

BOOKS RECEIVED / LIVRES REÇUS

J.-B. AUBY / E. BREEN / T. PERROUD (eds.), *Corruption and Conflicts of Interest*, Edward Elgar Publishing Limited, 2014, 352 pp., ISBN: 978-1-78100-934-5

This collection of papers from leading governance and legal scholars and practitioners seeks to discover the most effective ways to combat corruption across the world. Although the focus of the anthology is on Europe, it considers also examples from other countries and organizations. It recognizes the importance of cultural differences when combating conflicts of interest and corruption and discusses how this can impact multi-national corruption legislation.

Many essays in this book also consider the fight against corruption in international organizations. It discusses the evolution of international organizations' fight against corruption from the 1990's, when the World Bank first brought the issue to light, to today. The papers in this section consider several international organizations, including the World Bank, the World Trade Organization (WTO), and the Organization for Economic Cooperation and Development (OECD). The final section of the book considers the importance of creating a legal framework to address corruption and conflicts of interest at the European Union level, citing the lack of a comprehensive system, shortcomings of the current mechanism, and examples of mismanagement in EU agencies.

This book is a wonderful study of current corruption standards across the world and those possible and needed for the future, more interconnected, world.

A. Plummer

M. HILDEBRANDT, *Smart Technologies and the End(s) of Law: Novel Entanglements of Law and Technology*, Edward Elgar Publishing, 2015, 226 pp., ISBN: 978-1-84980-876-7 (cased) and 978-1-84980-877-4 (ebook)

Imagine the life of a lawyer in 1850, and compare that image of life to that of today's lawyers. Without a doubt, the cases and methods are much different. Today's society is evolving at a rate so fast that our legal institutions, practices, and beliefs cannot adequately keep up. This is due in large part to technological innovations over the past few decades.

In *Smart Technologies and the End(s) of Law: Novel Entanglements of Law and Technology*, Mireille Hildebrandt argues that the new technologies have jeopardized the carefully constructed legal systems of old technologies. Hildebrandt addresses the issues of privacy, agency, data protection, equality before law, and presumption of innocence in today's technologically evolved societies. This work sheds light on important questions that will soon dictate our legal reality. New technologies are constantly changing the way we live our lives and interact with others, but often it is easy to overlook the insidious side effects of such evolution.

Hildebrandt's work is a valuable addition to the libraries of researchers, lawyers, politicians, and scientists worldwide.

M. O'Brien

M. HUNT / H. J. HOOPER / P. YOWELL, *Parliaments and Human Rights. Redressing the Democratic Deficit*, Hart Publishing, Oxford, 2015, 520 pp., ISBN: 978-18-49-46561-8

The democratic deficit which affects the system of protection of human rights in many parliamentary democracies has been under the spotlight for decades, both in the public and in the academia. This book overcomes in an innovative way the old dichotomy between unaccountable, unelected judges and parliaments, as well as the hackneyed question of which institution should have the last say when human rights are at stake. The common thread within this collection of essays is the belief that a democratic deficit, meant as the

lack of structures which ensure that human rights are mainstreamed in both the executive and the legislative branches, may be redressed only through the adequate development of a democratic culture of justification.

Although the main subject of investigation is the work of the British Joint Committee on Human Rights, the book deals with the topic of legislative review for human rights compatibility and its implications for courts also in relation to other countries. Moreover, it provides an interesting insight in the efforts made by non-state institutions to foster the role of parliaments in the protection of human rights.

A. Facchinetti

E. KORKEA-AHO, *Adjudicating New Governance: Deliberative Democracy in the European Union*, Routledge, 2015, 256 pp., ISBN: 978-1-138-78803-9 (hardcover) ISBN: 978-1-315-76572-3 (e-book)

Emilia Korkea-aho, Postdoctoral Researcher at the Academy of Finland, offers a panoramic view on the European legal outlook, analyzing the new approaches to governance in the EU and the role of courts and legislators, along with the concept of deliberative democracy. Written over the course of 5 years, the book starts with an introduction on the new governance and the concepts on which this is based, and keeps on explaining the theory and practice of democratic deliberation, that is seen as an “instructive opportunity to re-think and re-imagine the democratic legitimacy of both the EU and its governance processes”.

Sustained by a series of case studies, the author argues that the EU law is a system in which “forms of deliberative decision-making mechanisms have emerged” changing the role of courts and conditioning the judicial decision-making.

Discursive, detailed and thought-provoking, this book would be interesting for international lawyers, political scientists and students interested in the development of the judicial scenery in the European Union.

A. Simoni

V. KOSTA / N. SKOUTARIS / V. P. TZEVELEKOS, *The EU Accession to the ECHR*, Hart Publishing, Oxford, 2014, 370 pp., ISBN: 978-1-84946-523-6

The accession of the European Union to the European Convention on Human Rights, provided for in Article 6 (2) of the Treaty on the European Union (TEU), gives rise to a number of problems concerning the future integration of the two systems of protection of human rights, respectively the European Charter of Fundamental Rights and the European Convention on Human Rights. How will their relations evolve after accession? What will be the role of the European Court of Justice and of the European Court of Human Rights? Which Court will have the last say when European citizens' rights are at stake? And, more importantly, will the new model bring more coherence in the protection of human rights in Europe?

The contributors to this collection of essays tried to answer these questions through a critical evaluation of the major legal features of accession, including the prior-involvement procedures and the correspondent mechanism. The book provides also a valuable investigation concerning the impact that accession may have on the substantive level of human rights protection not only in the EU, but, more in general, in the Europe of 47.

A. Facchinetti

N. LUHMANN, *A Sociological Theory of Law*, Edited by Martin Albrow, Routledge, 2014, II, 421 pp., ISBN: 978-1-138-64448-9

The theme of sociology is very important as study of law. The society is wholly based on the law and the concept of sociology of law was already known and explained more in ancient times rather than modern ones. The author in his work describes the importance on building a state and clarifies what has to be understood through laws and the importance of the lawyers, whom he considers the greatest resource for the state and legal theory as a major human resource. The law and society had an historical evolution and created a society that is based on positivism, which instead, for a long pe-

riod, has been rejected by the previous sociology, which in fact had a conception of law “natural” rather than “positive”. The concept of the law in the light of a general theory of the social system is explained, showing the importance of law in solving the problems of society, not only as a contribution to legal sociology, but also as a major work in social theory.

C. Serra

L. SLINGENBERG, *The Reception of Asylum Seekers under International Law*, Hart Publishing, 2014, 394 pp., ISBN: 978-1-84946-482-6

At no time in history has the reception of asylum seekers in European countries been a more relevant topic, and the analysis laid out in this book sets a benchmark for judging the reception conditions currently being afforded to asylum seekers in Europe. Slingenberg notes the treatises and conventions pertaining to reception conditions, focusing specifically on provisions relating to asylum seekers' rights to access social security schemes and the labor market under international human rights law, international refugee law, and international social security law.

Slingenberg's examination was conducted before the onset of the migration crisis in Europe, and her conclusions do not take into account the practical strains of the magnitude of the current crisis, and fixate instead on the legal rights of asylum seekers and obligations of states under an array of UN and EU conventions. Slingenberg reaches the conclusion that during their application period all asylum seekers must be treated equally to refugees. However, asylum seekers' access to social security and the labor market is not absolute or uninhibited, as states are permitted leeway to set waiting periods, residency requirements, and other provisions.

M. Read

S. TIERNEY (ed.), *Nationalism and Globalisation*, Hart Publishing, 2015, 296 pp., ISBN: 978-1-84946-674-5

This work, edited by Stephen Tierney, explores the seemingly paradoxical relationship between two of today's most prominent challenges to the traditional nation-state, nationalism and globalization, by drawing upon contributions from multiple areas of study. Through the lens of constitutional theory, this book first provides an overview of the foundations of these movements, and then moves to analyze the ways that this works within, and often pushes against, the framework of the current international system.

The multidisciplinary approach to the exploration of this topic and the wide range of case studies provided allow for a well-rounded discussion of the factors that cause states to be challenged by the pulls of nationalism and globalization. This unique approach successfully facilitates a multi-layered and more thorough examination of the intersection between these two global trends than is typically seen in legal scholarship. Overall, this work provides an excellent overview of the movements of globalization and nationalism and their effects on the constitutional state in an ever-changing international system.

H. MacKenzie

A. TOMKINS / P. SCOTT (eds.), *Entick v Carrington: 250 Years of the Rule of Law*, Hart Publishing, 2015, 268 pp., ISBN: 978-1-84946-558-8

Entick v Carrington was a pivotal case in establishing a rule of law under which the government's powers were limited and the peoples' rights protected. When Lord Camden ruled in favor of Entick, he made it clear that the state is not omnipotent and drew a line in the sand for the generations to come. In this text, contributors D. Feldman and T. Hickman reexamine *Entick v Carrington*, bringing to light both the people involved and the socio-political and legal context of the case. J. Rowbottom explains how the case is linked to the freedom of the press, and the important role the press plays in keeping the state in check. Contributors P. Scott, A.

Tomkins, D. Baranger, and T. Mullen then evaluate the legacy of *Entick v Carrington* in a variety of frameworks.

This collection of essays on *Entick v Carrington* provides a comprehensive analysis of the case and its ramifications. The legacy of *Entick v Carrington* is unquestionable, and any student or academic wishing to ameliorate their understanding of the 250-year-old case would not go wrong with this text.

M. O'Brien