other than by formal adjudication. Much of the interest of judges and court managers is from the standpoint of attempts to lighten court schedules. However, ADR makes wider claims. Mediation, meaning the use of a third person to act as a channel for communication and ideas so as to enable the parties to work out their own solution, is said to help preserve relationships and produce flexible and lasting results. As Singer says: "Yet savings in cost and time are not the sole reason for much of the rapidly increasing enthusiasm for settling disputes . . . People . . . gain satisfaction from taking an active role in settling their own and other people's conflicts." In other words, ADR is seen as a direct route to the achievement of the liberal ideals of individual self-expression and self-fulfilment.

One of the drawbacks of ADR is that mediated solutions, unlike public adjudication, cannot set standards of behaviour either for individuals (except perhaps those involved in the dispute) or in the public domain, a function which she acknowledges that the US courts have vigorously performed. Equally, if ADR is too successful, it might undermine interest in resolving general problems through the political process.

Notwithstanding some reservations, which the book tends to gloss over, the growth of ADR has been a valuable one for the legal system by forcing it to question itself. By highlighting what the court system does not do well, it will force the court system to focus on the circumstances where, bearing in mind the cost (in all senses), adjudication is really necessary and on the kinds of case where it is most likely to be effective. This can only be beneficial.

M. Kron


Books on Indian constitutional law are of many types, so it is important to know what one is getting in a "new" book. Shukla is a relatively straightforward, article by article, account with a 48-page introduction apparently aimed at the student reader, which discusses background and general issues; it is neither elementary nor does it rival Seervai in bulk or comprehensiveness—or in price! It rarely engages in controversy, nor is it idiosyncratic in views. I have already found it useful for references to authorities on particular articles. This is not to say that I have no doubts about some views it expresses—for example with the observation that the President ought to dismiss a government which no longer has the support of the people (p.274).

Its professed intended readership is wide: practitioners and courts, scholars and students. The genre imposes constraints, particularly for the author with the last two classes of reader in mind. First, the sequential approach: constitutions are not organised on the basis of issues but of institutions with an element of public relations (putting fundamental rights early on) and precedence (putting heads of State early on). It is difficult in a book structured on the same lines to get an overall picture of an issue. Martial law appears on pp.230-232 and states of emergency on pp.669-690. Enforcement of constitutional rights is dealt with
under Article 32 (where public interest litigation is discussed) and Article 226, but the prerogative writs which were the original model for both do not appear until the latter, 200 pages from the first. It is difficult to get a coherent picture of issues or of the process of development. The necessity to say something about every article leads to quite valueless observations which simply reword those about which there is nothing further to be said (e.g. Articles 148–151).

The Constitution is a straitjacket in another way: what it does not contain does not get discussed. In order to understand what, for example, recently happened over the change of Prime Minister one needs to know something about the role of political parties, but because parties do not figure in the Constitution there is no discussion of them. Nor is there anything on electoral systems (what would be the effect of something other than the first-past-the-post system?). The current editor is committed to an expansion of scope, and the use of wider references to literature and comparative materials, and to less reliance on the case law (see preface) but thus far the impact is limited. Sections where case law is insignificant tend still to bear the mark of earlier hands, with many references to hoary British controversies and literature.

That leads on to my last point: it may be that constitutions are the outcome of a process of a sort of organic growth but I am not sure that it is the best approach for books (in fact it tends to be one of accretion, of living matter on top of dead). The desire to respect the contribution of the first author and previous editor means that an unevenness develops, of style and content. Some of the early material by effluxion of time becomes not merely dated but wrong (for example that the UK does not use preventive detention in peacetime). As a general question (not about this book only) I wonder whether there does not come a point at which the process of reworking law books does justice neither to the original author nor to his successors?

Jill Cottrell


This large volume is essentially an English translation of El-Ahdab's 1988 French text L'arbitrage dans les pays arabes. The volume is divided into five "books", only some of which are in fact principally concerned with arbitration with Arab countries. Indeed, one has the sense that El-Ahdab wished that his tome also include the fruit of his entire arbitration experience in Europe and elsewhere.

The first book, entitled "The Main Arbitration Systems Throughout the World", begins with an able historical analysis of the basis and structure of arbitration in Muslim law. The book continues with accurate but rather unoriginal expositions of the French, "Anglo-American" and "Socialist" systems of arbitration. The putative purpose for this is to show the varied roots of Arab arbitral legislation and jurisprudence. But both here and later in the volume the author includes a surfeit of detail which is only tangentially relevant.

The heart of El-Ahdab's volume is its second book: a systematic survey of arbitration law in all the Arab countries. Although perforce somewhat dry,