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into five sections, being General Concepts; Performance; Compensation; Punishment; and Restitution and Disgorgement, but a short opening chapter could have drawn out these themes. Further, the essays are primarily concerned with Common Law remedies, although some do offer a comparative approach which draws on Civilian principles (e.g. Allan Beever, "Justice and Punishment in Tort: A Comparative Theoretical Analysis"). A decision must have been taken to focus on private law remedies in Common Law systems rather than in Civil Law systems, and knowing the reasons for this decision would have been instructive, particularly for those in Civilian or mixed legal systems. An introductory chapter would also have been able to explore, even if only in brief, whether the essays as a whole depend upon a particular understanding of private law, which unites the remedies (and their justifications) systematically.

A minor quibble is with the occasional inaccuracy or error: referring to the Scottish case of *Macfarlane v Tayside Health Board* as an English case (Kiefel) is on one level no more than a careless slip, yet could perhaps be classed as a more significant error in a collection which, as noted, focuses on Common Law systems. That apart, this volume has much to offer private law scholars from all jurisdictions.

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RULES FOR THE TRANSFER OF MOVABLES: A CANDIDATE FOR EUROPEAN HARMONISATION OR NATIONAL REFORMS? Ed by Wolfgang Faber and Brigitta Lurger

Munich: Sellier (www.sellier.de), 2008. xi + 268 pp. ISBN 9783866530607. €39.

One thinks of the "European private law" boom as being fairly recent, and as focusing on the law of obligations, and especially on contract law. Curiously, one of the earliest of such works was on the proprietary aspects of the sale of goods: Michel Waelbroeck's lucid and insightful *Le transfert de la propriété dans la vente d'objets mobiliers corporels en droit comparé* (1961). Waelbroeck, writing soon after the Treaty of Rome, thought that a single market demanded a single law of sale of goods. So it has much in common, as far as its paving-the-way motivation is concerned, with the present work. Between 1961 and 2008 not so very much was done in this area. One must of course mention Lars van Vliet's excellent *Transfer of Movable in German, French, English and Dutch Law* (2000), but that was not written as a paving-the-way text. The relative lack of such work may reflect the fact (if it is a fact) that whilst there may be a case for harmonising or unifying the contractual side of sales of goods, the case for the property side is weaker. Ernst Rabel concentrated on the contractual questions, and as everyone knows, the Vienna Convention on the International Sale of Goods does not touch the property side.

Waelbroeck dealt only with the six original member states. The six are now the twenty-seven. Many of the new countries have systems similar to those studied by Waelbroeck, but not all. One might expect England to be the odd one out, but in fact the English law in this area is more "Civilian" than, I think, any other part of English property law. The real maverick turns out to be not England but Sweden. More of that anon.

The Faber/Lurger book is not a systematic treatise in the style of Waelbroeck or van Vliet, but a collection of essays from different hands. As well as the two editors, the contributors are Steven Bartels, José Caramelo-Gomes, Caroline Cauffman, Jens Thomas Fuller, Selma de Groot, Kai Kullerkupp, Marie-Rose McGuire, Claes Martinson, Eleanor Cashin Ritaine, Vincent Sagaert, Arthur F Salomons and Luboš Tichý. No attempt is made to cover all the

European systems, nor to cover all aspects of the subject. The book is a miscellany, and has both the advantages and drawbacks of that format.

I will mention four of the papers. From Steven Bartels comes a short but valuable discussion of the causal/abstract issue. Since today we tend to hear the voices of the centripetal enthusiasts more than the voices of the doubters, I was pleased to see some scepticism in his essay: “there is no demand (let alone a necessity) for a European rule that imposes on all jurisdictions/countries a unified system for the transfer of movables” adding that “a uniform rule . . . will not lead to uniformity” (59). He also suggests that if European legislation is going to choose between the abstract approach and the causal approach, then “the law which is applicable to the transfer of immovables must be taken into account” (59). I welcome the point about immovable property: to think about movables in isolation is not enough. Indeed, this book itself can perhaps be criticised on such grounds.

The second contribution to be mentioned is Salomons’ valuable study of *bona fide* acquisition, including its chart (142) showing different systems in a spectrum, with the rigorous title security of Roman law at one extreme (*ubi rem meam invenio ibi vindico*), the rigorous transactional security of the old German law at the other extreme (*Hand wahre Hand*), and the modern systems strung out between them. (Not all of them are included, but Scotland is.)

The other two contributions to be mentioned here are Martinson’s exposition of the Swedish approach, with Faber’s response to it. Martinson disavows the role of the missionary, but the disavowal is unconvincing: he seems to be saying that the Swedish approach is best. His section headings give the flavour. “A: To own or not to own: that is not the question! B: Go straight to the problem! Ownership is a detour D: Form the questions functionally! Ownership is not a real concern. F: Use ownership relationally!” And so on. His essay is fascinating. It would be a good assignment for an advanced Property class. It may or may not convince. It does not convince Faber, whose careful and to me convincing defence of traditional thinking is supported by what seems to be a detailed knowledge of the Swedish authorities. Whatever one thinks of the Swedish approach, it underlines the problems faced by those who wish to harmonise or unify European private law. Not all gaps are bridgeable.

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Charles Sydney Le Gros, TRAITÉ DU DROIT COUTUMIER DE L’ÎLE DE JERSEY
St Helier, Jersey: Jersey & Guernsey Law Review (www.jerseylaw.je/Publications/JerseyLawReview), 2007. xii + 590 pp. ISBN 9780955761102. £21.

Inter arma silent leges may be true or false, but arms do not always silence legal scholarship. Here in Scotland the year 1942 saw Lewis Ockrent’s *Land Rights: An Enquiry into the History of Registration for Publication in Scotland*, while two years later we had Thomas Cooper’s *Select Scottish Cases of the Thirteenth Century*. Thus the light sometimes shines in the darkness. Darker than than Scotland was Jersey, yet even there not all was dark. As Ockrent’s book was being published, Charles Le Gros was finishing his *Traité du droit coutumier de l’île de Jersey*, and it was printed in St Helier in 1943. But the approval of the occupying authorities ended on sight of the title page: the author, they saw, was the *Vicomte du Roi*. The books stayed in the warehouse, until the authority of the *Roi* was re-established two years later.

The new edition is a facsimile, including a copy of the 1945 *Errata et Addenda* slip, plus much additional material. There is a short but informative introduction by the current Bailiff