

BOOKS RECEIVED / LIVRES REÇUS

A. DURBACH / L. LIXINSKI, *Heritage, Culture and Rights: Challenging Legal Discourses*, Oxford: Hart Publishing, 2017, 301 pp., ISBN13: 9781509904259

While discussing cultural heritage authors put human rights on the same line with it by making comparisons and show how actually both physical and non-physical objects work paired. Throughout history, both of these subjects were under discussion and their regulatory frameworks were created synchronously on the state level. So, when talking about the protection of cultural heritage, the authors turn the focus on human rights. The guiding idea of protecting cultural heritage is that local people should have direct access to heritage and have their rights for decision-making on heritage.

The book is divided into three parts. Each part has its case on heritage, protection of the culture, and human rights. Part 1 mentions a way to overcome poverty in Southeast Asia by using the heritage of the region. Part 2 involves the protective regime in Cambodia. Besides, Part 2 talks about Chinese and sub-Saharan African social and economic progress and its impact on cultural heritage. Part 3 gives an example of South Africa and how heritage can make people cooperate to overcome challenges. Hence, Part 1 emphasizes the conceivable outcomes of legitimate talks of legacy, culture, and rights, whereas Part 2 lays out the restrictions and contradictions. Part 3 investigates more circuitous ways of connecting legacy with rights.

V. Paziuk

F. HEIMANN / M. PIETH, *Confronting Corruption: Past Concerns, Present Challenges, and Future Strategies*, Oxford University Press, New York, USA, 2018, 312 pp., ISBN: 9780190458348

Everybody seems to be concerned and talking about corruption. It is an issue that has a place on the political agenda for at least twenty-five years. But why is corruption so complicated to overcome?

Confronting Corruption: Past Concerns, Present Challenges, and Future Strategies does not only express a remarkable perception of the phenomenon, but also records and evaluates the global anti-corruption movement steps and effects in order to make conclusions and progress.

Generally, the term “*corruption*” is extremely wide, and the book presents it as a collective fight against cancer. According to the book, the problem is so huge that some scholars had estimated an amount of \$1 trillion per year spent on bribes worldwide.

The authors, that had a huge impact on opposing, discouraging and punishing corruption, share their valuable knowledge that they collected in the battle with this complex issue and develop an action plan for the following decade.

A. Afanasiu

S.S. JUSS, *Research Handbook on International Refugee Law*, Edward Elgar Publishing Limited, Cheltenham, 2019, 480 pp., ISBN: 978-0-85793-280-8

The 1951 Convention Relating to the Status of Refugees has long been the milestone of a legal ordering for refugees in the international arena. Nevertheless, since the end of WWII the international system structure has changed due to the increase in migration fluxes and the consequent increase in states' concerns about their national security, phenomenon followed by more nationalist resentment. Although nowadays the Convention ensures the implementation of the fundamental human rights for refugees, its relevance and effectiveness seem to be at a crossroad. The handbook outlines a wide range of problems concerning migrations that still today cannot find space

in the international law and are merely regulated, such as the issue of internal migration and internally displaced persons (IDP), the difference between asylum seekers, climate and economic refugees, the no gender ground in the Convention, the lack of defined protection for the LGBT refugees, anti-trafficking and anti-smuggling tools. Furthermore, the manual focuses on different systems of refugees regulation, outside the Convention, it compares the EU “burden-sharing” system and the “responsibility-sharing” system. The first one weakened by nationalistic claims and bypassed by a system of externalization of borders and bilateral agreement (Europe-Turkey). The second is analyzed as a possible solution for a shift from the regional regulation to a transnational order. The last part of the manual points out to a study about the relationship between anti-terrorism measures and refugees rights. An effective system should take into consideration the internal security of a national state without violating any refugees human right.

F. Artese

A. KOLTAY, *New Media and Freedom of Expression: Rethinking the Constitutional Foundations of the Public Sphere*, Hart Studies in Comparative Public Law, 25, Oxford Hart Publishing, 2019, xx + 260 pp., ISBN: 978-1-50991-648-1

For the last quarter of a century, media have been actively transforming due to the emergence of new technologies and the Internet. New media was defined as communication technologies that ensured interactivity between users among themselves and the information they get. The concept of new media has already become a part of our everyday life and took a presiding position in the sphere of communication. But what it takes to get content published? Are there any limits on whether the content is being filtered by so-called “gatekeepers”? Are there any providers and social media platforms? All these questions are being discussed and answered in András Koltay’s book.

Absolutely any network user who has at least a smartphone at his disposal can create his own media. In assistance with that, the author acquaintances readers with the biology of theoretical founda-

tions of freedom of speech and freedom of the press which gives protection in self-made content.

Internet Service Providers, Search Engines, and Social Media Platforms are where the content can be found and here the author approaches gatekeepers. The author brings up various hot issues related to freedom of expression and how gatekeepers manage illegal content and what is the impact on the global arena. Gatekeepers can be compared to the filter system which receives various information and content and transfers fresh and checked material to the customers.

One of the most advantages András Koltay used in writing his book was bringing a vast number of cases related to discussed material. While reading the book, readers are getting informed on how American and English legal systems work and see what is the difference between them. Focus is on the U.S. Constitutional Amendments, Council of Europe, European Union legal documents.

V. Paziuk

M. LA TORRE / L. NIGLIA / M. SUSI (Eds), *The Quest for Rights-Ideal and Normative Dimensions*, Edward Elgar Publishing Limited, United Kingdom, 2019, 256 pp., ISBN: 978 1 78897 176 8

What really is the reason for fighting against trade in human rights against all the other rights and public goods? Using both “perfect” and “true” viewpoints, this groundbreaking book reflects on the inherent problems that lay at the center of every modern human rights debate as a basis.

This discerning book discusses the definition of civil and democratic rights arising from the pioneering work of the German legal historian and constitutional lawyer Robert Alexy.

Recognizing the rising challenges raised by the notion of human rights universality, expert scholars consider time-independent philosophical problems that inevitably lie at the heart of every contemporary human rights discourse: What is the rational basis for balancing and/or trade-in fundamental human rights against other rights and collective goods? Or are there utilitarian factors to con-

sider that could restrict the socially constructed power of human rights?

This critical volume will be a vital reference for students and academic staff working in the fields of constitutional law and legal principle, law philosophy, and history, as well as empirical and EU culture.

M. Donci

M. WEWERINKE-SINGH, *State Responsibility, Climate Change and Human Rights under International Law*, Hart Publishing, 2019, 216 pp., ISBN 9781509918447

As the impacts of environmental change keep on being felt, our comprehension of its transformational consequences on various fields of public law will keep on improving.

Common liberties concerns are especially basic because of environmental change impacts, for example, constrained movement, undermined food and water security, the disappearance and debasement of asylum, land, live hoods and societies, just as the danger of contention.

This book contributes to the debate on the role of environmental law in addressing the human consequences of human rights abuses related to climate change.

The author provides a detailed study of legal frameworks relating to climate change, civil rights, and state accountability to elucidate the capacity for groundbreaking rights-based climate change lawsuits to influence climate change and energy policies worldwide.

It provides a thorough and detailed review of the legal concerns relevant to transparency for the effects of climate change on human rights, building upon the framework of state responsibility. This process helps her to clarify where and when state action related to climate change may lead to a human rights violation, and to examine different forms of legal redress open to victims.

The ultimate review gives a perceptive glimpse into the ability of creative right-based policy measures to influence global environment and energy policies.

M. Donci

T. WRIGHT, *Protest and Resistance in China*, Handbooks of Research on Contemporary China, Edward Elgar Publishing Limited, Cheltenham, 2019, 480 pp., ISBN: 978-1-78643-377-0

In China, the CCP-dominated political system brutally represses mass demonstrations and protests. The communist elite uses its control of the law to justify oppressive control over the populace. Although protests do occur in China, the government has legitimized their suppression through the rule of law. The handbook deals with an empirical analysis of different forms of dissent in China and discusses a wide variety of issues, such as labor workers' claims, the unrest of ethnic minorities such as the Uyghur people, environmental concerns, and the Hong Kong uprising. It mainly focuses on how protests are led and how the party-state ensures its stability through legitimized oppression. In 1989, during protests for democracy, student demonstrations were declared illegal, which led to the cruel Tiananmen Square massacre. In this way, the Chinese system of law has become an instrument of repression by suppressing every possible mean of free speech. Today, this system is the foundation of the legal protection of the CCP-elite. This manual consists of a collection of academic papers concerning the relation between citizens and the law, and how their struggle for social rights leads to conflict with the regime. Protests can be the key to a communist collapse, or a further consolidation of ruling power in China.

F. Artese