

BOOKS RECEIVED / LIVRES REÇUS

C. ARVANITOPOULOS (Ed.), *Reforming Europe, The Role of the Centre-Right*, The Constantinos Karamanlis Institute for Democracy Series on European and International Affairs, Springer Verlag, Berlin - Heidelberg, Athens, 2009, 295 pp., ISBN: 978-3-642-00559-6

In the 2009 elections, the European centre-right emerged victorious, thus affirming its political domination in contemporary European politics. The aim of this book is not to provide an analysis of the factors that contributed to the EPP's political prevalence. Instead, it is to help this large political family maintain its vigor of political thought and policy prescriptions. The book provides a forum for prominent centre-right thinkers to debate the major European problems of our times, with particular emphasis on the management of the financial crisis and the next institutional steps regarding the European integration project. It assembles the views of politicians, academics and think-tank fellows from different national backgrounds and dissimilar ideological perspectives, who unfold their vision for Europe's future. Overall, the book attempts to both highlight and stimulate the centre-right contribution to the discussion of Europe's main contemporary challenges.

Chr. Mitta

P. BARTHOLOMEW (JOHN CHRYSOAVGIS Editor), *In the World, Yet not of the World, Social and Global Initiatives of Ecumenical Patriarch Bartholomew*, Fordham University Press, New York, 2010, 335 pp., ISBN: 978-0-8232-3171-3

In the World, Yet Not of the World represents a selection of major addresses and significant messages as well as public statements by His All Holiness Ecumenical Patriarch Bartholomew, "first among equals" and spiritual leader of the world's 300 million Orthodox Christians. The Patriarch is as comfortable preaching about the spiritual legacy of the Orthodox Church as he is promoting sociopolitical issues of his immediate cultural environment and praying for respect toward Islam or for global peace. As these original documents reveal, the tenure of the Ecumenical Patriarch has been characterised by inter-Orthodox cooperation, inter-Christian dialogue, and interreligious understanding. He has travelled more extensively

than any other Orthodox Patriarch in history, exchanging official visitations with numerous ecclesiastical and state dignitaries. In particular, because he is a citizen of Turkey and the leader of a Christian minority in a predominantly Muslim nation, Ecumenical Patriarch Bartholomew's personal experience endows him with a unique perspective on religious tolerance and interfaith dialogue. These documents are drawn from his prominent leadership roles as the primary spiritual leader of the Orthodox Christian world and transnational figure of global significance - influential roles that become more vital each day. Published together here for the first time, the texts reveal the Ecumenical Patriarch as a bridge builder and peacemaker. One of his catchphrases is "War in the name of religion is war against religion." Over the past eighteen years, Ecumenical Patriarch Bartholomew's inclination and intention have been to address the most difficult issues facing the world - the deep and increasing mistrust between East and West, the decay and widening destruction of the natural environment, as well as the sharp divisions among the various Christian confessions and diverse faith communities - whether on religious, racial, or cultural levels. This book reveals the powerful influence of a spiritual institution from the unique perspective of a Christian leader in the world, and yet not of the world.

M.D. Nioutsikou

S. BATTINI / C. FRANCHINI / R. PEREZ / G. VESPERINI / S. CASSESE, *Manuale di diritto pubblico*, quarta edizione, Giuffrè, Milano, 2009, 522 pp., ISBN: 88-14-14654-3, 34,00 €.

Questa nuova edizione del *Manuale* rimane fedele all'impostazione dell'opera, diretta alla preparazione giuridica di base nel diritto pubblico, introducendo allo studio del diritto in generale. Tratta con particolare attenzione gli istituti giuridici attinenti all'economia e al sistema politico, illustrandone anche le ragioni storiche. Un aggiornamento del testo, rispetto alla precedente edizione, in ragione delle modifiche normative medio tempore intervenute, e l'approfondimento dei temi più rilevanti dell'ordinamento dell'Unione europea e di quello interno caratterizzano questa nuova edizione del testo.

M.D. Nioutsikou

Deutsches Institut für Menschenrechte (Hrsg.), *Die "General Comments" zu den VN-Menschenrechtsverträgen*, Deutsche Übersetzung und Kurzeinführungen, Nomos, Baden-Baden, 2005, 627 pp., ISBN: 3-8329-0958-3

Die Allgemeinen Bemerkungen (*General Comments*) der VN-Vertragsorgane sind Quellen des völkerrechtlichen *Soft Law*, welche die in den Verträgen gewährleisteten Rechte auslegen und konkretisieren. Sie sind jedoch in Deutschland den Praktikerinnen und Praktikern in Verwaltung, Gerichten und Anwaltschaft nur wenig bekannt, was wesentlich damit zusammenhängt, dass sie nur vereinzelt in deutscher Übersetzung vorliegen. Der vorliegende Band schließt diese Lücke. Neben der Übersetzung der Allgemeinen Bemerkungen zu den sechs VN-Menschenrechtsverträgen werden die einzelnen Verträge von renommierten Expertinnen und Experten mit Kurzkomentaren versehen. Die Kurzkomentare sind verfasst von: THEO VAN BOVEN, *UN-Special Rapporteur on Torture*, Prof. Dr. GABRIELE BRITZ, Professorin für Öffentliches Recht und Europarecht Justus-Liebig-Universität Gießen, Prof. Dr. EIBE RIEDEL, Mitglied des CESCR-Ausschusses, Prof. Dr. ECKART KLEIN, ehemaliges Mitglied des CCPR-Ausschusses und geschäftsführender Direktor des Menschenrechtszentrum der Universität Potsdam, Dr. HANNA BEATE SCHÖPP-SCHILLING, Mitglied im CEDAW-Ausschuss und HENDRIK CREMER, Fachmann für Kinderrechte.

Chr. Mitta

D. FAIRGRIEVE / F. LICHÈRE, *Public Procurement Law: Damages as an Effective Remedy*, Oxford and Portland, Hart Publishing, Oxford, 2011, 248 pp., ISBN:978-1-84946-217-4

Public Procurement is a rapidly developing area of law which has a substantial impact on the European economic sector. Regrettably there is sparse literature on this theme and information on awarding damages for breach of Public Procurement Law is practically nil. This book endeavors to bridge the gap by examining the acquisition of damages from the national, transversal and external perspectives.

The book goes beyond a mere introduction of the conditions and assessments of damages for the breach of Public Procurement Law. In fact, the volume provides an in-depth coverage of the approaches adopted by the States in implementing the European Directive of December 11, 2007 amending Council Directives 89/665/EEC and 92/13/EEC. It presents expert observations on the legal framework for obtaining damages and the

implications that the procurement policy has for the relevant stakeholders from the perspective of the Member States.

The book is a valuable commodity for lawyers, policy makers and academics interested in the area of Public Procurement Law.

M. Prathaban

F. DI MAURO / S. DEES / W. J. MCKIBBIN, *Globalisation, Regionalism and Economic Interdependence*, Cambridge University Press, Cambridge, 2008, 167 pp., ISBN: 978-0521-88606-2

How has increasing economic integration at the regional and global levels affected the functioning of the global economy? What are the consequences of globalisation and regionalism for world trade, production processes and domestic economies? What kind of economic adjustments do these phenomena imply in terms of factor mobility and relative costs? *Globalisation, Regionalism and Economic Interdependence* addresses these and other questions by exploring the relationship between globalisation and regionalism from both academic and policy-making perspectives. It assesses the extent to which increased global and regional integration has changed the functioning of the world economy and analyses the implications for global trade, the relocation of production, structural changes and the international transmission of shocks. With contributions from both academics and professionals, this book is an invaluable guide to the increasingly important effects of the interaction between globalisation and various different forms of regional integration.

M.D. Nioutsikou

H. OBERDORFF, *Droits de l'Homme et libertés fondamentales*, 2e édition, Manuels, L.G.D.J., France, 2008, 474 pp., ISBN: 9782275031477, 30 €

Les droits de l'homme et les libertés fondamentales représentent l'un des fondements essentiels de toute société démocratique. La démocratie n'existe que si elle les reconnaît et les défend. Ils représentent aussi le patrimoine juridique commun de l'humanité compte tenu de leur universalisme. Les droits de l'homme et les libertés fondamentales constituent l'un des enseignements obligatoires des facultés de droit, et souvent des instituts d'études politiques. Ce livre se décompose en deux parties. La première est consacrée à la théorie générale des droits de l'homme et des libertés fondamentales. Elle étudie leur fondation et leur reconnaissance nationale et internationale et examine ensuite leurs modalités d'organisation et leur protection aussi bien nationale qu'internationale. La seconde partie

présente le régime juridique des libertés physiques et des libertés intellectuelles. Cela permet de passer en revue les principales libertés ou les droits les plus importants comme: liberté individuelle et sûreté personnelle, liberté d'aller et de venir, droit au respect de la vie privée, droit à l'égalité, droit à la vie et dignité de la personne humaine, liberté d'opinion et de conscience, liberté de l'enseignement, liberté de la presse et des communications, liberté d'association, liberté de réunion. Ce livre analyse les défis posés à ces droits et libertés par les apports des sciences de la vie, la conversion numérique de nos sociétés et la quête permanente de plus de sécurité. Cet ouvrage a aussi l'ambition de faire découvrir à un public plus large ces droits et ces libertés et de contribuer à l'éducation du citoyen. La présentation des droits de l'homme et des libertés fondamentales ne relève pas seulement d'un exercice de technique juridique, elle contient une forme de foi dans ces droits et ces libertés, sans oublier la rigueur scientifique indispensable.

M.D. Nioutsikou

F. PENNINGNS / C. BOSSE (Eds.), *The Protection of Working Relationships: A Comparative Study*, Wolters Kluwer Law & Business, 39, 2011, XI, 248 pp., ISBN 13: 978-90-411-3289-5

The authors offer unique insight into the contract of employment made by a group of noted European Labour law experts from eight different European Union countries. The employment relationship is considered in the International Organization level and the Country studied level. In most legal systems, workers are divided into two major categories - employees and self-employed. The authors highlight the problem that workers in a formal employment relationship are much better protected than other workers without employment contract. The International Labour Organization (ILO) through its Recommendation nr. 198 requires Members to enforce national laws and regulations in the fields of labor law and to provide equal protection to all employees. All authors agree that it is necessary to make the concept of the contract of employment clearer and the protection should be accessible in all working relationships. The book is written in an interesting and accessible way and it shows clearly that at present ILO recommendation is a rather weak instrument, and that the crucial role to change the situation of working relationship may be provided by national laws.

A. Borcz

N. M. SMITH, *Basic Equality and Discrimination: Reconciling Theory and Law*, Ashgate Publishing Limited, 2011, 228 pp., ISBN: 978-1-40942-843-5

Basic Equality and Discrimination focuses on the broad theory of equality and how it is directed towards issues of practical, moral, and political concern in legal contexts. Initially the author introduces Westen's theory, of equality as an inane concept, and the juxtaposing argument of Waldron's critique to construct a foundation from which to build upon in the subsequent chapters. This fundamental concept of basic equality is then applied to the convoluted subject of equality and discrimination laws.

Although the purpose of the laws is to uphold basic equalities, the author argues that the vague language and conflicting jurisprudence have raised more questions than answers. The penultimate chapter discusses how affirmative action laws must be tailored to achieve goals to improve the status of the disadvantaged rather than the unclear goal of 'diversity'. The book concludes by calling for people to step back from the practice of equality law and instead look at the moral issues of basic equality. The reader has a clear sense of the importance and related issues of the topic, and can understand the legality surrounding the complicated subject of basic equality and law.

J. Hubbard

D. SORACE (a cura di), *Discipline processuali differenziate nei diritti amministrativi europei*, Firenze University Press, 2009, 304 pp., ISBN: 978-88-8453-582-5, 15,50 €

Anyone in Europe who considers that they have suffered an abuse of power on the part of a public body can apply to a judge for justice. But this role is not restricted to a single judge. Not only is there a plurality of judges corresponding to the plurality of States in which they exercise their functions, but also (in the majority of cases) within each State there is more than one type of judge appointed to impose respect of the law even on public bodies, just as the procedures and manner in which the judicial action may materialise are also different. The protection of the citizens is differentiated, and this can be explained by the varying requirements or the different motivations which cannot always justify the deriving complications. The book explores this phenomenon, considering some of the principal European State systems, as well as the system of the European Union itself.

M.D. Nioutsikou

C. STEFANOUC / S. WHITE / H. XANTHAKI, *OLAF at the Crossroads, Action against EU Fraud*, Institute of Advanced Legal Studies, Hart Publishing, Oxford and Portland, Oregon, 2011, VIII, 202 pp., ISBN: 978-1-84113-791-9

This book provides a modern and basic introduction to the regulatory, operational and institutional advances of OLAF (the European Commission's Anti-Fraud Office).

OLAF was created in 1999 and has been awarded tasks that were defined very broadly and in consequence not precisely. The primary mission of OLAF is the fight against financial irregularities, corruption, fraud and any other illegal activity affecting the EU's financial interests, as well as serious misconduct within the European Institutions. For its investigative and operational tasks OLAF works individually but regrettably is located in the structure of the European Commission which raises some doubts with the autonomy of the Office. The authors noted that OLAF should have full independence, which may be obtained only if it operates as a self-institution fully independent from the Commission, Parliament and the Council. The book is designed to introduce a current OLAF's legal framework and examined this institution through the prism of law and EU politics. OLAF is at the crossroads and it suffers from inaccuracies and gaps in its regulations; despite its important role, OLAF must ensure appropriate and full independence for the more efficient performance of its tasks.

A. Borcz