

## EDITORIAL

As this year is the International Year of the Family we thought it appropriate to mark this issue with a symposium on Family Law. We are aware of the warning of last year's editors that there are dangers in publishing symposia on specialised topics. Their concern in publishing the inaugural symposium in 1993, on Women and the Law, was that it may be perceived as sidelining an important topic by relegating it from mainstream publication. However, we consider that the need for a symposium reflects the significance of the topic being addressed. The law relating to the family is of primary importance. As Emily Henderson concludes in her symposium article, a society is often judged by the way it treats its children.

The main issue of the Auckland University Law Review contains articles on a broad range of legal topics. It begins with a critical analysis of the courts' interpretation of s 9 of the Contractual Remedies Act 1979 and ends with an appraisal of the REI-NZLS standard form land contract provisions relating to the right to interest and rent when settlement is delayed. There are articles on the Sealord fisheries deal from an international law perspective, a feminist analysis of the distinctions between penile and non-penile rape, sparked by last year's controversy over proposed amendments to the Crimes Act 1961, and an article which provides a Maori perspective of the phenomenon of agreement. Also included is an evaluation of the right to counsel under the New Zealand Bill of Rights Act 1990, an argument which advances an alternative constitutional theory based on a limited form of judicial supremacy, and an analysis of the tax laws relating to foreign companies through the hypothetical example of Mr Fujimoto.

The articles in the main issue and symposium at times contain strenuous critical comment. We view that only as positive, and would adopt the sentiments of Justice Oliver Wendell Holmes as expounded in his essay *The Path of the Law*:

I trust that no one will understand me to be speaking with disrespect of the law, because I criticize it so freely. I venerate the law, and especially our system of law, as one of the vastest products of the human mind. No one knows better than I do the countless number of great intellects that have spent themselves in making some addition or improvement, the greatest of which is trifling when compared to the mighty whole .... But one may criticize even what one reveres. Law is the business to which my life is devoted, and I should show less than devotion if I did not do what in me lies to improve it, and, when I perceive what seems to me the ideal of its future, if I hesitated to point it out and to press toward it with all my heart.

Our thanks must go to the editorial team, the writers, and new Faculty Advisers, Janet McLean and Scott Optican. We would also like to acknowledge the support of the Library and Faculty staff of the Law School. Finally, we wish to express our sincere thanks to Associate-Professor Bill Hodge who stepped down as Faculty Adviser after a decade of outstanding service. Countless editors learned from Bill Hodge that discipline and dedication were essential elements of the

editor's role and that an immense sense of satisfaction awaits those who devote themselves to the task. He will always possess an emblematic stature in relation to this, the only true student law review in New Zealand.

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