

(62) ‘Historical introduction.’
NOTES: Historical introduction forms chapter 1.

(63) ‘Rhetoric, reality, and Regulation 18B.’

(64) ‘Detention without trial in the Second World War: comparing the British and American experiences.’
NOTES: “This article derives from the Mason Ladd Memorial Lecture given at the Florida State University College of Law in April 1988. It represents a development of work delivered in 1987 as ‘Rhetoric, reality and Regulation 18B, the Child and Co. Oxford Lecture’”.

(65) ‘The judges and the vigilant state.’
NOTES: Child & Co. Lecture 1989 delivered by Professor A. W. B. Simpson on Tuesday 20th June 1989. Also published separately in 1989 (see books above).

(66) ‘Contracts for cotton to arrive: the case of the two ships Peerless.’

(67) ‘Legal iconoclasts and legal ideals.’
University of Cincinnati Law Review, 58 (1990), 819-844.
NOTES: “This address was delivered on March 30, 1989 at the University of Cincinnati College of Law as the Robert S. Marx lecture.”
(68) ‘Historical introduction.’
In M. J. Furmston, Cheshire, Fifoot and Furmston’s law of contract. 12th edn., 1-16.
NOTES: Historical introduction forms chapter 1.

(69) ‘The origins of futures trading in the Liverpool cotton market.’
NOTES: Forms chapter 8.

(70) ‘Coase v. Pigou reexamined’

(71) ‘[Coase v Pigou reexamined:] An addendum.’
NOTES: Follows the article above. This addendum is a response to R. H. Coase’s article: ‘Law and economics and A. W. Brian Simpson’. Journal of Legal Studies, 25 (January 1996), 103-119.

(72) ‘Round up the usual suspects: the legacy of British colonialism and the European Convention on Human Rights.’
NOTES: “This paper formed the basis of the [ninth] Brendan Brown Lecture, delivered at Loyola University School of Law on March 17, 1995.”

(73) ‘The exile of Archbishop Makarios III.’
NOTES: History of first interstate ECHR applications arising from decision by British Governor of Cyprus to deport Archbishop in attempt to suppress colonial insurrection.

(74) ‘Historical introduction.’
In M. J. Furmston, Cheshire, Fifoot and Furmston’s law of contract. 13th edn., 1-16.
NOTES: The historical introduction forms chapter 1.

Book Reviews

Law Quarterly Review, 73 (January 1957), 24-125.


(77) Lambarde, William, Archeion, or, a discourse upon the high courts of justice in England. Edited by Charles H. McIlwain and Paul L. Ward.


(84) Toner, Barbara, The facts of rape. Times Literary Supplement, no.3920, 29 April 1977, 508. NOTES: Headed 'With concern for the victim'.

(85) Smith, J. C., Legal obligation. Times Literary Supplement, no.3936, 19 August 1977, 1008. NOTES: Headed 'To do our duty'.

(86) Langbein, John H., Torture and the law of proof. Times Literary Supplement, no.3960, 17 February 1978, 194. NOTES: Headed 'The turn of the screw'.


(88) Denning, Alfred Thompson, Baron, The discipline of law. Times Literary Supplement, no.4002, 7 December 1979, 85. NOTES: Headed 'The judicial role'.

(89) Devlin, Patrick Arthur, Baron, The judge. Times Literary Supplement, no.4002, 7 December 1979, 85. NOTES: Headed 'The judicial role'.

(90) Alderson, John, Policing freedom.
Times Literary Supplement, no.4017, 21 March 1980, 337.
NOTES: Headed ‘May the force be with us’.


NOTES: Headed ‘Emptying the prisons’.

Times Literary Supplement, no.4245, 10 August 1984, 895.
NOTES: Headed ‘How do the judges do it?’

(104) Leigh, David, High time: the shocking life and times of Howard Marks. 
Times Literary Supplement, no.4254, 12 October 1984, 1153.
NOTES: Headed ‘Grass and the graduate’.

In review article: ‘Their litigious society’. 

(106) Noonan, John Thomas, Jr., Bribes. 

American Historical Review, 90 (1985), 1198.

Times Literary Supplement, no.4278, 29 March 1985, 342.
NOTES: Headed ‘Disagreeable rhetoric’.

(109) Weisberg, Richard H., The failure of the word: the protagonist as lawyer in modern fiction. 
Times Literary Supplement, no.4278, 29 March 1985, 342.
NOTES: headed ‘Disagreeable rhetoric’.

(110) Downs, Donald Alexander, Nazis in Skokie: freedom, community, and the First Amendment. 
NOTES: Headed ‘Provocatively free’.

(111) Rose, Andrew, Stinie: murder on the common. 
Times Literary Supplement, no.4310, 8 November 1985, 1256.
NOTES: Headed ‘Just, not right’.

(112) Unlawful sex: offences, victims and offenders in the criminal justice system of England and Wales. 
Times Literary Supplement, no.4314, 6 December 1985, 1382.
NOTES: Headed ‘Who, how, where, why, when’.

(113) Devlin, Patrick Arthur, Baron, Easing the passing: the trial of Dr. John Bodkin Adams. 
In review article: ‘Euthanasia for sale?’ 

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*Law and History Review*, 4 (Fall 1986), 486-488.

*Journal of Legal History*, 7 (1986), 110.


(117) Green, Thomas Andrew, *Verdict according to conscience: perspectives on the English criminal trial jury 1200-1800.*
*Times Literary Supplement*, no.4322, 31 January 1986, 120.
NOTES: Headed ‘Bulwarks of liberty’.

NOTES: Headed ‘Of legal culture’.

(119) Kee, Robert, *Trial and error: the Maguires, the Guildford pub bombings and British justice.*
*Times Literary Supplement*, no.4366, 5 December 1986, 1365.
NOTES: Headed ‘Bringing accusations to book’.

(120) Mullin, Chris, *Error of judgment: the truth about the Birmingham bombings.*
*Times Literary Supplement*, no.4366, 5 December 1986, 1365.
NOTES: Headed ‘Bringing accusations to book’.

(121) Tur, Richard and Twining, William (eds.), *Essays on Kelsen.*
*Times Literary Supplement*, no.4404, 28 August 1987, 920.
NOTES: Headed ‘Towards a legal science’.

(122) Atiyah, Patrick S., *Pragmatism and theory in English Law.*
NOTES: Headed ‘No accounting for judges’.

(123) Turow, Scott, *Presumed innocent.*
*Times Literary Supplement*, no.4411, 16 October 1987, 1136.
NOTES: Headed ‘Attorney on trial’.

(124) Evans, E. P., *The criminal prosecution and capital punishment of animals: the lost history of Europe’s animal trials.*
*Times Literary Supplement*, no.4412, 23 October 1987, 1173.
NOTES: Headed ‘Blaming the beasts’.

(126) Steiner, Henry J., *Moral argument and social vision in the courts: a study of tort accident law.*
In review article: ‘Legal reasoning anatomized’.


(128) Thorne, S. E., *Essays in English legal history.*

(129) Van Caenegem, R. C., *Judges, legislators, and professors: chapters in European legal history.*
*American Historical Review*, v.94 (1989), 1090.

(130) Ekirch, A. Roger, *The transportation of British convicts to the colonies, 1718-1775.*

*American Journal of Legal History*, 34 (October 1990), 443-444.

NOTES: Headed ‘A testing time for judges’.

NOTES: Headed ‘Trouble with the case’.

In review article: ‘Legal education and legal history’.

NOTES: headed ‘The economics of Eros’.


In review article: ‘Law, crime, and the Victorians’.


NOTES: Headed ‘A tissue of lies’.


NOTES: Headed ‘Triumph or travesty?’


**Newspaper Items**


(160) ‘Three women appointed to inquiry on rape.’ Times 2 July 1975, 2e. Membership of committee to investigate rape laws includes Professor Brian Simpson.


(163) ‘We can see the broken eggs, now show us the omelette.’ Times Higher Education Supplement, no.284, 1 Apr 1977, 12. Reply by Adrian Taylor and Larry Grant to article by A. W. B. Simpson.

(164) ‘Trades council pleads to V-C for law clinic.’ Times Higher Education Supplement, no.290, 13 May 1977, 2c. News item; A. W. B. Simpson maintains that Kent University law clinic’s involvement in controversial cases has not affected University’s decision to close clinic.

(165) ‘Obscenity committee.’ Times, 3 Sep 1977, 3d. Professor Simpson sits on Committee on Obscenity and Film Censorship; with photograph of committee members.

(166) ‘Parental authority and the pill.’ Times, 1 August 1983, 11g. Letter.


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I am sad to report that Professor Brian Simpson has passed away yesterday, 10 January 2011, at his home in Sandwich, Kent. He was possessed of a truly unique erudition, coupled with a superb wit and sense of humour; his scholarship never failed to impress. It is in particular his work as a legal historian which was without peer, making an impact even on courts dealing with oh-so-modern issues like detention in the war on terror™; his magisterial In the Highest Degree Odious: Detention Without Trial in Wartime Britain (Cl