

Book Reviews

Karen J. Alter, *Establishing the Supremacy of European Law: The Making of an International Rule of Law in Europe*, Oxford University Press: Oxford and New York 2001, pp. i-xxvi and 1-258

Karen J. Alter undertakes the very challenging mission of tracing the transformation of the European legal system from the creation of a very limited and weak European Court of Justice in 1951 to 'an international rule of law that actually works ... where violations of the law are brought to court [and] where legal decisions are respected.' (p. 1)

The methodology applied in this study is very complex, but more significantly, it is very neutral and unbiased. The reader gets the impression that the author is examining the legal phenomenon of an integrating Europe under a microscope in a laboratory, striving for perfection. Any reservations that the applied method is nothing more than comparative political analysis can easily be disproven, since the value of this piece of work lies in its usefulness to both political scientists and lawyers. Even though the political science approach prevails, it is harmoniously complemented by legal aspects.

The book's vividness comes from involving real-life actors – there are countless references to interviews conducted between 1992 and 1995 with long-term participants in the process of the legal transformation of Europe. These elements are invaluable tools in understanding the extraordinary legal nature of the European Union.

Chapter One provides an overview of the gradual expansion of the Court's mandate, explaining the preliminary ruling mechanism as well as the importance of establishing the doctrines of direct effect and supremacy. The author emphasizes the significance of the involvement of private litigants and also recounts debates that went on when these doctrines were first introduced. Indeed, the road to supremacy has been rough. Chapter Two demonstrates a political science approach by describing the rivalry between the European Court of Justice and national judges in the frame of a comprehensive study of judicial interests.

Chapters Three and Four are dedicated to the in-depth analysis of the German and French legal integration through the lens of their respective legal traditions. This segment of the book deserves the highest praise because the reader is rewarded with a very accurate, clear and thorough depiction of doctrinal changes, landmark decisions and debates. The author classifies these developments into rounds of legal integration and provides very useful summary tables of achievements. Moreover, this impeccable analysis is remarkably condensed into only 120 pages.

Chapter Five deals with the provocative doctrinal precedents of the ECJ, which contributed to the establishment of the Court's present status. The reader also gets an insight into the reactions and behaviors of the national governments in gradually accepting the supremacy of European law.

Finally, Chapter Six summarizes the political process of the transformation of the European legal system and the emergence of an international rule of law in Europe, which also made the European Court of Justice a very influential legal body.

In her conclusions, the author claims that being part of the decision-making process is a far easier way of promoting one's interests than boycotting European integration, since the expansion of EC authority seems to be persistent.

This book is very useful to both lawyers and political scientists in understanding the development and nature of the European legal order. A very sophisticated work with a great amount of valuable research.

Gabor Erdi

Bruno Simma (ed.). *The Charter of the United Nations: A Commentary*, 2nd ed., Oxford University Press: Oxford and New York 2002, 2 volumes, app. 2,000 pages

Antonio Cassese, Paola Gaeta and John R.W.D. Jones (eds.), *The Rome Statute of the International Criminal Court*, Oxford University Press: Oxford and New York 2002, 3 volumes, app. 2,400 pages

In mid 2002, two massive commentaries were published on two vital international institutions, the United Nations and the newly created International Criminal Court. The commentaries are edited and written by a collection of prominent international law scholars, most hailing from Europe. That continent, after centuries of nationalism, tyranny, xenophobia, war, and despair, overcame its troubled past in the second half of the 20th century, and established a functioning union of nations, proving that cooperation and compromise can make everyone more prosperous and more secure. The 'old' European nations who were weaned on conflict have developed a surprising respect for international institutions. It is, thus, not surprising that European scholars have taken the lead in the 21st century in the examination and promotion of international law.

The first of these works deals with the nucleus of international institutions, the United Nations. The second edition of *The Charter of the United Nations: A Commentary*, is an update of a 1995 version, originally published in German. Therefore, many of the analyses are written by German-speaking scholars from Germany and Austria. The translations are excellent, however. The editor, Bruno Simma, is the German judge on the International Court of Justice in The Hague, since 6 February 2003.

The collapse of the Soviet Union and the end of the Cold War moved the United Nations from its peripheral position in international relations to its intended central role of maintaining international peace and security.

Nevertheless, in the Fall of 2002, the American President, George W. Bush, announced that the United Nations was facing irrelevance because it would not force Saddam Hussein to disarm. For six months the eyes of the public were focused on Security Council debates on whether Iraq complied with UN resolutions or not. 56% of Americans polled said they would support their President embarking on a war against Iraq, if the United Nations Security Council authorized the attack. 70% of the