

significantly detract from a challenging and inter-disciplinary approach to a vital area of the EU policy.

Jeremy Richmond

Graduate Programme Harvard Law School

Renaud Dehousse (ed.), *Europe After Maastricht. An Ever Closer Union?*, München: Law Books in Europe (1994) xi + 314 pages + Index.

Among the avalanche of publications devoted to the Maastricht Treaty, this multi-contributor book stands out because it assesses the Treaty through different sets of lenses. This book is also valuable as mental preparation for the next scheduled conference in 1996. It is framed with an introduction by Emile Noël titled 'A New Institutional Balance?' and concludes with a contribution – 'Fin-de Siècle Europe' – by Joseph H.H. Weiler. Each of its chapters is an in-depth analysis of the most critical and controversial aspects of the Treaty on EU.

In a laser-sharp ten-page analysis of the institutional innovations, titled 'A New Institutional Balance?', Emile Noël concludes, as he has for over 40 years, with a question mark. He examines the changes in the texts through their actual procedural consequences and makes the reader feel that a lot will depend on the actors playing out their roles. Whatever the self-imposed restraint of Emile Noël might be in describing the institutions, he is explicit on one point: the limitation of the Commission's right of proposal.

Unlike Noël, Joseph Weiler in his '*cri-du-cœur*' assessment of Maastricht ends with no question. 'The People' no longer follow because the Community has lost its soul and values. It was possible to have an elite-driven, 'mandarin'-managed Community while a large consensus on superior values existed. These values include sacrifice/peace, the acceptance of Germany, prosperity in the more noble sense as the opening to others, and

'supranationalism' as an active value to overcome the demons of the past. He might have added the Dyonesian readiness for common adventure and faith in the dialectics of working together. As provocative as this assessment may appear, it can hardly be challenged. Weiler is more tentative and seems less convinced when looking for alternative motivations for the EU. Here, he ends with questions: Does the EU have the devices necessary for solving industrial problems? Is it the vehicle for adjusting Eastern Europe? Is it a place where communitarian ethos can come to grips with the chronic value conflict between market and solidarity, and freedom and statute?

Christian Joerges' contribution on 'European Economic Law, the Nation-State and the Maastricht Treaty' examines closely one fundamental aspect of Maastricht that is generally overlooked. This aspect could have legal consequences depending on future interpretations by the Court. Undoubtedly, the idea of maximization of resources through competition underlies the EC and some authors have argued that the Community enshrined the market economy as a principle of law. After Maastricht, the market economy has become the Law as a general principle enshrined in Article 3A EC requests Member States and the Community to conduct their activities 'in accordance with the principle of an open market economy with free competition'. Joerges queries if this is the EC's consecration of economic interpretation of the Law.

Francis Snyder's contribution on 'EMU-Metaphor for European Union? Institutions, Rules and Types of Regulation' assesses a new device for economic policy and a common currency. This is done through the usual competitive scheme 'Member States vs. Community (Commission, Parliament, Court)'. Of course, this is a fundamental aspect of the question. The other facet is that of the objective necessary to ensure the minimum autonomy of the monetary power in

relation to general power. This is also an internal power problem within each Member State. The compromise attained has its explanation within the very roots of each Member State with its competing bodies whose action is reflected at Community level and which tend to survive as corporate bodies. For these bodies, the duty to the corporate body may appear stronger than the duty to a given nation.

Those wanting to take a closer look at 'European Citizenship' (Hans Ulrich Jessurun d'Oliveira) and 'Social Policy' (Brian Bercusson) after Maastricht will have clearer ideas about these subjects after these readings. Headlines on these subjects used by Maastricht are sometimes misleading and the content of the Treaty is complex and confusing on these issues.

The contributions of this book are facilitated by the Annex which contains the Maastricht Treaty and the consolidated text of the EC (ex EEC Treaty). The texts of the 17 protocols and 31 declarations annexed to the final act are not included. The fact that later texts cover more space than the Treaty itself justifies the question mark in the book's title.

*Henri Etienne*

*Harvard European Law Research Centre*

### Book Notes\*

McCrudden, Christopher, *Equality in Law between Men and Women in the European Community: United Kingdom*, Dordrecht, Boston, London: Martinus Nijhoff Publishers/Luxembourg: Office for Official Publications of the European Communities (1994) xlii + 531 pages + Index. Dfl 156; \$93.50; £62.50.

This is a welcome contribution to the understudied field of the implementation of

European Community Directives in various national contexts. It is part of a series that utilizes the findings of years of investigation by EC experts to unveil the fate of work-place gender equality directives, specifically 75/117 on Equal Pay, 76/207 on Equal Treatment Directive and three on social security. The author meticulously explains how British law translated each segment of every directive, and lists the measures taken for enforcement. What is unfortunately missing is a critical evaluation of the British effort: such shortcoming is particularly serious when one remembers how the EC Commission took Great Britain to Court precisely over these matters in 1982.

*Francesco Duina*

*Dept. of Sociology, Harvard University*

Centre de Droit International de Paris X-Nanterre, *La CSCE: Dimension Humaine et Règlement des Différends*. Cahiers du Cedin 8, Paris: Montchrestien (1993) 281 pages.

This book gathers a dozen contributions made for a conference held in Athens in January 1993 under the auspices of the Centre de droit international de l'Université de Paris X-Nanterre and of the Marangopoulos Foundation for the Protection of Human Rights. The contributions made by specialists in their respective field give a good idea of the changes the CSCE has undergone since the Final Act of the Helsinki Conference in 1975. The changes due to the end of the Cold War and to the rise of new priorities – such as democracy and the protection of minorities – are seen through different lenses. CSCE has never been a legally binding Treaty, although conventions may now emerge out of its frame, such as the Stockholm Convention on Conciliation and Arbitration with the CCCE. The book demonstrates how diplomatic pressures and the pressure through public opinion which characterized the old CSCE are replaced by

\* Publication of a book note does not preclude subsequent fuller review.