

Dubouis, Louis, and Claude Gueydan. *Grands textes de droit communautaire et de l'Union européenne* (4th ed.). Paris: Editions Dalloz Sirey, 1996. Pp. vi, 998. Indices. F 252.

Well selected, well edited and well presented – both tomes. The choices in the international law collection are, per force, personal. Some nice selections were exercised here such as the inclusion, case by case, of the principal Security Council Resolutions on the various flare points in the world since the “end” of the Cold War (Golf War, Yugoslavia, Somalia, et cetera). Another interesting touch for readers of this Journal is the special accent given to the European dimension of many of the subjects covered. Also interesting is the chronological table of materials – the evolution of the field as seen through some of the most notable instruments. The European law collection is comprehensive and includes not only the Treaty provisions and secondary legislation but also the principal cases of the Court in each area.

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Kuilwijk, Kees Jan. *The European Court of Justice and the GATT Dilemma: Public Interest versus Individual Rights?* Beuningen, The Netherlands: Nexed Editions, 1996. Pp. 372.

This book most certainly deserves a more detailed review which, hopefully, will be published. It is sufficiently important to draw immediately to the attention of our readers. Beyond the traditional analysis of the relationship between the two legal orders there is a passionate critique of the jurisprudence of the ECJ informed, to choose one's words carefully, by the author's understanding of some classical liberal philosophers. Most of the factual matrix of the critique consists of what may or might be considered the discrepancy in the Court's outlook on certain issues if they appear within an intra-Community and inter-Community context. Criticism of that phenomenon is not new, even if the book might, inadvertently I am sure, give that impression. The Court's active or passive acquiescence in a less than full commit-

ment to international free trade, its problematic attitude for some time in fields such as anti-dumping – have been the subject of oft biting critique, albeit in a more pragmatic way, by authors such as Van Bael & Bellis, Vermulst, Bronckers. In that respect this is Sunday's Roastbeef, diced and spiced and served as new on Monday. But it is the spice which makes this book interesting and worthy of serious reflection. For Kuilwijk tries to situate his analysis not in a simple, intuitive context as some of his predecessors, but in a rich jurisprudential and articulate context which moves from a discrete case by case criticism to an overall critique of the supposed world view behind the Court's jurisprudence, which, is apparently guilty not of mere injustice but of a denial of the realization of human potentiality itself. The tone of the book is quite sharp, at times gratuitously so – vintage Rasmussen. But better that than the sycophantic tone which characterizes so much writing about the European Court of Justice. Two questions remain open: Are the unflattering conclusions of the author and his understanding of the Court really supported by the jurisprudence in the field of international trade? This is not an easy question to answer since it requires not only reflection whether the cases the author cites actually support his conclusions but also a consideration of the cases the author does not cite. An authoritative conclusion must be consistent with the totality of the jurisprudence. One does not judge the health of a society by a visit to the emergency ward of a hospital. One hopes that this book will stand up better to the substantive and methodological scrutiny it is likely to evoke than, say, the somewhat similarly sharply worded work by Coppel and O'Niell in the field of human rights. My hunch on the basis of only initial research is that there is merit to much of what the author says but that the picture is far more complex and differentiated than the author would have us believe. No single or simple paradigm can explain the jurisprudence in this area. Even more interesting is to examine the world view of the author – the one he declares to have and the one implicit in his critique but never articulated. It will be a question of

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normative preference whether, once spelt out, it is any more attractive than the world view attributed to the Court. The Jury is still out on both questions. Whatever the

eventual verdict, this book is sufficiently provocative to be welcomed to the growing critical literature on the Court.

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