

INTERNATIONAL & COMPARATIVE LAW QUARTERLY

VOLUME 52 PART 4 OCTOBER 2003

ISSN 0020-5893

Personal Freedom and the Dilemma of Democracies

Tom Bingham

The Iraq Crisis: What Now?

Vaughan Lowe

Interlocking Legal Orders in the European Union and Comparative Law

Koen Lenaerts

The Community Courts Post-Nice: A European *Certiorari* Revisited

Liz Heffernan

**Independence, Impartiality and Immunity of Arbitrators—US and English
Perspectives**

Hong-Lin Yu and Lawrence Shore

**A Role for Tort in Pre-Contractual Negotiations? An Examination of English,
French, and Canadian Law**

Paula Giliker

Shorter Articles, Comments and Notes, and Book Reviews—see back cover

OXFORD
UNIVERSITY PRESS

BIICL
THE BRITISH INSTITUTE OF
INTERNATIONAL AND
COMPARATIVE LAW

International and Comparative Law Quarterly

Volume 52

October 2003

Part 4

ARTICLES

- PERSONAL FREEDOM AND THE DILEMMA OF DEMOCRACIES**
Tom Bingham 841
- THE IRAQ CRISIS: WHAT NOW?**
Vaughan Lowe 859
- INTERLOCKING LEGAL ORDERS IN THE EUROPEAN UNION
AND COMPARATIVE LAW**
Koen Lenaerts 873
- THE COMMUNITY COURTS POST-NICE: A EUROPEAN CERTIORARI
REVISITED**
Liz Heffernan 907
- INDEPENDENCE, IMPARTIALITY AND IMMUNITY OF ARBITRATORS—
US AND ENGLISH PERSPECTIVES**
*Hong-Lin Yu and
Lawrence Shore* 935
- A ROLE FOR TORT IN PRE-CONTRACTUAL NEGOTIATIONS?
AN EXAMINATION OF ENGLISH, FRENCH AND CANADIAN LAW**
Paula Giliker 969

SHORTER ARTICLES, COMMENTS, AND NOTES

- PROTECTING THE INTERESTS OF CIVIL SOCIETY IN COMMUNITY DECISION-
MAKING—THE LIMITS OF ARTICLE 230 EC**
Andrew Cygan 995

CURRENT DEVELOPMENTS: EUROPEAN UNION LAW

- I. SOCIAL POLICY *Erika Szyszczak* 1013
- II. FREE MOVEMENT OF GOODS *Stephen Weatherill* 1021
- III. AGRICULTURE *Michael Cardwell* 1030

CURRENT DEVELOPMENTS: PRIVATE INTERNATIONAL LAW

- I. NEW BELGIAN LAW ON SAME SEX MARRIAGE AND THE PIL
IMPLICATIONS *Aude Fiorini* 1039
- II. DEFAMATION ON THE INTERNET—NICE DECISION, SHAME ABOUT THE
REASONING: *Dow Jones & Co Inc v Gutnik* *Uta Kohl* 1049

CURRENT DEVELOPMENTS: PUBLIC INTERNATIONAL LAW

I. LEGAL ASSESSMENT OF THE USE OF FORCE AGAINST IRAQ

*The Legal Department of the Ministry of Foreign Affairs of the
Russian Federation* 1059

BOOK REVIEWS

- ANDENAS, MADS AND ROTH, WULF-HENNING (eds), *Services and Free
Movement in EU Law* (Stefan Enchelmaier) 1065
- BYRNE, ROSEMARY, NOLL, GREGOR AND VEDSTED-HANSEN, JENS
*New Asylum Countries: Migration Control and Refugee Protection
in an Enlarged European Union* (Frank Wooldridge) 1067
- DEFLEM, MATTHIEU *Policing World Society: Historical Foundations of
International Police Cooperation* (Hazel Fox) 1068
- GRILLER, STEFAN (ed) *International Economic Governance and
Non-Economic Concerns. New Challenges for the International
Legal Order* (Stefan Zleptnig) 1069
- GUARNIERI, CARLO AND PEDERZOLI, PATRIZIA *The Power of Judges* and
SHAPIRO, MARTIN AND STONE SWEET, ALEC *On Law, Politics and
Judicialization* (John Bell) 1071
- HOOD, ROGER *The Death Penalty—A Worldwide Perspective*
(Robert Weekes) 1073
- SHARPE, ROBERT J, SWINTON, KATHERINE E AND ROACH, KENT
Canadian Charter of Rights and Freedoms (Faisal Saifee) 1074

BOOKS RECEIVED

BENEFACTORS OF THE BRITISH INSTITUTE OF INTERNATIONAL AND COMPARATIVE LAW DEVELOPMENT APPEAL 2002–2003