## CONTENTS

The Thirty-Second Thomas M. Cooley Lectures
Constitutional Protection of Human Rights: Perspectives from Abroad

<table>
<thead>
<tr>
<th>Introduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terrance Sandalow</td>
</tr>
</tbody>
</table>

### ARTICLES

European Integration Through Fundamental Rights
*Jochen Abr. Frowein* | 5

Towards A United Kingdom Bill of Rights
*Francis G. Jacobs* | 29

Rights and Judges in a Democracy: A New Canadian Version
*Paul C. Weiler* | 51

### NOTES

Abusive Pro Se Plaintiffs in the Federal Courts:
Proposals for Judicial Control | 93

The Liability of Third Parties Under Title VII | 167

Public Employees or Private Citizens:
The Off-Duty Sexual Activities of Police Officers and the Constitutional Right of Privacy | 195
UNIVERSITY OF MICHIGAN LAW SCHOOL

Administrative Officers

HAROLD T. SHAPIRO, B.A., M.A., PH.D., President of the University
BILLY E. FRYE, M.S. PH.D., Vice President for Academic Affairs and Provost
TERRANCE SANDALOW, A.B., J.D., Dean
EDWARD H. COOPER, A.B., LL.B., Associate Dean for Academic Affairs
SUSAN M. EKLUND, A.B., J.D., Associate Dean for Student Affairs and Operations
BEVERLEY J. POOLEY, B.A., LL.B., LL.M., S.J.D., Associate Dean for the Law Library
VIRGINIA B. GORDAN, B.A., J.D., Assistant Dean for Student Affairs
ALLAN T. STILLWAGON, A.B., M.A., Assistant Dean and Admissions Officer

Professors Emeriti of Law

FRANK R. KENNEDY, A.B., LL.B., J.S.D.,
Thomas M. Cooley Professor of Law
MARTIN L. NIEHUS, A.B., LL.B.
S. CHESTERFIELD OPPENHEIM, A.B., A.M., J.D., S.J.D.
GEORGE E. PALMER, A.B., J.D., LL.M.
ALLAN F. SMITH, A.B., LL.B., LL.M., S.J.D.
RUSSELL A. SMITH, A.B., J.D.

Associate Professors of Law

T. ALEXANDER ALEINIKOFF, B.A., J.D.
WENDY J. GORDON,* A.B., J.D.
MICHAEL ROSENZWEIG, A.B., J.D.

Assistant Professors of Law

REBECCA S. EISENBERG, B.A., J.D.
MARTIN A. GEER,† A.B., J.D.
JUDITH A. LACHMAN,* A.B., M.A., PH.D., J.D.
JESSICA D. LITMAN, B.A., M.A., PH.D., J.D.
SCOTT G. BASSETT,† A.B., J.D.

Instructors in Law

CARL E. SCHNEIDER, A.B., J.D.
PATRICIA D. WHITE,* A.B., M.A., J.D.

Assistant Professors of Law

PAUL D. REINGOLD,** A.B., J.D.
DENNIS E. ROSS,** A.B., J.D.
MARK C. VAN PUTTEN,** A.B., J.D.

Lecturers in Law

KATHERINE E. WARD,** A.B., J.D.

* Visiting ** On Leave † Adjunct †† Clinical
UNIVERSITY OF MICHIGAN

JOURNAL OF LAW REFORM

ANNOUNCEMENT OF 1984-1985
EDITORIAL BOARD

Editor-in-Chief
MARGIE E. POWELL

Managing Editor
MICHAEL J. MUELLER

Articles Editors
THOMAS N. BULLEIT, JR.
STEVEN W. PELAK
ROBERT POZNANSKI

Executive Editor
ANDREW O. SCHIFF

Research & Development Editor
KENNETH W. GAUL

Note Editors
SUSAN P. BARNABEO
KATHRYN L. BIBERSTEIN
CONSTANCE A. FRATIANNI
MARJorie E. POWELL

CONTRIBUTING EDITORS
STEVEN L. BRENNEMAN
MONICA A. BRODERICK
ANDREA L. DULBERG

FELICIA JONES
Kirsten Kingdon
Anne Lawton

CONTRIBUTING STAFF

JUNIOR MEMBERS
CYNTHIA A. ANDERSON
MARK APelman
JOHN P. BARKER
CONSTANCE L. BAUER
THOMAS BEAN
ERIC D. BRANDFONBRENER
MAUREEN M. CROUGH
TERRY FEIN
PETER G. FITZGERALD
ROBERT S. FORMAN
LISA J. GLICK
GREGORY M. GOCHANOUR
ROBERT B. GORDON

J. GREGORY HALE
SANDRA A. HOFFMANN
ROBERTS E. INVEISS
BRADLEY D. JACKSON
JON B. JACOBS
KAREN Y. KAUPER
ANDREW G. KLEVORN
SUSAN KLING
JOAN M. KRIPEK
H. LYNDA KUGEL
MICHAEL C. LIEB
GREGG F. LOMBARDI
EARL LU

SECRETARY/BUSINESS MANAGER
RUTH WRIGHT-GEDDES

EARL LUI

Ralph R. McKee
Pauline A. New
Mark S. Nussbaum
Lynne A. Oliver
Mark K. Osbeck
Frances J. Paul
Todd A. Richardson
David B. Schacher
George P. Schorer
Langhorne C. Sias
Gregory W. Stevens
Richard A. Walawender
Joel R. Wells
ANNOUNCEMENT OF AWARDS

RAYMOND K. DYKEMA SCHOLARSHIP AWARD

This award has been given to Michael J. Mueller and Robert Poznanski for significant contributions to the *Journal of Law Reform* during their junior year and in recognition of qualifications that indicate the likelihood of future contributions to the legal profession.

LOUIS HONIGMAN MEMORIAL AWARD

This award has been given to Debra S. Betteridge and Brian P. Owensby for significant contributions to the *Journal of Law Reform* during their junior and senior years.

SARAH HONIGMAN MEMORIAL AWARD

This award has been given to Marjorie E. Powell, Editor-in-Chief of Volume 18 of the *Journal of Law Reform*, in recognition of her superior scholastic record, effective leadership, and outstanding contribution to the *Journal*.

E. BLYTHE STASON AWARD

This award has been given to Joan P. Snyder, author of the best student contribution to Volume 17 of the *Journal of Law Reform*.

SCRIBES AWARD

An honorary membership in Scribes, the Society of Writers on Legal Subjects, has been given to Jill A. De La Hunt for an outstanding published contribution to Volume 17 of the *Journal of Law Reform*. 
ERRATA for Volume 17

Page 629, line 1. For "III," read "II."

Page 729, second paragraph, lines 6 through 14. For:

delivery rule in many cases in which the plaintiff has not suffered discernible damage at delivery. Code section 2-725(2) emphasizes this possibility by providing that the action accrues "when the breach occurs, regardless of the aggrieved party's knowledge of the breach." Nonetheless, this language does not require that an action for breach of a repair promise accrue at delivery. Because the seller has no repair obligation at delivery, no breach of the repair promise, known or unknown to the buyer, can occur at delivery. Thus, the action should not be held to accrue at delivery.

Replace with:

delivery, in the case of repair warranties, "it is the refusal to remedy within a reasonable time, or a lack of success in the attempts to remedy which would constitute a breach of warranty." Thus, the action could accrue only after the seller failed to repair. Although the court quoted (in a footnote) section 2-725(2) in full, it avoided any mention of the future performance exception. Perhaps because it realized that repair provisions do not promise performance of the goods as required by Code language, the court cited non-section 2-725 precedent as authority for giving the repair provision prospective treatment.