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French courts in the nineteenth century to the influence of Savigny's works on Italian jurists. Individual chapters raise fascinating issues such as the continuing influence of Roman law and comparative law, and on the whole the subtext is one of cautious pessimism. One reason for this may be a theme picked up by the author, namely that European legal culture is so intertwined with the history of a specific nation or grouping that further harmonisation will prove difficult.

The second section is devoted to the larger theme of the university training of law students in Europe from a historical perspective. This section contains chapters in German and Italian which address thorny issues such as the proposals for the reform of legal education in Germany and Italy and the portrayal of jurists in European legal culture. It is a pity that this section was not made compulsory reading for the Law Society of Scotland before the drafting of its proposals for the reform of legal education. The fact that Scotland has a legal system at least in part influenced by Continental scholarship can be obscured by the attention paid to the English experience.

The final section of the book is concerned with the theme of legal practice and civil law in European legal history. It contains French, German and Italian chapters on specific legal topics such as good faith, judicial precedent and the *exceptio doli*. Again, the subtext of many of these chapters appears to be unity and diversity in equal measures.

This is a thought-provoking work by an important scholar in the fields concerned. Through a series of diverse chapters, Ranieri succeeds in painting a picture of European private law during the last two centuries. More importantly, however, this study highlights one of the fundamental difficulties commonly encountered by those wishing to harmonise private law in Europe. Private law is culture-specific. It is the product of millennia of legal development grounded in the philosophy and experience of a specific jurisdiction. Any harmonisation project negating these fundamental differences is doomed to fail.

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B H McPherson, THE RECEPTION OF ENGLISH LAW ABROAD

Brisbane: Supreme Court of Queensland Library (*www.court.sclqld.org.au*), 2007. xlv + 520 pp. ISBN 9780975123096. Aus $52.

In this treasure trove of a book, B H McPherson, a former judge of appeal of the Supreme Court of Queensland and presently a judge of the Court of Appeal of Fiji and of the Solomon Islands, traces the history of the colonial expansion of Britain as far back as the twelfth-century invasion of Ireland by England. In fact this is also a record of the history of the British Empire. As a result there are unavoidable repetitions. However, this is compensated for by the width of coverage, the vast table of cases from the seventeenth century onwards from England and most of the colonies, the extensive references in the footnotes, and the fact that there is no other "readily accessible study of when and how it all took place". What is considered in this work is therefore not the later evolution and development of the law in the territories mentioned – which by the way would be an impossible task to be undertaken by a single scholar – but of the principal elements in the process of reception, and of how, why, where and to what extent reception took place. As pointed out by the author, this is "a very large topic" showing how, as with the spread of the English language, transposing English law overseas has "produced different accents and usages involving adjustments and changes to many of its rules".

Though the work would be of most value to legal historians, it is also fascinating to a comparatist interested, like the reviewer, in reception of law as an explanation of law's development and convergence and divergence, and in one of the outcomes of reception, namely mixed jurisdictions. In places there are also passing comparisons made with Spanish and French colonial experience. This reviewer even found information on the Ottoman Empire and its relations with Britain, previously unknown to her, scattered among other such gems.

After a helpful introduction looking at the dissemination of English law, terminology, reception theories and problems of reception encountered in the colonies – where the author also justifies his choice of terminology, that is, "reception" over transmission, introduction, adoption and incorporation – McPherson considers, in the ensuing eleven chapters, land and territory, English government, colonial constitutions, nationality, allegiance and protection, liberties and law, the legislative introduction of English law, territorial expansion, reception methods, limitation on receptions, judicial receptions and reception of legal knowledge.

It would be impossible to comment on all the chapters within the confines of a book review. For this reviewer however, the last five chapters are of particular interest. Chapter 8 on territorial expansion considers how English law was received (imposed) in the early colonies: Canada, Australia, New Zealand and the Pacific, West Africa, East Africa and the Persian Gulf, India and south east Asia. In chapter 9, which looks at methods and formulae (standard and territorial) of reception, the "natural birthright" (first used in 1655) or "colonial birthright" (first suggested in 1693) or "inheritance" doctrine is discussed as the theory behind the expansion. Its necessary supplement – legislation – in adopting (local) or imposing (imperial) English law is also considered. Local re-enactment, codification, incorporation by reference and listings are presented as subsidiary modes of this reception. Chapter 10 analyses the limitations on reception such as inconsistency with local statutes, exclusion and repeal. It also considers reception and cut-off dates. Unsuitability and criteria for applicability are discussed as other important heads here, when the author looks at cases comparing their circumstances. There were also, of course, laws that were explicitly excluded such as personal laws (ecclesiastical laws, marriage and divorce), laws that were regarded as causing injustice and oppression specifically in India, Asia and Africa, and other excluded laws such as police and revenue laws. McPherson also discusses the impact of people and religion, geography, land use and socio-economic factors. Chapter 11 on judicial reception illustrates how the judges and courts played a leading role in the reception of English law abroad. There is a detailed analysis the role of "tacit" reception through the use of the concepts of "justice, equity and good conscience", with a large number of cases from the courts of various of the jurisdictions covered by the author. In addition, the position of the Privy Council is fully discussed.

Learning English law abroad is the meat of the final chapter dealing with the reception of legal knowledge. As McPherson says, "to transplant a legal system from one country to another requires more than a bare legislative declaration that it is to be in force locally". The rules have to regulate relations among people in practice, and in the case of English law the rules of Common Law were diffused and difficult to locate. In addition, there was a scarcity of lawyers and law books in the colonies. Nevertheless, development of local skills, education in England, colonial legal training and the interrelationship between the colonies helped to overcome these problems.

There is no concluding chapter and yet the last paragraph points to the importance of judges for the reception process, in that when the settlers carried their "birthright" abroad, "it was justices of the peace using English manuals who first applied it in deciding cases coming before them in the lands beyond the seas". Thus the early reception "owes much more to these . . . justices . . . than scholarly research is ever likely to establish".

This book presents a panorama of the historical beginnings of the reception of English law, and derivative forms of it today, in some of the legal systems of the hundred or more places that use it, and offers an insight and understanding of the reception process as no previous work has done.

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HUMAN RIGHTS AND PRIVATE LAW: PRIVACY AS AUTONOMY. Ed by Katja S Ziegler
Oxford: Hart Publishing (*www.hartpub.co.uk*), 2007. xxviii + 214 pp. ISBN 9781841137148. £35.

These days any book with "privacy" in its title is in a race against time, and this volume, the fifth of the *Studies of the Oxford Institute of European and Comparative Law*, is no exception. The fifteen papers published here were first delivered at a conference in Oxford in 2005 with the participation of the Universities of Leiden and Munich. By the time the text reached the press, therefore, some parts were already out of date. For example, Nicholas Barber's essay, previously published in *Public Law* in 2003, poses the question whether there should be "A right to privacy" in English law, but was written before the final stages of the litigation in *Douglas v Hello* [2008] 1 AC 1 and *Campbell v Mirror Group* [2004] 2 AC 457. Barber's conclusions regarding the "spree of decisions denying claimants the benefit of a privacy tort" (77) must accordingly be considered in the light of the "spree" of more recent decisions conferring extensive protection upon the right to private life. And even since publication in 2007 the debates acknowledged in the editor's "Preface" as "fast-changing" and "on-going" have indeed moved on. Alison Young's discussion of "Horizontality and the Human Rights Act 1998", for instance, might usefully be updated in the light of jurisprudence which increasingly regards articles 8 and 10 of the ECHR as having entered into "the very content" of the Common Law (see e.g. *McKennitt v Ash* [2008] QB 73 per Buxton LJ at para 11).

These unavoidable limitations aside, however, this book makes a valuable contribution to the burgeoning literature on privacy. As the title suggests, its particular focus is regulation of invasions of privacy by private individuals or entities, rather than by public bodies, a subject which has hitherto received greater coverage. The first part of the book, in particular essays on the "Core Business of Privacy Law" by Hans Nieuwenhuis and "Human Rights and Private Law" by Lorenz Fastrich, discusses the interrelationship between privacy and the right to private life as provided by article 8. In doing so it explores what is meant by personal autonomy, a concept now used extensively to give content to the rights-based jurisprudence of the English courts. Other essays in this part, by Alison Young and Aurelia Ciacchi, analyse different models of horizontality in practical detail and in the light of broader concerns of social justice. The second part of the book deals with privacy in relation to substantive topics. Its distinguished group of contributors do not focus exclusively upon the law of tort but consider privacy protection in the round, with thoughtful essays on the right to privacy in the context of contract, employment, intellectual property and media law.

While privacy law is moving rapidly, many of the issues raised in these essays have yet to be resolved. Roderick Bagshaw's perceptive essay on "Privacy and Tort Design", for example, poses the important question whether the interaction of articles 8 and 10 of the ECHR can provide a satisfactory basis for formulating a legal duty. This problem remains at the heart