

Contents

<i>Table of Cases</i>	xiii
<i>Table of Legislation</i>	xxix
<i>Table of Ancient Sources</i>	xxxv
<i>List of Abbreviations</i>	xli
<i>List of Contributors</i>	xlvii

I. TRIBUTES TO LORD RODGER

1. Alan Ferguson Rodger: A Tribute Given at the Memorial Service Held in St Giles' Cathedral, Edinburgh on 25 November 2011
Colin MacKay 3
2. Alan Ferguson Rodger: A Tribute Given at the Memorial Service Held in St Giles' Cathedral, Edinburgh on 25 November 2011
David Edward 7
3. Alan Ferguson Rodger: A Tribute Given at the Memorial Service Held in the University Church of St Mary the Virgin, Oxford on 11 February 2012
Andrew Burrows 17
4. Lord Rodger: An Italian Tribute
Luigi Labruna 23

II. LORD RODGER IN THE HOUSE OF LORDS AND SUPREME COURT

5. Dissenting Judgments
Lord Brown of Eaton-under-Heywood 29
6. Some Reflections on Lord Rodger's Contribution to the Development of the Common Law
Lord Dyson 39
7. Lord Rodger's Mental Health Law
Baroness Hale of Richmond 51
8. *Fairchild* and After
Lord Hoffmann 63
9. Lord Rodger's Notebooks
Lord Hope of Craighead 71
10. Foreign Laws and Languages
Lord Mance 85

- | | |
|--|-----|
| 11. The View from Behind the Bench: The Role of Judicial Assistants in the UK Supreme Court
<i>Tetyana Nesterchuk</i> | 99 |
| 12. 'Strasbourg Has Spoken'
<i>Lord Phillips of Worth Matravers</i> | 111 |
| 13. The Form and Language of Lord Rodger's Judgments
<i>Lord Reed</i> | 121 |
| 14. Lord Rodger and Statute Law
<i>Lord Walker of Gestingthorpe</i> | 133 |

III. ROMAN LAW AND ROMAN LEGAL HISTORY

- | | |
|--|-----|
| 15. 'Fama' and 'infamia' in the Roman Legal System: The Cases of Afrania and Lucretia
<i>Tiziana J Chiusi</i> | 143 |
| 16. Damaging a Slave
<i>Paul J du Plessis</i> | 157 |
| 17. The Dating of the <i>lex Aquilia</i>
<i>David Ibbetson</i> | 167 |
| 18. Lenel's <i>Palingenesia</i> : Two Footnotes to Rodger
<i>David Johnston</i> | 179 |
| 19. 'Grappling with the Difficult Subjects with which the Roman Lawyers Liked to Grapple'
<i>Rolf Knütel</i> | 195 |
| 20. Agree to Disagree: Local Jurisdiction in the <i>lex Irnitana</i>
<i>Ernest Metzger</i> | 207 |
| 21. Lawmaking in Times of Disorder
<i>OF Robinson</i> | 227 |
| 22. Borrowed Plumes and Robbed Freedmen: Some Aspects of Plagiarism in Roman Antiquity
<i>Martin Schermaier</i> | 237 |
| 23. Pits and Pruners: <i>Culpa</i> and Social Practice in Digest 9.2
<i>Helen Scott</i> | 251 |
| 24. An Inheritance Lost and a Fraudulent Slave
<i>Boudewijn Sirks</i> | 265 |
| 25. Lenel and Daube: A Cross-Channel Friendship
<i>Stefan Vogenauer</i> | 277 |
| 26. Some Thoughts on the <i>formulae ficticiae</i> of Citizenship in Gaius 4.37: A Form of Reception?
<i>Laurens Winkel</i> | 297 |

27. Jurisdiction in Urso 307
Joseph Georg Wolf
28. 'Unworthiness' in the Roman Law of Succession 325
Reinhard Zimmermann

IV. SCOTS LAW AND SCOTTISH LEGAL HISTORY

29. Words and Concepts: Trust and Patrimony 347
Ross G Anderson
30. Freeing from Slavery in Eighteenth-Century Scotland 367
John W Cairns
31. Lawyer for All Time 383
David L Carey Miller
32. Lord Rodger and the Criminal Law 399
Paul Cullen
33. The Enrichment Claim of the *Mala Fide* Improver of Another's Property 413
Jacques du Plessis
34. Thinking About Some Scots Law: Lord Rodger and Unjustified Enrichment 431
Robin Evans-Jones
35. *Communis error facit ius* 447
William M Gordon
36. Objectivity and Subjectivity in Contract Interpretation 455
Phillip Hellwege
37. Ae Fond Kiss: A Private Matter? 473
Hector L MacQueen
38. Embalmed in Rettie: The City of Glasgow Bank and the Liability of Trustees 489
Kenneth GC Reid
39. Some Thoughts on the Nature of Liability for Negligence in Scots Law 509
Joe Thomson

V. NEW PERSPECTIVES ON RECURRING THEMES

40. Legal Academics: Forgotten Players or Interlopers? 523
Jack Beatson
41. Common Law Retrospectivity 543
Andrew Burrows
42. Faith, Trust, and Charity 559
Joshua Getzler

43.	<i>Al-Skeini</i> and the Extra-Territorial Application of the European Convention on Human Rights <i>Sandy Ghandhi</i>	575
44.	Trees and Neighbours <i>Birke Häcker</i>	591
45.	Performance of an Obligation by a Third Party <i>Sonja Meier</i>	619
46.	The Courts, the Church, and the Constitution Revisited <i>Aidan O'Neill</i>	637
47.	Legislating in Vain <i>William Swadling</i>	655
	<i>Bibliography of Works by Alan Rodger</i>	669
	<i>Index</i>	675