New for 1997 Personal Rate Now Available!
New IOI 1997 Personal Rate Now Available:
OXFORD JOURNAL
O Eno
LEGAL STUDIES
The Oxford Journal of Legal
Studies is published on behalf
of the Faculty of Law in the
University of Oxford. It is
designed to encourage interest
with an emphasis on matters
of theory and on broad http.//
in all matters relating to law, with an emphasis on matters of theory and on broad issues arising from the relationship of law to other
relationship of law to other
with an emphasis on matters of theory and on broad issues arising from the relationship of law to other disciplines. No topic of legal interest is
excluded from consideration. In addition to
traditional questions of legal interest, the following are all
within the purview of the journal: Comparative &
International Law; The Law of the European Community; Legal
History and Philosophy and Interdisciplinary material in
areas of relevance to the law.
1997 Order Form Volume 17 (4 issues) ■ Institutions £87 US\$156 ■ Individuals £45 US\$78
Please send me a free sample copy.
□ Please enter my 1997 subscription to Oxford Journal of Legal Studies.
 I enclose a cheque payable to Oxford University Press. Please debit my Mastercard/Visa/American Express/Diners/JCB Card.
Expiry Date:
Signature Address
Please note: E Starfing rates apply in UX and Europe. USS rates desident Customers in the EU and Canada are subject to their winn local sales Decident and are are addressed and the second area.
tax. Postcode *Students must endere proof of student status Oxford University Press Journals Marketing (X97) Great Clarendon Street, Oxford, OX2 6DP UK.
Tel: +44 (0)1865 267907 Fax: +44 (0)1865 267485 jnl.orders@oup.co.uk

ł

Introducing... Legal Theory

Editors: LARRY ALEXANDER, University of San Diego School of Law, JULES L. COLEMAN, Yale Law School, and FREDERICK SCHAUER, Harvard University, John F. Kennedy School of Government

Legal Theory is a quarterly, peer-reviewed journal that began publication in March 1995. This scholarly professional journal provides an outlet for the highest quality articles in the field of legal theory. Legal Theory draws readers and contributors not only from academic law, but from a wide range of related disciplines in the humanities and social sciences, including philosophy, political science, economics, history, and sociology.

Special Offer – 20% discount!

If you subscribe now to Legal Theory you are eligible to a 20% discount on subscription prices. This means that you pay just £52.80 (normally £66) for institutions and £26.40 (normally £33) for individuals. Offer valid until 31/12/97

Broad Range

Legal Theory will encompass a broad range of topics, including but not limited to:

Analytical Jurisprudence

the study of the nature of law and legal concepts
law's relation to morality • the interpretation of

texts • law's relation to social facts • the nature of rules

Normative Jurisprudence

The justifications of major legal institutions, such as:

- criminal punishment
 tort law
 property law
 contract law
- Doctrinal Theory

• theory of the first amendment • theory of the takings clause • theory of corporate governance

Policy Analyses of Legal Doctrines

• law and economics analyses • public choice analyses

Critical Theories of Law

- critical legal studies feminist legal theory
- critical race theory

Further Information

Please send me further information on Legal Theory

Name			
Address		 	
			_

Send coupon to: Journals Marketing Department, Cambridge University Press, FREEPOST*, The Edinburgh Building, Cambridge CB2 1BR, UK Tel:+44 (0)1223 325806 Fax:+44 (0)1223 315052 E-mail enquiries: journals_marketing@cup.cam.ac.uk *No stamp necessary if posted within UK

Enquiries in the USA, Canada and Mexico should be directed to: Cambridge University Press, 40 West 20th Street, New York, NY 10011-4211, USA, Tel: (914) 937 9600 x 154 Fax: (914) 937 4712



CAMBRIDGE

An Historical Introduction to Western Constitutional Law

R. C. van Caenegem Historical analysis of different models of constitutional government assessing their impact today. £40.00 HB 0 521 47115 X 348 pp. £15.95 PB 0 521 47693 3

Stare Indecisis

The Alteration of Precedent on the Supreme Court, 1946–1992

Saul Brenner and Harold J. Spaeth This book presents a full-length empirical study of why U.S. Supreme Court justices have chosen to alter precedent. £35.00 HB 0 521 45188 4 202 pp.

Justice in International

Selected Writings

Stephen M. Schwebel Articles and commentaries examining the performance and capacity of the International Court of Justice, aspects of international arbitration, and the unlawful use of force. E80.00 HB 0 521 46284 3 650 pp.

Law and Literature Possibilities and Perspectives

Ian Ward The interdisciplinary theory of law and literature, and its application to the literary text. £32.50 HB 0 521 47474 4 276 pp.

Adult Eyewitness Testimony

Current Trends and Developments Edited by David Frank Ross, Don Read and Michael P. Toglia Investigates the factors that influence the accuracy of eyewitness testimony. £40.00 HB 0 521 43255 3 384 pp.

John Austin: The Province of Jurisprudence Determined

Edited by Wilfrid E. Rumble The Province of Jurisprudence Determined (1832) is a classic of nineteenth-century English jurisprudence, a subject on which Austin had a profound impact. This edition includes a comprehensive introduction, bibliography and biographical synopses of the principal figures mentioned in the text.

£40.00 HB 0 521 44244 3 340 pp. £14.95 PB 0 521 44756 9 Cambridge Texts in the History of Political Thought



The Edinburgh Building, Cambridge CB2 2RU

NEW TITLES FROM HART PUBLISHING

Using Human Rights Law in English Courts

Murray Hunt Foreword by Peter Duffy

This book, written by an experienced human rights practitioner and former lecturer, shows how scope exists for using international human rights law in English courts, irrespective of the debate about "incorporation or non-incorporation." It does this by addressing directly the theoretical obstacles to using human rights law in English courts, and exposes the extent to which, in the light of recent judicial practice, these have now fallen away. 456 pages - f30 UK and Europe

\$45 US and Rest of World ISBN - 1-901362-00-0 MARCH 1997

fortbcoming The Province of Foreign Lav

Administrative Law Edited by Michael Taggart

Jaw

HART PUBLISHIN

Foreword by Sir Stephen Sedley These new essays by scholars from the UK, North America, Australia and New Zealand address pressing issues in administrative law. What is its proper ambit? Where does the public/private divide lie at the margins of administrative law? How are courts reacting to the rationalisation and contractualisation of the regulatory state?

450 pages- Hardback £45 UK/\$65 US Paperback £20 UK/\$30 US ISBN 1-901362-01-9 (cl)

ISBN 1-901362-02-7 (pbk) JUNE 1997

Foreign Law and Comparative Methodology A Subject and a Thesis B. S. Markesinis

This selection of essays by the leading comparative lawyer, Basil Markesinis, provides a compilation of his most stimulating and authoritative work. A *tour de force* of comparative law scholarship, this book will be invaluable to all scholars of comparative law.

500 pages - £45 UK and Europe \$65 US and Rest of World ISBN - 1-901362-03-5 JUNE 1997



Customers in the UK and Europe please add £2.00 p&p for the first book, and £1.00 for each additional book. Customers outside the UK and Europe please add \$3.50 for the first book and \$2.00 for each additional book.

Orders to: Hart Publishing, 19 Whitehouse Road, Oxford, OX1 4PA, UK. Tel: +44 (0) 1865 434459 Fax: +44 (0) 1865 794882 e-mail: orders@janep.demon.co.uk. Sir Thomas Legg KCB, QC

Permanent Secretary, Lord Chancellor's Department

MANAGING THE LAW

The GKN Lecture 1996, Magdalene College, Cambridge

Copies of the lecture, in the Magdalene College Occasional Papers series, are available from the College Office, Magdalene College, Cambridge, CB3 0AG

Price £3.00

Communications concerning Articles and Shorter Articles (not exceeding 4000 words, including footnotes) should be addressed to the Editor, Mr. M.J. Prichard, Gonville and Caius College, Cambridge CB2 1TA; and those concerning notes to Mrs. C.A. Hopkins, Girton College, Cambridge CB3 0JG.

Books for review should be sent to Dr. R.J.C. Munday, Peterhouse, Cambridge CB2 1RD.

Notes for Contributors are reproduced at the end of Part 3 of the journal annually. 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 percopy fee of \$7.50. This consent does not extend to multiple copying for promotional or commercial purposes. Code 0008–1973/97/5/\$7.50 + 10.

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.

Information on *Cambridge Law Journal* and all other Cambridge journals can be accessed via http://www.cup.cam.ac.uk/ and in North America via http://www.cup.org/.

BOOK REVIEWS

ABEL, RICHARD L. Politics by Other Means: Law in the Struggle against Apartheid, 1980-1994	209	HUDSON, JOHN (ed.): The History of English Law: Centenary Essays on Pollock and Maitland	217
ALDRICH, GEORGE H. The Jurisprudence of the Iran-United States Claims Tribunal. An analysis of the Decisions of the Tribunal	201	KUMMER, KATHARINA: International Manage- ment of Hazardous Wastes: The Basel Convention and Related Legal Rules	206
ALEXANDROV, STANIMIR A.: Self-Defense Against the Use of Force in International	208	MEESSEN, KARL M. (ed.): Extraterritorial Juris- diction in Theory and Practice	204
Law BROOKS, CHRISTOPHER W. (ed.): The Admissions Registers of Barnard's Inn 1620–1869	219	PATTENDEN, ROSEMARY: English Criminal Appeals, 1844–1944: Appeals against Con- viction and Sentence in England and Wales	221
BUCKLEY, R.A.: The Law of Nuisance	228	ROSE, F.D. (ed.): Consensus ad idem: Essays in	231
CECT, STEPHEN J. and BRUCK, MAGOR: Jeopardy in the Courtroom: A Scientific Analysis of Children's Testimony	223	Honour of Guenter Treitel SHAHABUDDEEN, MOHAMMED: Precedent and the World Court	202
CRANSTON, ROSS (ed.): Banks, Liability and Risk	233	SMITH, ROGER: Property Law VIDMAR, NEL: Medical Malpractice and the	235 225
DINSTEIN, YORAM and TABORY, MALA (eds.): War Crimes in International Law FLETCHER, GEORGE P.: Basic Concepts of Legal	211	American Jury: Confronting the Myths about Jury Incompetence, Deep Pockets, and Outrageous Damage Awards	
Thought	215	WINTEMUTE, ROBERT: Sexual Orientation and	211
FREEMAN, MICHAEL (ed.): Divorce: Where Next?	237	Human Rights: The United States Consti- tution, the European Convention and the	
OREEN, MICHAEL D.: Bendectin and Birth Defects: The Challenges of Mass Toxic Substances Litigation	226	Canadian Charter ZUTSHI, P.N.R. (ed.): The Letters of Frederic William Maitdand, Volume II	216
HODGIN, RAY (ed.): Professional Liability: Law and Insurance	230		

CAMBRIDGE UNIVERSITY PRESS

The Edinburgh Building, Cambridge CB2 2RU, United Kingdom

40 West 20th Street, New York, NY 10011-4211, USA

10 Stamford Road, Oakleigh, Melbourne 3166, Australia

https://doi.org/10.1017/S0008197300017529 Published online by Cambridge University Press

Volume 56 [1997] C.L.J. Part 1 THE CAMBRIDGE LAWJOURNAL

March 1997

CASE AND COMMENT

Judicial review-fairness	1	Sale of goods-retention of title	28
Legislation-validity	4	Bankruptcy-tracing	30
Evidence-listening device	6	Equitable interests-estate contract	32
State immunity-torture	8	Estoppel-unconscionability	34
Criminal law-assault	11	Registered land-overriding interests	37
Negligence-fire services	14	Solicitors-multiple employment	39
Fraud-damages	17	EC-Working Time Directive	43
Negligent valuation-damages	19	Conflict of laws-antisuit injunctions	46
Contract-computer software	21	Child-medical treatment	48
Law reform-privity of contract	25		

SHORTER ARTICLES

Public Interest Immunity: Recent and Future Developments: CHRISTOPHER	
FORSYTH	51
The O'Brien Principle and Substantive Unfairness: MINDY CHEN-WISHART	60
Restitution, Coercion by a Third Party, and the Proper Role of Notice:	
EOIN O'DELL	71

ARTICLES

The Renewal of the Old: DAVID JOHNSTON	80
Moral Responsibility and Political Freedom: BERNARD WILLIAMS	96
Responsibility, Retribution and the "Voluntary": a Response to Williams:	
ANTONY DUFF and ANDREW VON HIRSCH	103
Internal Cross-Border Policing within the United Kingdom: the High	
Road or the Low Road to Effective Co-operation?: CLIVE WALKER	114
Practical Reasoning and Contract as Promise: Extending Contract-based	
Criteria to Decide Excuse Cases: ANDREW J. MORRIS	147
Uses, Trusts, and a Path to Privity: N.G. JONES	175

[continued on p.3 of cover]





https://doi.org/10.1017/50008197300017529 Published online by Cambridge University Press 973(199703)56:111-C