



OXFORD
UNIVERSITY PRESS



NEW EDITION

H.L.A. Hart's classic study of jurisprudence and legal philosophy

The Concept of Law

Second Edition

H. L. A. HART

With a postscript edited by **JOSEPH RAZ** and **PENELOPE A. BULLOCH**

- Including Hart's final response to his critics

In this long awaited new edition Hart presents a postscript in which he re-examines the foundations of his philosophy of law, with special attention to Professor Dworkin's criticism of it. With dispassionate lucidity he shows how much of the criticism stems from misunderstanding and confusion of thought. The postscript provides a clarification and a restatement of the fundamental tenets of his position.

Clarendon Law Series

0-19-876122-8, 328 pp., Clarendon Press, 1994 Hardback £16.95

NEW EDITION

Comparing Constitutions

Edited by **S. E. FINER**, **VERNON BOGDANOR**, and **BERNARD RUDDEN**

Comparing Constitutions is a fully revised and updated new edition of the classic text *Five Constitutions*, previously published in 1979. It contains the texts of four major national constitutions - American, French, German, and Russian - together with major extracts from the Treaties establishing the European Community and the European Union, including Maastricht, and an updated chapter of the late Professor Finer's central introduction to the British Constitutions.

Chapters on comparative constitutions and both analytical and alphabetical indexes make this an invaluable book for all those involved in the study of modern constitutions.

0-19-876345-X, 300 pp., Clarendon Press, November 1994 £25.00

0-19-876344-1, paperback £12.95

NEW EDITION

Administrative Law

Seventh Edition

H. W. R. WADE and CHRISTOPHER FORSYTH

'Administrative Law will keep most students thoroughly informed during the whole academic year—and the judges will be better educated'
Public Law

'a notable contribution to the developments in public law ... the book's strength lies in the lucid account it gives of a complex body of case law, and the author again displays a remarkable ability to weave the newer cases into the older fabric' **Scots Law Times**

The new edition of this classic work retains the structure which has made it popular, but the text has been completely rewritten in the light of the continuing development of administrative law, through decisions of courts, tribunals, and regulatory bodies.

0-19-876309-3, 1,080 pp., Clarendon Press, 1994 £50.00

All OUP books are available through good booksellers, or you can call our **CREDIT CARD HOTLINE** on **(01536) 454534**

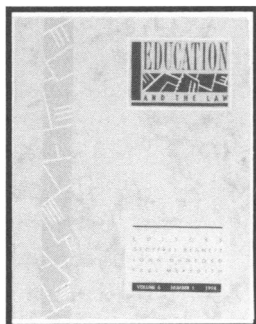
YOUR AUTHORITATIVE GUIDE TO EDUCATION LAW
EDUCATION AND THE LAW

A unique journal which provides practical and up-to-date coverage of this rapidly developing area. In one convenient source it offers practitioners a concise survey of the law affecting education.

Developments in education law do not just affect specialists in the field of education. Anyone concerned with, for example, child law must now take account of the substantial impact of the law relating to education.

Education and the Law features:

- Authoritative articles written by academic and practising lawyers and educationalists
- A comprehensive, up-to-date database of the latest statutes, statutory instruments, case law, circulars, official Government publications and reports of recent cases, all accompanied by expert editorial commentary



Education and the Law deals with the important legal issues at all levels - primary, secondary and tertiary. Topics covered include:

- Discrimination
- Opting Out
- National Curriculum
- The Children Act 1989
- The Education Reform Act
- Employment Law
- Liability
- Special Needs
- Religion

FREE ISSUE OFFER!

Why not take a look at **Education and the Law** with *no obligation*? For a FREE copy of a recent issue, please contact:

Judy Higgins, Longman Higher Education, Longman House,
Burnt Mill, Harlow, Essex, CM20 2JE, UK
Tel: (0279) 623212 Fax: (0279) 623862

Volume 6, 1994 (4 issues)	UK	Europe	RoW
Annual subscription	£45	£46	£50/\$87
ISSN 0953-9964			

LONGMAN HIGHER EDUCATION



The major German contribution to learned research in
History of Law from antiquity to our days, the

ZEITSCHRIFT DER SAVIGNY-STIFTUNG FÜR RECHTSGESCHICHTE

Edited by R. Knütel, D. Nörr, W. Waldstein, A. Laufs, E.
Wadle, H.-J. Becker, M. Heckel, K.W. Nörr

appears in three sections, one book each section a year:

Romanistische - Germanistische -
Kanonistische Abteilung.

This leading journal on the History of Law was initiated and edited in 1861 by Carl Friedrich von Savigny, Eichhorn and others. Up to this day, the ZRG contributes to international learning on legal documents, new developments and recent research in the fields of roman (and antique) law, german law and canon law. The review section covers most European publishing in the field. Vol. 111 (1994) will present essays in four languages.

Romanistische Abteilung: ISSN 0323-4096

Germanistische Abteilung: ISSN 0323-4045

Kanonistische Abteilung: ISSN 0323-4142

Please request further information.

BÖHLAU VERLAG KÖLN WEIMAR WIEN

Theodor-Heuss-Str. 76, D - 51149 Köln - Sachsenplatz 4-6, A - 1201 Wien

BÖHLAU

International and Comparative Law Quarterly

BOARD OF EDITORS

General Editor: Hazel Fox

P. B. Carter, Lawrence Collins, Piers Gardner, John A. Usher

Why subscribe to the *I.C.L.Q.*? Because the *I.C.L.Q.* is the leading journal in the English language providing comprehensive coverage, quality, and worldwide participation in International Law, Comparative Law, EC Law, Conflict of Laws, Human Rights and Commonwealth Law. Since the work of leading experts and scholars is published, no law teacher, writer or student of these areas of law can afford to ignore the *I.C.L.Q.* It is the journal of the British Institute of International and Comparative Law, whose Chairman is Lord Goff of Chieveley. Professor Rosalyn Higgins, Lawrence Collins and the Rt. Hon. the Lord Slynn of Hadley are the Chairmen of the sections of the Institute's Advisory Board.

Contents: Each quarterly part contains 250 pages of articles, such as: THE FRENCH CONSTITUTION AND THE TREATY OF MAASTRICHT (*Peter Oliver*), CORPORATE CRIMINAL LIABILITY: A COMPARATIVE PERSPECTIVE (*Guy Stessens*), THE EUROPEAN CONVENTION ON HUMAN RIGHTS, CUSTOMARY INTERNATIONAL LAW AND THE CONSTITUTION (*Andrew J. Cunningham*) and REPRODUCTIVE TECHNOLOGY, TRANSSEXUALISM AND HOMOSEXUALITY: NEW PROBLEMS FOR INTERNATIONAL PRIVATE LAW (*Kenneth McK. Norrie*). The section of shorter articles, comments and notes has recently featured such pieces as IMPROPERLY OBTAINED EVIDENCE AND PUBLIC POLICY: AN AUSTRALIAN PERSPECTIVE (*Frank Bates*) and SOERING'S LEGACY: THE HUMAN RIGHTS COMMITTEE AND THE JUDICIAL COMMITTEE OF THE PRIVY COUNCIL TAKE A WALK DOWN DEATH ROW (*William A. Schabas*). There is also a current developments section which deals alternately with EC and Public International Law, a collection of book reviews and a list of books received.

Approx. 1,000 pp.per year

Published Jan, April, July, Oct

Price: (1994) £65 or \$125 (airmail extra)

ISSN 0020-5893

THE MODERN LAW REVIEW

Edited by Simon Roberts

The Modern Law Review provides an ideal means of keeping abreast of the broad field of contemporary legal writing.

The journal features articles focusing on key areas of legal scholarship, many international and comparative in approach, alongside critical articles on recent legislation.

These are complemented by **Case Notes** discussing matters of current concern and wide ranging **Review Articles**. The journal's reputation as one of the leading generalist law journals publishing work from all major areas of legal scholarship is underwritten by the distinguished international Editorial Board.

ORDER FORM

THE MODERN LAW REVIEW

Subscription Rates, Volume 57, 1994

ISSN 0026-7961

Institutions £55.00 UK/Europe, \$85.00 N America*, £57.00 Rest of World
Law teachers/students £16.00 UK/Europe, \$31.00 N America*, £21.00 Rest of World

Published January, March, May, July, September, November

*Canadian customers please add 7% GST

- Please enter my subscription/send me a sample copy
 I enclose a cheque/money order payable to Basil Blackwell
 Please charge my American Express/Diners Club/Mastercard/Visa account number

_____ Expiry Date _____
Signature _____ Date _____
Name _____
Address _____
_____ Postcode _____

E-Mail Address: jnlsamples@cix.compulink.co.uk (Please include the name of the journal)

Payment must accompany orders

Please return this form to: Journals Marketing, Blackwell Publishers, 108 Cowley Road, Oxford, OX4 1JF, England. Or to: Journals Marketing, MLR, Blackwell Publishers, 238 Main Street, Cambridge, MA 02142, USA

Blackwell Publishers Oxford, UK and Cambridge, USA

The Legal History Review

(Tijdschrift voor Rechtsgeschiedenis
– Revue d'Histoire du Droit)

Editorial Board **R. Feenstra, J.M.J. Chorus,
P. Gerbenzon, O. Moorman van Kappen,
J.Th. de Smidt, F.B.J. Wubbe, R.C. van Caenegem,
L. Genicot, Ph. Godding, J. Monballyu**

Editorial Assistant **M. Duynstee**

The Legal History Review was founded in 1918 by a number of Dutch jurists, following the initiative of E.M. Meijers. Since its inception the *Review* has stimulated a scholarly interest in the history of law and, at the same time, has created an international focus for co-operation in this field. Such co-operation is necessary first of all for the methodological investigation of the common foundations of western European and American Law: Roman Law, Germanic Law and Canon Law. In addition, the national legal systems of all countries, as they have developed in their own, often diverging ways, merit comparative study. Over the course of time contributions have been devoted to the most diverse aspects of legal history. In addition to the history of the national law of the European countries, Roman law and its development during and after the Middle Ages have received special attention.

Subscription Information
1994, Volume 62 (4 issues)

ISSN 0040-7585

Subscription rate: Dfl. 324.00 / US\$ 169.50 *incl. postage and handling*

Journal
Highlight

**KLUWER
ACADEMIC
PUBLISHERS**



P.O. Box 322, 3300 AH Dordrecht, The Netherlands
P.O. Box 358, Accord Station, Hingham, MA 02018-0358, U.S.A.

THE CAMBRIDGE LAW JOURNAL 1994

THE
CAMBRIDGE LAW
JOURNAL
1994

EDITOR
C.C. TURPIN, M.A., LL.B.

PUBLISHED FOR THE
FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

CAMBRIDGE UNIVERSITY PRESS
CAMBRIDGE
NEW YORK PORT CHESTER MELBOURNE SYDNEY

**Published by the Press Syndicate of the University of Cambridge
The Pitt Building, Trumpington Street, Cambridge CB2 1RP
40 West 20th Street, New York, NY 10011-4211, U.S.A.
10 Stamford Road, Oakleigh, Melbourne 3166, Australia**

**© The Cambridge Law Journal and
Contributors, 1994**

Printed in Great Britain by The Eastern Press Ltd., Reading

EDITORIAL COMMITTEE

C.C. TURPIN, ESQ., *Editor*

DR. M.A. CLARKE, *Secretary and Treasurer*

PROFESSOR J.H. BAKER

PROFESSOR J.A. JOLOWICZ, *Note Editor*

PROFESSOR SIR DAVID WILLIAMS

PROFESSOR GLANVILLE WILLIAMS

S.N. BRIDGE, ESQ., *Note Editor*

J.G. COLLIER, ESQ., *Note Editor*

DR. C.F. FORSYTH, *Sub-editor*

MRS. C.A. HOPKINS, *Note Editor*

DR. A.V. LOWE, *Note Editor*

DR. R.J.C. MUNDAY, *Book Review Editor*

M.J. PRICHARD, ESQ.

DR. P.J. ROGERSON

DR. A.T.H. SMITH, *Note Editor*

J.R. SPENCER, ESQ., *Note Editor*

CONTRIBUTORS OF ARTICLES

ALLISON, J.W.F. Fuller's Analysis of Polycentric Disputes and the Limits of Adjudication	367
ARROWSMITH, SUE Protecting the Interests of Bidders for Public Contracts: The Role of the Common Law	104
CRAIG, P.P. The Common Law, Reasons and Administrative Justice	282
FERRAN, EILIS The Decision of the House of Lords in <i>Russell v. Northern Bank Development Corporation Limited</i>	343
GARDNER, JOHN Rationality and the Rule of Law in Offences against the Person	502
HALPIN, ANDREW New Rights for Old?	573
HOFFHEIMER, MICHAEL H. The Common Law of Edward Christian	140
MUNDAY, RODERICK The Paradox of Cross-Examination to Credit—Simply too Close for Comfort	303
SAMUELS, GEOFFREY Property Notions in the Law of Obligations	524
TETTENBORN, ANDREW Reversionary Damage to Chattels	326
WILLIAMS, GLANVILLE The Fetus and the "Right to Life"	71
WORTHINGTON, SARAH Floating Charges—An Alternative Theory	81
ZUCKERMAN, A.A.S. The Undertaking in Damages—Substantive and Procedural Dimensions	546

CONTRIBUTORS OF SHORTER ARTICLES

BAINHAM, ANDREW Divorce and the Lord Chancellor: Looking to the Future or Getting Back to Basics	253
EVANS-JONES, ROBIN The Origins of Justinian's Institutes 3.23.5	473
MARKS, SUSAN Nightmare and Noble Dream: The 1993 World Conference on Human Rights	54
NAYLOR, BRONWYN Fair Trial or Free Press: Legal Responses to Media Reports of Criminal Trials	492
PALMER, STEPHANIE Redefining the Meaning of Life: The Early Release of Life Prisoners	480
PORTER, NIGEL Invalidity of the Indictment <i>post R. v. Newland</i>	63
SANDLER, DANIEL The Revenue Giveth—The Revenue Taketh Away	273
VIRGO, GRAHAM Back to Basics—Reconstructing Manslaughter	44
WORTHINGTON, SARAH Equitable Liens in Commercial Transactions	263

CASES ANNOTATED

<p>Alliance & Leicester Building Society v. Edgestop 218</p> <p>Attorney-General for Hong Kong v. Reid 31</p> <p>Baker v. Baker 232</p> <p>Barclays Bank p.l.c. v. O'Brien 21</p> <p>Birmingham City Council v. H. (A Minor) 41</p> <p>Bradley v. Wingnut Films 11</p> <p>C v. D.P.P. 426</p> <p>Cambridge Water Co. v. Eastern Counties Leather 216</p> <p>Cheese v. Thomas 232</p> <p>C.I.B.C. Mortgages p.l.c. v. Pitt 21</p> <p>City of London Corporation v. Fell 28</p> <p>Clarke Boyce v. Mouat 34</p> <p>Continental Bank N.A. v. Aeakos Compania Naviera S.A. 241</p> <p>Davidson v. Chief Constable of North Wales 433</p> <p>El Ajou v. Dollar Land Holdings p.l.c. 453</p> <p>Ellis, Son & Vidler Ltd., <i>Re</i> 443</p> <p>Frenchay N.H.S. Healthcare Trust v. S. 456</p> <p>Goldcorp Exchange Ltd., <i>Re</i> 443</p> <p>Hoffmann v. Austria 39</p> <p>Hounslow London Borough Council v. Pilling 227</p> <p>Hunt v. Severs 436</p> <p>Hunter v. Moss 448</p> <p>Jaffray v. Marshall 450</p> <p>Khorasandjian v. Bush 14</p> <p>Kuwait Airways Corporation v. Iraqi Airways Company and the Republic of Iraq 213</p> <p>Linden Gardens Trust Ltd. v. Lenesta Sludge Disposals Ltd. ... 24</p> <p>London & Blenheim Estates Ltd. v. Ladbroke Parks Ltd. 229</p> <p>M. v. Home Office 1</p> <p>M. (A Minor) (Care Order: Threshold Conditions), <i>Re</i> 458</p> <p>Martin v. Watson 433</p> <p>Moroni v. Firma Collo G.m.b.H. . . 236</p> <p>Neath v. Hugh Steeper Ltd. 236</p> <p>New Bullas Trading Ltd., <i>Re</i> 225</p>	<p>Owens Bank Ltd. v. Bracco 239</p> <p>Pan Atlantic Insurance Co. Ltd. v. Pine Top Insurance Co. 438</p> <p>Panayiotou v. Sony Music Entertainment Ltd. 247</p> <p>Pioneer Container, The 440</p> <p>R. v. Ananthanarayanan 249</p> <p>R. v. Higher Education Funding Council, <i>ex p.</i> Institute of Dental Surgery 207</p> <p>R. v. Kingston 6</p> <p>R. v. Mandair 467</p> <p>R. v. Northavon District Council, <i>ex p.</i> Smith 19</p> <p>R. v. Secretary of State for Employment, <i>ex p.</i> Equal Opportunities Commission 210</p> <p>R. v. Secretary of State for the Home Department, <i>ex p.</i> Bentley 4</p> <p>R. v. Secretary of State for the Home Department. <i>ex p.</i> Doody 207</p> <p>Racal Services Ltd. v. Ashmore 464</p> <p>Racz v. Home Office 430</p> <p>Rantzen v. Mirror Group Newspapers Ltd. 9</p> <p>Rhone v. Stephens 446</p> <p>Rodriguez v. British Columbia (Attorney-General) 234</p> <p>Rogers v. Whitaker 16</p> <p>S.A. Coppée Lavalin N.V. v. KenRen Chemicals and Fertilizers Ltd. 470</p> <p>Schmidt, <i>Re</i> 423</p> <p>Seaconsar Far East Ltd. v. Bank Markazi Jomhuri Islami Iran .. 244</p> <p>Shoe Lace Ltd., <i>Re</i> 37</p> <p>Siu Yin Kwan v. Eastern Insurance Co. Ltd. 223</p> <p>Stovin v. Wise (Norfolk County Council, third party) 428</p> <p>Sundance Cruises v. American Bureau of Shipping 220</p> <p>Target Holdings Ltd. v. Redferns .. 450</p> <p>Ten Oever v. Stichting Bedrijfspensioenfondsen 236</p> <p>Webb v. Webb 462</p> <p>Westdeutsche Landesbank Girozentrale v. Islington L.B.C. 26</p>
--	---

BOOK REVIEWS

AHNISH, FARAJ ABDULLAH: <i>The International Law of Maritime Boundaries and the Practice of States in the Mediterranean Sea</i>	395
ATIAS, CHRISTIAN: <i>Epistémologie du droit</i>	607
BENN, TONY & HOOD, ANDREW: <i>Common Sense: A New Constitution for Britain</i>	414
CHINKIN, CHRISTINE: <i>Third Parties in International Law</i>	194
COLLINS, LAWRENCE (ed.): <i>Dicey and Morris on the Conflict of Laws (12th ed.)</i>	183
COLLINS, LAWRENCE: <i>Essays in International Litigation and the Conflict of Laws</i>	412
CREMONA, J.J.: <i>The Maltese Constitution and Constitutional History since 1813</i> ..	631
CROMBAG, H.F.M., VAN KOPPEN, P.J. & WAGENAAR, W.A.: <i>Dubieuze Zaken. De psychologie van strafrechtelijk bewijs</i>	179
DAVIES, PAUL & FREEDLAND, MARK: <i>Labour Legislation and Public Policy: A Contemporary History</i>	397
DAVIS, SANDRA, ROSENBLATT, JEREMY & GALBRAITH, TANYA: <i>International Child Abduction</i>	408
EASSON, A.J.: <i>Taxation in the European Community</i>	623
EIDE, ASBJØRN, ALFREDSSON, GUDMUNDUR, MELANDER, GÖRAN, REHOF, LARS ADAM & ROSAS, ALLAN (eds.): <i>The Universal Declaration of Human Rights: A Commentary</i>	618
FELDMAN, DAVID: <i>Civil Liberties and Human Rights in England and Wales</i>	610
FITZPATRICK, JOAN: <i>Human Rights in Crisis: The International System for Protecting Rights during States of Emergency</i>	616
FRAZER, ELIZABETH & LACEY, NICOLA: <i>The Politics of Community: A Feminist Critique of the Liberal-Communitarian Debate</i>	619
FRENCH, DEREK: <i>Applications to wind up Companies</i>	192
GRUBB, ANDREW (ed.): <i>Decision-Making and Problems of Incompetence</i>	621
GUEST, A.G. (ed.): <i>Benjamin's Sale of Goods (4th ed.)</i>	411
JONES, WILLIAM C. (tr.): <i>The Great Qing Code</i>	596
KAPLAN, WILLIAM & MCRAE, DONALD (eds.): <i>Law, Policy, and International Justice: Essays in Honour of Maxwell Cohen</i>	413
LANDAU, MICHAEL (ed.): <i>Lindley on Entertainment, Publishing and the Arts. Agreements and the Law (2nd ed.)</i>	399
MACLEAN, IAN: <i>Interpretation and Meaning in the Renaissance: The Case of Law</i>	171
MACQUEEN, HECTOR L.: <i>Common Law and Feudal Society in Medieval Scotland</i>	169
MCCLEAN, DAVID: <i>International Judicial Assistance</i>	193
MCCONVILLE, MIKE, HODGSON, JACQUELINE, BRIDGES, LEE & PAVLOVIC, ANITA: <i>Standing Accused: The Organisation and Practice of Criminal Defence Lawyers in Britain</i>	389
MCCRACKEN, SHEELAGH: <i>The Banker's Remedy of Set-Off</i>	404
MCCRUDDEN, CHRISTOPHER & CHAMBERS, GERALD (eds.): <i>Individual Rights and the Law in Britain</i>	612
MCHALE, JEAN V.: <i>Medical Confidentiality and Legal Privilege</i>	189
MENSCH, ELIZABETH & FREEMAN, ALAN: <i>The Politics of Virtue: Is Abortion Debatable?</i>	190
MOORE, MICHAEL S.: <i>Act and Crime: The Philosophy of Action and its Implications for Criminal Law</i>	173

NIMMER, DAVID & NIMMER, MELVILLE, B.: Nimmer on Copyright. A Treatise on the Law of Literary, Musical and Artistic Property, and the Protection of Ideas	399
NORRIE, ALAN: Crime, Reason and History	177
OLOWOFOYEKU, ABIMBOLA A.: Suing Judges: A Study of Judicial Immunity	386
PAGE, A.C. & FERGUSON, R.B.: Investor Protection	186
PALMER, ROBERT C.: English Law in the Age of the Black Death 1348–1381: A Transformation of Governance and Law	598
PARKINSON, J.E.: Corporate Power and Responsibility: Issues in the Theory of Company Law	601
PINCHER, RICHARD: U.K. Taxes and Duties in the Internal Market	623
PITT, GWYNETH: Cases and Materials in Employment Law	406
PRENTICE, D.D. & HOLLAND, P.R.J. (eds.): Contemporary Issues in Corporate Governance	603
PRYCE, HUW: Native Law and the Church in Medieval Wales	164
RABELLO, ALFREDO MORDECHAI: European Legal Traditions and Israel: Essays on Legal History, Civil Law and Codification, European Law, Israeli Law	632
SCHLESINGER, PHILIP & TUMBER, HOWARD: Reporting Crime: The Media Politics of Criminal Justice	627
SCHOFIELD, PHILIP (ed.): The Collected Works of Jeremy Bentham: Official Aptitude Maximized; Expense Minimized	195
SELZ, THOMAS D., SIMENSKY, MELVIN & ACTON, PATRICIA NASSIF: Entertainment Law. Legal Concepts and Business Practices (2nd ed.)	399
SEMPLE, JANET: Bentham's Prison: A Study of the Panopticon Penitentiary	167
SHUTE, STEPHEN, GARDNER, JOHN & HORDER, JEREMY (eds.): Action and Value in Criminal Law	605
SHUTE, STEPHEN, & HURLEY, SUSAN (eds.): On Human Rights. The Oxford Amnesty Lectures 1993	614
STAPLETON, JANE: Product Liability	409
STEVENS, ROBERT: The Independence of the Judiciary: The View from the Lord Chancellor's Office	387
THALER, PAUL: The Watchful Eye: American Justice in the Age of the Television Trial	624
TODD, S.C.: The Shape of Athenian Law	384
TOUGHILL, THOMAS: Oscar Slater: The Mystery Solved	629
VAN CAENEGEM, R.C.: Law, History, the Low Countries and Europe	599
WAGENAAR, W.A., VAN KOPPEN, P.J. & CROMBAG, H.F.M.: Anchored Narratives. The Psychology of Criminal Evidence	179
WERLAUFF, ERIK: EC Company Law: The Common Denominator for Business Undertakings in 12 States	185
WILHELMSSON, THOMAS (ed.): Perspectives of Critical Contract Law	403
WOOLF, THE RT. HON. THE LORD & WOOLF, JEREMY: Zamir & Woolf, The Declaratory Judgment (2nd ed.)	392

SUBJECT INDEX 1994

†Indicates an article

*Indicates a book review

Other references are to notes

<p>Arbitration—security for costs 470</p> <p>Administrative Law</p> <p style="padding-left: 20px;">Reasons for decisions 207</p> <p style="padding-left: 20px;">†Reasons for decisions 282</p> <p>Agency</p> <p style="padding-left: 20px;">Undisclosed principal 223</p> <p>*Bentham 195</p> <p>Canada</p> <p style="padding-left: 20px;">*Maxwell Cohen—Festschrift 413</p> <p>Children</p> <p style="padding-left: 20px;">Capacity to commit crime 426</p> <p style="padding-left: 20px;">Care orders 458</p> <p style="padding-left: 20px;">Human Rights—fitness of parents 39</p> <p style="padding-left: 20px;">Refusal of contact 41</p> <p>*China—The Great Qing Code 596</p> <p>Civil Liberties</p> <p style="padding-left: 20px;">*Human rights 610</p> <p>Civil Procedure</p> <p style="padding-left: 20px;">†Cross-examination to credit 303</p> <p style="padding-left: 20px;">*Declaratory judgments 392</p> <p style="padding-left: 20px;">Letters of request 247</p> <p style="padding-left: 20px;">†Undertaking in damages 546</p> <p>Commercial Law</p> <p style="padding-left: 20px;">Bailment—third parties 440</p> <p style="padding-left: 20px;">*Benjamin’s Sale of Goods 411</p> <p style="padding-left: 20px;">†Equitable liens 263</p> <p style="padding-left: 20px;">*Set-off 404</p> <p style="padding-left: 20px;">Unascertained goods – passing of property 443</p> <p>Company Law</p> <p style="padding-left: 20px;">†Articles of association—amend- ment of 343</p> <p style="padding-left: 20px;">Charge over book debts 225</p> <p style="padding-left: 20px;">Constructive trust—knowledge .. 453</p> <p style="padding-left: 20px;">*Corporate governance 603</p> <p style="padding-left: 20px;">*E.C. law 185</p> <p style="padding-left: 20px;">†Floating charges 81</p> <p style="padding-left: 20px;">*Investor protection 186</p> <p style="padding-left: 20px;">*Theory 601</p> <p style="padding-left: 20px;">Void charges 37</p> <p style="padding-left: 20px;">*Winding up 192</p> <p>Conflict of Laws</p> <p style="padding-left: 20px;">*Dicey & Morris 183</p>	<p>Foreign judgment—Brussels Convention 239</p> <p>Injunction—foreign proceedings 241</p> <p>*International litigation 412</p> <p>Jurisdiction</p> <p style="padding-left: 20px;">Brussels Convention— Article 16 462</p> <p style="padding-left: 20px;">Service abroad 244</p> <p>Constitutional Law</p> <p style="padding-left: 20px;">Contempt of court</p> <p style="padding-left: 40px;">†Freedom of speech 492</p> <p style="padding-left: 40px;">Ministers..... 1</p> <p style="padding-left: 20px;">Extradition—jurisdiction 423</p> <p>Judges</p> <p style="padding-left: 20px;">*Immunity 386</p> <p style="padding-left: 20px;">*Independence 387</p> <p style="padding-left: 20px;">*Reform 414</p> <p>Contract Law</p> <p style="padding-left: 20px;">Assignment 24</p> <p style="padding-left: 20px;">*Critical contract law 403</p> <p style="padding-left: 20px;">†Property notions in 524</p> <p style="padding-left: 20px;">†Public contracts—protecting bidders 104</p> <p>Criminal Law</p> <p style="padding-left: 20px;">Child—capacity 426</p> <p style="padding-left: 20px;">*International judicial assistance 193</p> <p style="padding-left: 20px;">Intoxication 6</p> <p style="padding-left: 20px;">†Involuntary manslaughter 44</p> <p style="padding-left: 20px;">*Issues in criminal law 605</p> <p style="padding-left: 20px;">*Jurisprudence 173</p> <p style="padding-left: 20px;">*Miscarriage of justice 179, 629</p> <p style="padding-left: 20px;">†Offences against the person 502</p> <p>Criminal Procedure and Evidence</p> <p style="padding-left: 20px;">*Defence lawyers 389</p> <p style="padding-left: 20px;">†Indictment—invalidity 63</p> <p style="padding-left: 20px;">Lesser offence 467</p> <p style="padding-left: 20px;">*Media interest 627</p> <p style="padding-left: 20px;">Similar facts 249</p> <p style="padding-left: 20px;">*Televised trials in the USA 624</p> <p>Criminology</p> <p style="padding-left: 20px;">*Bentham’s Prison 167</p> <p style="padding-left: 20px;">†Penal policy 480</p> <p>Defamation</p> <p style="padding-left: 20px;">Damages 9</p>
--	---

- Dutch Law**
 *Miscarriages of justice 179
- Equity**
 Conflict of duties 34
 Constructive trust—knowledge of company 453
 Trust—certainty of subject matter 448
 Trustee—measure of liability 450
 Undue influence 21
- Ethics**
 *Mental incapacity—decision-making 621
- European Community Law**
 *Company Law 185
 Legislation conflicting with 210
 Pensions—equality of treatment 236
 *Taxation 623
- Family Law**
 Children—see Children
 †Divorce—reform 253
- Fiduciary obligations**
 Constructive trustees—bribes 31
- Housing**
 Children 19
- Human Rights**
 *In states of emergency 616
 †World Conference 54
 *Universal Declaration 618
- Insurance**
 Duty of disclosure 438
- Intellectual Property**
 *Entertainment law 399
- International Law**
 *Child abduction 408
 Human rights—see Human Rights
 *Maritime boundaries 395
 Sovereign immunity 213
 *Third parties 194
- Judicial Review**
 Prerogative of mercy 4
 Reasons for decisions 207
 †Representations by Revenue 273
- Jurisprudence**
 *Bentham 195
 *Criminal law 173, 177
 *Epistemology of law 607
 *Legal interpretation in the Renaissance 171
 *Liberal-Communitarian debate and feminism 619
- †Polycentric disputes 367
 †Rights 573
- Labour law**
 *Cases and materials 406
 Legislation—history and policy 397
- Land Law**
 Conveyancing
 Undue influence—remedy 232
 Undue influence—third party 21
 Easement—parking 229
 Joint tenancy—notice to terminate 227
 Positive covenants—third parties 446
- Landlord and Tenant**
 Leases—first tenant's liability 28
- Legal History**
 *Athenian law 384
 *England—1348–81 598
 †Edward Christian 140
 *European and Israeli Law 632
 *Scotland—medieval law 169
 *Wales—medieval law 164
- Malta**
 *Constitution 631
- Medical Law**
 *Abortion 190
 Assisted suicide 234
 †Fetus—right to life 71
 Informed consent 16
 *Legal privilege 189
 Termination of life 456
- Negligence**
 Contract 221
 Inactivity 428
 *Netherlands—Van Caenegem 599
 Equality of treatment 236
 *Product Liability 409
- Restitution**
 Void contract 26
- Roman Law**
 †Sale 473
- Scots Law**
 *Miscarriage of justice 629
- Taxation Law**
 †Advance clearance—judicial review 273
 *E.C. law 623
 Rectification 464
- Tort**
 Damages—personal injury 436
 Defamation—see Defamation
 Deceit—contributory negligence 218

Harassment	14	<i>Rylands v. Fletcher</i>	216
Malicious prosecution	433	Vicarious liability—misfeasance	
Negligence—see Negligence		in public office	430
Privacy	11	United States of America	
†Reversionary damage to		*Televised trials	624
chattels	326		

Communications concerning articles should be addressed to the Editor, Mr. C.C. Turpin, Clare College, Cambridge CB2 1TL; those concerning Shorter Articles (not exceeding 4000 words, including footnotes) to Dr. C.F. Forsyth, Robinson College, Cambridge CB3 9AN; and 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. 203–205). 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, 222 Rosewood Drive, Danvers, MA 01923. 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 0008–1973/94/5/\$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

FELDMAN, DAVID: Civil Liberties and Human Rights in England and Wales	610	PRENTICE, D.D., & HOLLAND, P.R.J. (eds.): Contemporary Issues in Corporate Governance	603
FITZPATRICK, JOAN: Human Rights in Crisis: The International System for Protecting Rights during States of Emergency	616	RABELLO, ALFREDO MORDECHAI (ed.): European Legal Traditions and Israel: Essays on Legal History, Civil Law and Codification, European Law, Israeli Law	632
FRAZER, ELIZABETH & LACEY, NICOLA: The Politics of Community: A Feminist Critique of the Liberal-Communitarian Debate	619	SCHLESINGER, PHILIP & TUMBER, HOWARD: Reporting Crime: The Media Politics of Criminal Justice	627
GRUBB, ANDREW (ed.): Decision-Making and Problems of Incompetence	621	SHUTE, STEPHEN, GARDNER, JOHN & HORDER, JEREMY (eds.): Action and Value in Criminal Law	605
JONES, WILLIAM C. (tr.): The Great Qing Code	596	SHUTE, STEPHEN, & HURLEY, SUSAN (eds.): On Human Rights. The Oxford Amnesty Lectures 1993	614
MCCRUDDEN, CHRISTOPHER & CHAMBERS, GERALD (eds.): Individual Rights and the Law in Britain	612	THALER, PAUL: The Watchful Eye: American Justice in the Age of the Television Trial	624
PALMER, ROBERT C.: English Law in the Age of the Black Death 1348–1381: A Transformation of Governance and Law	598	TOUGHILL, THOMAS: Oscar Slater: The Mystery Solved	629
PARKINSON, J.E.: Corporate Power and Responsibility: Issues in the Theory of Company Law	601	VAN CAENEGEM, R.C.: Law, History, the Low Countries and Europe	599
PINGHER, RICHARD: U.K. Taxes and Duties in the Internal Market	623		

CAMBRIDGE UNIVERSITY PRESS

The Pitt Building, Trumpington Street, Cambridge CB2 1RP
 40 West 20th Street, New York, NY 10011-4211, USA
 10 Stamford Road, Oakleigh, Melbourne 3166, Australia

THE CAMBRIDGE LAW JOURNAL

November 1994

CASE AND COMMENT

Extradition—jurisdiction	423	Positive covenants—third parties	446
Crime—capacity of young person	426	Trust—certainty of subject matter	448
Negligence—inactivity	428	Trustee—measure of liability	450
Vicarious liability—misfeasance in public office	430	Company—state of mind	453
Malicious prosecution—false accusation	433	Patient—termination of life	456
Personal injuries—cost of care	436	Children—care orders	458
Insurance—duty of disclosure	438	Jurisdiction—Brussels Convention, art. 16	462
Bailment—third parties	440	Taxation—rectification	464
Unascertained goods—passing of property	443	Criminal procedure—lesser offence	467
		Arbitration—security for costs	470

SHORTER ARTICLES

The Origins of Justinian's Institutes 3.23.5: ROBIN EVANS-JONES	473
Redefining the Meaning of Life: The Early Release of Life Prisoners: STEPHANIE PALMER	480
Fair Trial or Free Press: Legal Responses to Media Reports of Criminal Trials: BRONWYN NAYLOR	492

ARTICLES

Rationality and the Rule of Law in Offences Against the Person: JOHN GARDNER	502
Property Notions in the Law of Obligations: GEOFFREY SAMUEL	524
The Undertaking in Damages—Substantive and Procedural Dimensions: A.A.S. ZUCKERMAN	546
New Rights for Old?: ANDREW HALPIN	573

BOOK REVIEWS

ATIAS, CHRISTIAN: <i>Epistémologie du droit</i>	607	EIDE, ASBJØRN, ALFREDSSON, GUDMUNDUR, MEL- ANDER, GÖRAN, REHOF, LARS ADAM & ROSAS, ALLAN (eds.): <i>The Universal Declaration of Human Rights: A Commentary</i>	618
CREMONA J.J.: <i>The Maltese Constitution and Constitutional History since 1813</i>	631		
EAASON A.J.: <i>Taxation in the European Community</i>	623		

[continued on p. 3 of cover]

CAMBRIDGE
UNIVERSITY PRESS



0008-1973(199411)53:3;1-R