

## BOOKS RECEIVED / LIVRES REÇUS

L. BELDER / H. PORSDAM (eds.), *Negotiating cultural rights, Issues at stake, Challenges and Recommendations*, Edward Elgar Publishing, UK, 2017, 227 pp., ISBN: 978-1-78643-541-5

Through the reports made by Faridah Shaheed, UN Special Rapporteur, on science, education, creativity and freedom of expression, we can get an overview on the meaning of cultural rights and their relation with the society. The authors' analysis based on Faridah Shaheed's reports is very broad due to the fact it is the first time the UN has entrusted a mandate on this topic. Furthermore, it is difficult to identify every single right because they are still being defined by the international community. Although they are considered independent from governments, nevertheless they suffer the influence of power especially when dealing with freedom of expression, instruction and creativity. They are part of human rights; as such the States behaving as stakeholders of these rights must fairly ensure their enjoyment to both the community and minorities. Indeed, access to cultural life is available to all individuals without any distinction.

However, given that cultural life is involved in human rights, as precondition for its respect it is necessary that States first take efficient care of human rights: protection of cultural rights comes accordingly.

*S. Lazzarini*

S. CASSESE (ed.), *Research Handbook on Global Administrative Law*, Research Handbooks on Globalisation & the Law, Edward Elgar Publishing, 2016, viii, 595 pp., ISBN: 978-1-78347-845-3

Global administrative law ('GAL') is a fresh and emerging field of study in the area of public law. This new handbook, edited by Sabino Cassese, Emeritus Professor & Justice of the Italian Constitutional Court and a principal GAL founder, provides an exciting introduc-

tion to the field with contributions by a group of renown law experts from across the globe. The handbook takes a multifaceted approach to the dimensions that define the field, meaning the relationship between globalization and sovereignty or global legal culture, as well as the application of the institutions of traditional administrative and/or constitutional law and the rule of law principles to the global level. For instance, how the principles of administrative process like transparency or how judicial mechanisms could be transplanted to a global scale. Furthermore, the Handbook addresses critical questions related to the emergence and proliferation of global administrations, like normative standards, shared administration and networked schemes, and the scope of the global space and, accordingly, global administrative law. Overall, while globalization strongly challenges our long established perceptions of the role of the state, this handbook purports to seek smarter ways in which shared power may actually promote the state in a multilevel governance world.

*A. Tsiftoglou*

D. FARRINGTON / D. PALFREYMAN, *The Law of Higher Education*, Second Edition, Oxford University Press, 2012, 814 pp., ISBN: 978-0-19-960879-9

In this work, Farrington and Palfreyman accomplish a systematic collection of material concerning the world of higher education and its institutions. The material covered ranges from the law on the subject, to that of the opinions and conclusions of scholars, and to that of case law, which is necessary to substantiate a theme that can be defined as *unusual*. Indeed, it is certainly not common for those who are involved in a higher education course to come across most of the subjects dealt with in the book, at least in the special dimension of higher education institutions.

These are often beneficiaries of a special regime, considering and depending on their classification as public or private bodies that perform a public function. These elements are reflected in the legal status and configurations of independence, organic and scientific, of higher educational institutions (HEI). This kind of comparative is-

sues become essential when analyzing the international dimension, such as the one on the subject of the recognition of academic degrees. Although sufficient space is given to international and comparative issues, it should be noted that the core of the text is the discipline concerning the British HEIs.

Finally, the book has a specialized nature, not to be understood in the sense of the narrowness of the subject, which is instead broader, interconnected and varied, covering all aspects of the academic world and all the relationships of HEIs.

*A. Zappia*

R. FISMAN / M. A. GOLDEN, *Corruption: What Everyone Needs to Know*, Oxford University Press, New York, 2017, 316 pp., ISBN: 978-0-19-046397-7

Corruption is a topical issue around the world, yet the meaning of the word remains ambiguous to many people. When considering corruption, the sheer scope of issues involved leave the problems caused by it as seemingly impossible to comprehend. This book tackles this challenge through clear, plain-language analysis of public corruption. Fisman and Golden establish this focus early in the book, enabling in-depth analysis of public sector corruption challenges. Each chapter covers a particular area of focus, including identifying corruption, who is involved, how culture impacts upon this, and ways that corruption in a state can be reduced - or may increase.

The book is particularly effective in using topical examples from around the world to illustrate the issues discussed. While big examples like Italy's 'Clean Hands' investigations are analyzed, Fisman and Golden are particularly effective at demonstrating low-level corruption's substantial impact. From rural employment in India to the work of Officer Frank Serpico, the book effectively captures how cultures of corruption can be immensely damaging, and how significant, rapid cultural change can have powerful positive effects.

*R. Cook*

S. PEERS, *EU Justice and Home Affairs Law. Volume I: EU Immigration and Asylum Law*, Oxford University Press, 2016, ixixvi, 558 pp., ISBN: 978-0-19-877683-3

The Justice and Home Affairs (JHA) sector is an area of European legislation that has been most affected by changes in the last decades, both in content and in form; and is also one of the most discussed and criticized parts of EU law in recent years. Take, for instance, the topics of immigration (both within and outside EU borders) and asylum, which this book primarily deals with. The book traces the histories of these topics, from the intergovernmental method to the current generalized application of the ordinary legislative procedure, which involves the roles of the Commission, Parliament and Council, and the results of which can also be subjected to the judgement of the Court of Justice. The book also analyzes the changing objectives of the related legislation, from giving common minimum standards to providing a uniform system, the consequent modification of the rules, and the improvement of their binding effect. The problems, as known, are concentrated above all in this phase, which still today seeks to achieve sufficient efficacy and to remedy its internal dysfunctions. The book is as detailed and exhaustive as possible in reconstructing the relevant discipline. Its clear, ordered sections make it easier for readers to comprehend the dense information, and reduce the risk of confusion. The introduction also gives some analysis guidelines, which are then followed in all the sections and are very useful in understanding the content, in a way that goes beyond the literal and formal data.

The author, despite the very accurate didactic and scientific narration, does not fail to draw a conclusive judgement. His constant effort to never deviate from facts and data also makes the reader participate in the conclusions of the author, as he knows the assumptions of reasoning.

*A. Zappia*

E. M. USLANER, *The Historical Roots of Corruption: Mass Education, Economic Inequality, and State Capacity*, Cambridge University Press, 2017, 204 pp., ISBN: 978-1-108-40390-0

Can education be the cure to corrupt societies? Eric M. Uslaner seeks to answer this question in his book *The Historical Roots of Corruption*, which dives into the history of corruption among societies worldwide and analyzes the key reasons for its persistence. Uslaner bases his analysis on data collected of the levels of education in 1870 and the levels of corruption in 2010 over 78 countries, and the strong statistical relationship between the two factors. According to his analysis, countries with programs of mass education in 1870 show higher levels of equality and trust in government, whereas those countries that had no mass education system show higher levels of corruption and persistent inequality.

Uslaner also examines the importance of significant historical events for mass education and subsequent corruption, such as the Protestant Reformation, which encouraged literacy among formerly Roman Catholic populations, and Western Imperial powers' denial of education to populations of third world countries. He also analyzes the effectiveness of some countries' education systems based on factors such as regime type; for example, education given under authoritarian regimes were used more as tools for spreading propaganda than for creating opportunities.

This book is an effective and well researched argument on the benefits of mass education as a powerful tool against widespread and persistent corruption.

*H. Kenney*

H. WINTER, *Issues in Law & Economics*, University of Chicago Press, Chicago, 2017, 233 pp., ISBN: 978-02-26-24962-9

Law and economics often seek to distance themselves from one another, but remain intrinsically linked. Analysis of this often lacks practical examples and instead delves into theory to distinguish them. Harold Winter bucks this trend by using practical case studies in fields including contract, tort and property law, before analyzing

more broad challenges in criminal law and behavioral psychology. The book argues that in many cases economic theories on value and trade-offs have been applied by courts to quickly resolve disputes. In this way, legal practice has often aligned with economic theory because both areas of study aim for the same goal - efficient and rational decision-making. An example of this approach is the analysis of courts assigning property rights. Focussing on *Fontainebleau Hotel v Forty-Five Twenty-Five*, the book critically analyzes the impact of different judgements based on economic rules surrounding the impact building one hotel in front of another would have on their values. By focussing on the economic rationale behind legal decisions, Winter effectively challenges any belief that economics and law are not closely intertwined in their impact and expression.

R. Cook

L. ZIMMERMANN, *Global Norms with a Local Face: Rule-of-Law Promotion and Norm Translation*, Cambridge University Press, 314 pp., 2017, ISBN: 979-1-107-17204-3

The author faces the problem of transposing international norms into domestic law by using the UN mission in Guatemala as an example, the task of which was to establish rule of law and democracy for the first time in a post-conflict area. The author also tackles the issue through the analysis of the Right to Access Information, which gives people the ability to get to know their rights, and the Convention on Children's Rights. As a matter of fact, Guatemala was one of the first states that signed the Convention on Children's Rights, and at the time, it was considered an attempt to make the country more democratic and it gave hope that changes might come.

The first step global actors should consider when implementing global norms into a local context is the "context sensitivity", which means taking into account culture, habits, and values of the domestic environment. We can deduce that the assimilation of norms depends a lot on the *opinio juris* and how much the norm has been internalized by the local dimension.

S. Lazzarini