

## BOOKS RECEIVED / LIVRES REÇUS

R. ADLER-NISSEN, *Opting Out of the European Union: Diplomacy, Sovereignty and European Integration*, Cambridge University Press, 2014, 189 pp., ISBN: 978-1-107-04321-3

The objective of the European Union, “an ever-closer union among the peoples of Europe,” is increasingly at risk. In recent years, conflicting national and EU policies on immigration, the Eurozone debt crisis, and the looming possibility of the UK’s withdrawal have contributed to growing euroscepticism and swelling sentiment that the ambition of “an ever-closer union” needs to be revisited. There is one institutional factor that is often cited as being contributory to disunity that has actually helped, somewhat counter-intuitively, according to Adler-Nissen, to further the EU’s march toward solidarity: the opt-out clauses maintained by Denmark and the UK.

Adler-Nissen argues that the push for opt-outs by Denmark and the UK with respect to monetary and border policies reflect that Europe is indeed becoming increasingly integrated, and while they represent an uneasy and often contentious aspect of Danish and British membership in the EU, in fact the effects of the opt-outs on diplomatic relations are not overwhelmingly negative. Through her sociological study of diplomacy in Brussels, Adler-Nissen presents a fresh perspective on opt-outs and their effect on European integration.

*M. Read*

J. BELL / M. ELLIOTT / J.N.E. VARUHAS / P. MURRAY, *Public Law Adjudication in Common Law Systems*, Hart Publishing, United Kingdom, 2015, 390 pp., ISBN: 978-1-84946-991-3

The basis of this work is an international Public Law Conference that took place at the University of Cambridge in September 2014. The propose of the Conference and the book was to approach Public Law not from different points of view, such as EU law versus

USA law, but to take renown lawyers from multiple jurisdictions to start a dialogue on the similarities, differences and opportunities in the common law.

The main focus is the distinction between Process and Substance in Public Law. Each chapter's author or authors analyze a slightly different subtopic depending on their specialties or jurisdiction. Through this method, there is analysis focused on the UK, Australia, Canada and the USA. The chapters explore in more depth the conditions surrounding the legal system in a certain country but there are also comparative studies between different jurisdictions, such as Australia and the UK. The global perspective also includes the cooperation or friction resulting from the effect of Human Rights being enforced, where a system that is set up for the public good pledges also to protect rights that, by definition, focus on the individual rather than the population as a whole. The concluding chapters reflect on the previous chapters and on the ideas and debate that resulted from this cross-jurisdictional experience.

N. Agostini

C. BOTTICI / B. CHALLAND, *Imagining Europe: Myth, Memory and Identity*, Cambridge University Press, 2013, 220 pp., ISBN: 978-1-107-01561-6

What is the European Identity and how can one identify what exactly Europe is?

Looking into the past and the present of the European polity, C. Bottici and B. Challand try to answer exactly that.

Using a set of multiple disciplines and theories, the authors guide the reader through a journey into the past, the present and the future of Europe. By looking into "Europe" not only as institutional or political construct, but also as a symbol with its own myths and their narrative, through the common European memory, the authors try to approach the European identity.

Furthermore, rather than solely adopting a process of self-identification for the European construct, the concept of the "significant other", as a means to define the political and geographical limits of Europe, is also explored.

The only downside of this book is that, due to the fact that it contains a multitude of different theories, it cannot easily work as a standalone piece, as often the reader may have to refer to the materials quoted.

This study becomes even more topical in the midst of the current economic and political crisis, and the existential crisis that Europe is facing because of it.

*G. Lentoudis*

K. BRADLEY / N. TRAVERS / A. WHELAN (eds.), *Of Courts and Constitutions, Liber Amicorum in Honour of Nial Fennelly*, Hart Publishing, Oxford and Portland, 2014, 439 pp., ISBN: 978-1-84946-665-3

Following the retirement of the Advocate General of the European Court of Justice, Nial Fennelly, the editors of this book decided to pay tribute to him by dedicating the book to Nial Fennelly for his career in the European Court of Justice (ECJ) and in the Supreme Court of Ireland. In this book we can easily find the concepts of European law supremacy along with almost every European state's national law. Along with these concepts, the entire book gives the reader a minimum knowledge about how the European Court of Justice is structured and how the ECJ has been working since its creation.

First of all, the book structure starts with the history of the European Union and the creation of the European Court of Justice and its evolution until the book was written in 2014. The book includes information on the financial crisis, how the EU was affected by it and how it faced the crisis.

Secondly, the contributors to this book discuss matters such as transparency, incompatibility, invalidity, the best model of a court and so on. The reason these concepts are approached is because we live in a modern society where the law is above everything and special attention must be drawn to countering corruption.

*A.D. Manea*

L. GUIBAULT / C. ANGELOPOULOS, *Open Content Licensing: From Theory to Practice*, Amsterdam University Press, Amsterdam, 2011, 295 pp., ISBN: 978-90-8964-307-0

The importance of IT technology in every aspect of life forced the scholars of law to examine and therefore to set legal rules as far the whole space of open content is concerned. Meanwhile, the public sector in every EU Member State acquires information and data that could be useful for the economy and society in general. Public domain remains a stronghold, the assets and the copyright of which create the necessity of re-introducing formalities so that the information could be diffused. Another aspect of this case is the controversy between EU and US concerning the access and the ownership of scientific publications and the ramifications of these aspects. A new social contract needs to be established to combine the related ownership rights and the Freedom of Information law.

The book itself is a toolkit for the scholars of law in the contemporary scientific field of open content licensing and therefore a thorough legal context on the European level.

S. Zissis

J. JENKINS, *International Construction Arbitration Law*, Kluwer Law International BV, 2<sup>nd</sup> Edition, Netherlands, 2014, 414 pp., ISBN: 978-90-411-4985-5

International Construction Arbitration is one of the more specialized areas of alternate dispute resolution. The issues that surround it are even more relevant today due to the ever expanding globalization of the economy, where it is quite usual for more than one jurisdiction to be involved in a dispute resolution.

Jenkins' analysis covers every step of the Construction Arbitration procedure, from the drafting of the Agreement and the variety of clauses it may contain, to the enforcement of an arbitral award. Subjects discussed within this study include the different approaches adopted by civil and common law, the standard procedures regarding dispute boards, claims administration and issues regarding investor-State arbitration.

One of the most outstanding features of this book is the use of carefully structured diagrams and standard contract forms. As such it can not only be used by seasoned practitioners but also by people who have no previous experience in the field.

All in all, in this manuscript the author makes an excellent work of explaining in detail the diverse array of concepts prevalent to the study of this field and therefore the book can serve as a guide for the purposes of both the academic and practical application of the law.

G. Lentoudis

B. MATHIEU, *Constitution: rien ne bouge et tout change*, L.G.D.J., Paris, 2013, 192 pp., ISBN: 978-2-35971-083-0

L'œuvre analyse la légitimité des constitutions nationales et supranationales, en analysant ces chartes par rapport à la souveraineté politique, économique et sociale de l'Etat. L'auteur interroge le lecteur sur le thème du maintien d'une démocratie réelle lorsqu'une puissance supranationale acquiert des pouvoirs étendus. La constitutionnalisation des pays occidentaux nous oblige à nous interroger sur la question de la légitimité des constitutions nationales et surtout supranationales, particulièrement quand elles n'ont pas été validées par un vote direct des citoyens. L'auteur, Bertrand Mathieu, indique que la constitutionnalisation peut être considérée comme représentant un réel progrès en termes de droits de l'homme, mais peut rendre complexes les démarches administratives. B. Mathieu fait également observer que les constitutions n'évoluent lorsqu'elles sont confrontées à des situations de crise politique majeure; nous pouvons certes nous référer à la Déclaration des droits de l'homme de 1789, et aux droits sociaux qui ont été élaborés dans le cadre de l'industrialisation. En revanche, la manière dont nous révisons la Constitution aujourd'hui est archaïque; nous devons adapter nos révisions à un monde qui change de plus en plus rapidement avec des acteurs privés qui deviennent de plus en plus puissants.

L. Frapaise

M. MENSI / P. FALLETTA, *Il Diritto del web - Casi e materiali*, Wolters Kluwer / CEDAM Italia S.r.l., 2015, I, 373 pp., ISBN: 978-88-13-35160-1

The world of information and communication changed in recent times both in terms of technology and social level, especially with regard to the relationship between society and the political world. The book addresses important issues, and more in particular issues such as the protection of rights, the relationship between technology and the rules of online copyright, the “cloud computing” and the relationship between security and privacy, wondering which tools can be used to enforce them and especially trying to reconcile sovereignty and unity of each state with the constant presence of internet. What about democracy? It seems that the use of the internet aims to strengthen democratic practices and increase the participation of society to socio-political issues of a country. Passing from forms of representative democracy to direct democracy involves many issues. The book invites us to prevent that world web (especially in recent times) becomes the only tool that can be utilized to express ourselves on political and social issues of civilization. In fact the Internet should ensure a more informed and conscious participation of citizens to the current problems.

C. Serra

SHAHRAH NASROLAHI FARD, *Reciprocity in International Law*, Routledge Taylor & Francis Group, UK, 2015, 177 pp., ISBN: 978-138-11976-5

The author manages to make a detailed and thorough presentation of the concept of political reciprocity, by putting the perspective of reciprocity into a general context and by giving background information on the enforcement mechanism of international law. The main focus here is on the role of reciprocity, since it represents an important factor in the states' activities, by creating and keeping the balance between a state's interest and those of other states. This book combines in its five chapters a detailed examination of the importance of reciprocity, of its function and impact, as well as of its

positive and negative forms. Through examples of case studies and examination of texts, the book attempts to provide the reader with the historical data and the legal framework through which international cooperation can be enforced in order to create a balance in expectations and obligations between two parties. This book also addresses matters pertaining to the function and importance of international politics and international law in order to explain the connection between the two.

*E. Emma-Theodora*

CH. NIKOLAIDIS, *The Right to Equality in European Human Rights Law*, Routledge, Great Britain, 2015, 238 pp., ISBN: 978-0-415-74660-1

The general principle of equality and non-discrimination is a fundamental element of human rights law. However, judging by Georg Wilhem Friedrich Hegel, freedom is an indefinite, incalculable, and ambiguous term. Moreover, trying to find a definition for the term 'equality' opens a floodgate of infinite political and legal debate. At this moment, when multiculturalism is rising in Europe, it appears that there is a need of equality that has to be guaranteed by the European Court of Human Rights and the European Court of Justice. If such a system were to fail, Europe would be open to a fresh wave of racism, inequality, immoral behavior or stereotyping. The aim of the two European Courts is to eliminate these problems and then to continue offering a great service to equality. The complete study of the Courts' work made by the author shows us how our rights are formed and then defended.

This book represents a vast analysis of the European Human Rights Law and of how the Right to Equality is seen from multiple points of view.

*A.-V. Mălăeru*

T. E. PAUPP, *Redefining Human Rights in the Struggle for Peace and Development*, Cambridge Press University, United States of America, I, 2014, 553 pp., ISBN: 978-1-107-66931-4

The so-called “third-generation” rights to peace and development have not always received a warm reception in the liberal west, having been met with confusion, indifference, and sometimes even outright hostility and derision. More in particular, in the United States of America, the US and many of its allies have continued to foreground the importance of freedom in international human rights law, while issues pertaining to the realization of the right to development have been largely pushed to the margins. Yet in the Global South the moral significance of that Right was increasing. The Right to Development joins other international principles: sovereign equality, self-determination, economic cooperation. In this book the author explains the lack in the implementation of the Right to Development, the history of this struggle and the way to implement this right. The primary purpose of this book is to offer concrete paths for the achievement of alternative priorities to those which currently govern the economic, political, and social arrangements of trade and investment, without any provision for human security and human welfare. Paupp argues that States will be increasingly obligated to formulate policies and programs to achieve peace and development throughout the global society.

C. Serra

A. SAVIN / J. TRZASKOWSKI, *Research Handbook on EU Internet Law*, Edward Elgar Publishing Limited, Cheltenham, 2014, 615 pp., ISBN: 978-1-78254-416-6

In the recent years, the World Wide Web increasingly penetrated social relations. It has created a huge range of unique possibilities due to its convenience, availability and speed. Unfortunately, the electronic network dictates new changes that mankind will have to adapt to. The legal field should rise to this challenge. This work questions if EU law can keep up with changing times and ensure appropriate legal regulation. The *Handbook* delves deeper into the



topic of the EU's response, difficulties and opportunities regarding the Internet. It also encourages seeing conservative laws that have not adapted to the Internet in a new modern light. The authors focus on controversial topics such as EU policy-making in Internet Law, intellectual property law and its impact on the network progress, jurisdiction, choice-of-law problems, Internet Market and E-Commerce.

*Inter alia*, the book is intended to be useful not only for the academic analysis, but also for practical issues, as it gives a wide insight into the problems citizens can face when using the Internet. It undoubtedly helps to understand the borderless nature of Internet as well as aims to generate further scientific research.

O. Naumchyk

V. VADI / B. DE WITTE, *Culture and International Economic Law*, Routledge, UK, 2015, 258 pp., ISBN: 978-0-415-72326-8

The authors, Valentina Vadi, who is a Reader in international economic law at Lancaster University, in the UK, and Bruno de Witte, who is Professor of European Union law at Maastricht University, managed to provide a comprehensive introduction for people who are interested in international trade law, cultural heritage law and public international law. The book explores the importance of globalization and international economic law for cultural exchange and the way the economic activities of minorities can be protected by international human rights law. This book combines in its four chapters a detailed examination of the culture and economic law, international economic law, international intellectual property law and European law. The main focus here is on the interaction between culture and economic interest in human rights law, which provides a powerful counter narrative to the analogous interplay between culture and economic interest in international economic law. Through examples of case studies and examination of the text, the book helps understand the connection between culture and economic interest, market integration and cultural diversity in EU law.

N. Ana-Diana

B. VAN WOOREN / R. A. WESSEL, *EU External Relations Law: Text, Cases and Materials*, Cambridge University Press, Cambridge, 2014, 578 pp., ISBN: 978-1-107-68430-0 (Paperback), ISBN: 978-1-107-03112-8 (Hardcover)

In this textbook, Van Wooren and Wessel delve into the laws surrounding how the European Union and its Member States are able to conduct themselves on the international stage. Through an extensive examination of texts and usages of case studies, dating from the 1957 Treaty of Rome onward, Van Wooren and Wessel condense the complexity of the laws surrounding EU external relations into a manageable and easy to follow textbook. The textbook is divided into fifteen chapters, each of which delve into topics that are at the heart of the legal principles that guide EU external relation laws. These principles include: EU and its Member States' competence, loyal cooperation and the effects of international law on EU law. This textbook heavily focuses on the interaction between the EU and its Member States with regard to how external relations are conducted. Van Vooren and Wessel employ a number of court cases to create a legal framework for examining how the EU and its Member States conduct their respective external relations. Thus, the textbook examines EU commercial policy, development policy, Common Foreign and Security Policy, as well as the Common Security and Defense Policy.

*K. Piepenbrink*