

by the Community. Even more critical is the fact that subsidiarity only applies to areas which do not fall within the exclusive competence of the Community.

Since subsidiarity is such an open-ended concept, it seems more important to analyze who gets to decide on subsidiarity and what procedural safeguards could ensure its implementation. In addition, focusing on the way subsidiarity ties in with other principles of Community law, and its relation to specific areas of Community activities could contribute to giving the principle more meaning.

The book can be welcomed as an early treatment of fundamental aspects of subsidiarity. And yet its major weakness from today's perspective is its near exclusion of substantive questions. Even though all six of the articles deal with different aspects of subsidiarity, there are various repetitions as to the general nature and roots of subsidiarity, and only one of the articles examines subsidiarity in a substantive context (social policy). Useful is the book's annex which includes all of the major institutions' opinions on subsidiarity.

The first piece by Manfred Brunner offers insights into the day-to-day Euro-politics from his past at the Commission. Yet his treatment of subsidiarity as a European principle is undermined by some pseudo-scientific explanations of Community politics, such as his idea that some people have genetic predispositions that make them go into European politics in order to live their "obsession with power and regulating" (p. 15).

Torsten Stein, though critical of subsidiarity, concludes that the principle is one of law and not merely a political idea, and offers a good overview of the standard discussion on subsidiarity. He rightly underscores that the practical impact of subsidiarity will heavily rely on how it is implemented and controlled, and for instance suggests that a procedure of ex-ante court review could be used to ensure that the ECJ will engage in substantive review of subsidiarity concerns.

A descriptive review of the new German legislation on federal relations in Eu-

ropean matters (Art. 23 German Constitution) is offered by Georg-Berndt Oschatz. In similar vein, Jürgen Weiss relates subsidiarity to federalism by reviewing questions of contemporary Austrian federalism.

An interesting account of European social policy is given by Hans-Ulrich Reh, who is critical of the wide-spread "Euro-phobia" and convincingly underscores the importance of European framework legislation in social policy.

Finally, Detlef Merten offers a good background understanding of subsidiarity as a principle of constitutional law by drawing on its position in German constitutional law, its liberal character, and its implications for allocating competencies in a federal system.

Dorothee Fischer-Appelt
Harvard Law School

Skouris, Wassilios (ed.). *Advertising and Constitutional Rights in Europe*. Baden-Baden: Nomos Verlagsgesellschaft, 1994. DM 138

This book examines the relationship between advertising and constitutional rights in Europe. The aim was to conduct a study in comparative constitutional law with contributions from specialists of the countries of the European Union. Based on a questionnaire on the constitutional rights in the Member States on the one hand, and the relationship between them and advertising on the other, this book presents a comparative report as well as thirteen reports on the constitutional situations in the Member States (Luxembourg is missing). The best part of the book is the comparative part which is based mainly on the findings laid out in the various national reports but also on some additional sources. Just like the national reports, the comparative part follows the questionnaire.

Christina Volquartz
Regensburg, Germany