

Book Reviews

stitutional framework, which had to be adjusted over time according to the development of the idea itself. A major strand of research in political science currently analyses the socio-economic conditions of public participation and the various forms of informal participation. Without taking, just to give one example which is particularly relevant for the EU context, the role and influence of interest groups in the decision-making process into account, any study of democratic legitimacy seems shaky. In the same conceptual vein lies Kluth's neglect of the deliberative element of the democratic process. But public deliberation is impossible if important information is not, or only with great difficulty, accessible for the broader public. Transparency is therefore an important precondition for democracy. How then can one write about democratic legitimacy without mentioning transparency? Another aspect that would have been important to consider, even on the basis of Kluth's own criteria, is the question of democratic legitimacy in the context of the implementation of Community legislation, an issue which has been discussed in the legal literature under the heading 'Comitology' for decades now. Taking all this into account, one may wonder whether there is really no democratic deficit.

Alexander Ballmann
München

Book Notices

Aughterson, E.P. *Extradition: Australian Law and Procedure*. Sydney: The Law Book Company Limited, 1995. Pp. 1, 288. Index. \$155 hardback; \$75 paper.

In an era when international and municipal law are increasingly being seen as convergent, this book deftly negotiates the interrelationship between the practice and instruments of international law and those of Australian law. The book's structure is conventional yet functional, moving from history and sources; through treaties and

legislation, related procedures of asylum and deportation; on to extradition offences, grounds for denial and procedure. It concludes with chapters focused exclusively on Australian issues. The political offences exception is treated in some depth, with an alternative approach proposed, based on the ever-popular principle of proportionality. The international market for the book may be a little obscure, although as a comparative study it would be extremely useful to the international lawyer. From the latter perspective, a minor weakness is the over-inclusion of judgment quotations, rather than case citations, to support propositions of Australian law. There is a careful and confident examination of extradition law, which shows the author's extensive knowledge of the subject. Mention is even made of recent archaeological surveys indicating the existence of extradition arrangements dating back as far as the Assyrians.

Deborah Cass
The Australian National University

Ukrow, Jörg. *Richterliche Rechtsfortbildung durch den EuGH*. Baden-Baden: Nomos Verlagsgesellschaft, 1995. Pp. 392. DM 118.

Bashing the European Court of Justice (ECJ) has become fashionable within the community of Euro-Phobes. It is perceived as one of the main centres of evil in the Community, like an unleashed beast which behaves in its decisions like a quasi-legislator, exceeding its competencies and violating the Member States' sovereignty. In his thorough study, Jörg Ukrow analyses and comments on the development of European Community Law by the ECJ from a perspective which both acknowledges its importance for the formation of the Community's legal order, and in particular the judicial protection of the individual, and at the same time emphasizes the necessity to keep judicial activity within the boundaries implicitly drawn by the EC Treaty and its underlying principles. Only sticking to the latter can ensure the legitimacy of the Court in the