To ensure safer practice, the authors favour a system under which medical professionals are routinely required to report not just incidents that cause damage, but "near misses" too: a system that is now currently being implemented in the United Kingdom through the National Patient Safety Agency.

For compensation, the authors favour a "no fault" scheme. The New Zealand "no fault" compensation scheme ran notoriously into trouble, from which tort lawyers in the United Kingdom tend to conclude that such schemes can never work. The authors believe that difficulties with the New Zealand scheme were caused by a combination of bad management and political interference—and remind us that both Sweden and Finland have schemes that seem to work quite well.

Unlike many advocates of "no fault" schemes, Merry and McCall Smith believe that in the common law world, negligence actions against doctors do have their proper place—and should in principle be retained even if a "no fault" scheme were introduced. However, this is on condition that the concept of negligence is redefined to equate more closely with behaviour that can fairly be seen to attract blame. With this in mind, they draw up a hierarchy of five levels of conduct that causes damage. First there is simple causation, with no failure to in any sense to do what ought to have been done. Second, there is fault, in the sense of failure to do what ought to have been done in the circumstances; this includes momentary slips and lapses, which even normally careful people will inevitably make. Third, there is fault in the sense of the intentional violation of a known rule; for example, the anaesthetist who, in breach of normal good practice, leaves the patient unattended to make a telephone-call. Fourth there is subjective recklessness; where the doctor both knows that his or her behaviour is in breach of the rules, and—unlike the hypothetical anaesthetist—actually foresees what the result might be. Fifthly and most exceptionally, there is harm that is intentionally caused. In categories three to five, blame may properly be attached: but in their view, not in category two, any more than in category one.

This is a ground-breaking and important book. For medical lawyers, it is obviously interesting because it makes a convincing case "that tort-based compensation is an unreliable and inefficient means of compensating injured patients, may often produce unjust results, has placed undue and unproductive pressure on doctors, and has not turned out to be particularly effective in improving safety" . But it has a wider importance, because of the critical analysis to which it subjects the legal concept of negligence. It is a book that every reflective tort lawyer ought to read.

J.R. SPENCER

Judicial Approaches to Trade and Environment: The EC and the WTO. By NICOLA NOTARO. [London: Cameron May. 2003. 271, (Appendices) 50, (Bibliography) 22, and (Index) 4 pp. Hardback £125.00. ISBN 1–874698–19–8.]

NICOLA NOTARO undertakes a task of impressive dimensions in this book published recently by Cameron May. The publication is presented as a revised version of the author's doctoral thesis, submitted at the University

of London. The body of the work consists of a broad and up-to-date survey and critique of decisions made within the dispute resolution systems of the EC and the WTO in the field of "trade and environment".

Notaro begins by providing tidy overviews of the development of relevant institutions and of the treaty provisions respectively applying within the EC and the WTO in relation to "trade and environment". In later sections of the book the author's tone becomes increasingly open and direct, as he puts forward a range of opinions on the decisions made in the disputes under discussion. His interest in the tensions implicit in deregulation of trade, specifically those connected with environmental policies, energises the book throughout.

Notaro's decision to focus his research on the judgments and reports emerging from the EC and the WTO is a logical one. There are now highly developed adjudicatory mechanisms operating within both these international legal subsystems, and an increasingly complex body of substantive law exists in both the EC and the WTO in the area of "trade and environment". The book is dedicated largely to a study of how this law has been applied and interpreted in the series of cases discussed. For example, the author looks at ways in which the concept of necessity is applied as a factor justifying adoption of environmental protection measures in the context of free trade. As the book makes clear, the significance of "case-law" in the field of "trade and environment" in the EC and the WTO is considerable. This is due largely to the approach to their task adopted by Members of the European Court of Justice and of the WTO Appellate Body, and can itself be seen as the most radical aspect of "judicial approaches" to trade and environment.

Several features of the author's final analysis, found towards the end of relevant sections of the book, and of the book itself, call for remark. The author raises a number of intriguing points. Procedural aspects of "judicial approaches" to "trade and environment" that he brings to our attention include: the format of WTO reports, the reception of amicus curiae briefs, the allocation of the burden of proof, the consultation of experts and the referral of cases back to tribunals of first instance. Much work remains to be done on these topics. For example, the role of the precautionary principle will need to be analysed closely. The precautionary principle may be applied between international actors as a matter of law to require those wishing to conduct dangerous activities to demonstrate their safety before proceeding. This reviewer suggests however that such a requirement can be considered to impose only an "administrative" burden of proof on an international actor, and does not automatically impose an "adjudicative" burden of proof in the context of adversarial third party dispute resolution procedures. There is ample room to contend that the author's view that the precautionary principle may directly affect the allocation of a burden of proof in proceedings before an international tribunal is premature.

Finally, it should be noted that the editors of this book seem to have done no great service to the author, whose first language is not English. The text is poorly set out in long and dense paragraphs. Greater effort should have been expended in ensuring that grammar, spelling and punctuation were correct, and errors were eliminated. Concerns also remain about the most helpful way to present doctoral research, and the extent to which substantial rewriting may be necessary before publication. The amplitude of the research reflected in Notaro's publication remains

impressive, nevertheless, and the book will offer engaging reading for some of those who are researching the cases on which it comments.

CAROLINE FOSTER

Money Laundering Law: Forfeiture, Confiscation, Civil Recovery, Criminal Laundering & Taxation of the Proceeds of Crime. By PETER ALLDRIDGE. [Oxford, Portland, Oregon: Hart Publishing. 2003. xli, 273 and (Index) 8 pp. Hardback £40.00. ISBN 1–84113–264–0.]

IT IS claimed that up to $1.5 trillion is laundered annually in the world. Whether or not this figure is accurate, "enough influential people behave as though there is a significant problem" (p. 6). The result has been a raft of legislation at international, regional and domestic levels as money laundering has moved from the margins to the centre in the war against drugs, the war against organised crime and, now, the war against terrorism (p. 1). Yet, despite this current focus on money laundering, there is still a dearth of scholarly analysis of the legal responses to money laundering and the financing of crime. Alldridge's new book goes a long way to addressing this lacuna by providing a thorough and critical exploration of the rapidly developing criminal and civil law in England and Wales relating to the proceeds of crime and monies intended to finance crime, introduced through a discussion of international and European developments in this area.

The book succeeds in all three of its aims: it provides "a criminal law emergence study", it critically examines "the supposed rationales for the legal responses to proceeds of crime ... at a time when money laundering has come to be blamed for many of the evils of the world", and it conducts "a human rights audit of the current state of the law of confiscation and forfeiture" in England and Wales (p. v). The introductory chapters have a predominately socio-legal perspective, followed by a chapter examining forfeiture, confiscation and criminalisation in the context of criminal law theory. The bulk of the remaining chapters provide a doctrinal discussion of the current law focussing on its implications for human rights, with frequent references both to the theoretical and to the socio-legal observations made earlier.

The first chapter describes the phenomenon of money laundering, critically examines various attempts to quantify the amounts laundered globally, and traces the development of legal responses to it from a socio-legal standpoint. This is the "criminal law emergence study" (p. v). It also examines, for example, the rhetoric that is employed in the debates, the notions of moral panics, and the interests of the various actors (politicians, law enforcement personnel and other criminal justice professionals and academic observers) who are shaping policy and law in this area, particularly in the post September 11 environment (pp. 16–23). Chapter one ends with a brief introduction to the concept of the harm in money laundering (p. 27), which leads into chapter two's examination of the predominant economic arguments used to justify counter-money laundering action (pp. 29–43). The critical analysis in this chapter is especially to be welcomed given the frequent and uncritical repetitions of the claim, often without further elaboration, that money laundering and inflows of "dirty"