

systems theory, for his analysis of the idea of peaceful change in the Preamble, with its reference to the tension between justice and international law. For a concretization of this dichotomy, Professor Schütz examines Articles 1, 2, 14 and 55 of the Charter as well as UN practice. The articles are written in German, but contain an English summary and extensive references to both English and German literature. Less useful are the documents in the appendix, which bear only a scant relationship to the articles.

In general, this book constitutes a positive example for the inclusion of philosophical and political science perspectives in the legal analysis of the Charter. It offers some important insights into the values and aspirations of a 'new world order' which is continuing the tradition embodied in the Charter Preamble. For this project, the precise legal character of the Preamble seems far less important than the shaping of goals and values in the process of change.

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Trebilcock, Michael J. and Robert Howse, *The Regulation of International Trade*. London and New York: Routledge, 1995. Pp. xii + 510.

Canadaphiles often say that Canada represents the best of Britain and the United States. An attractive combination. Canadaphobes, like George Bernard Shaw, whimsically retort that the opposing mix can also occur: The worst of Britain and the USA is something from which you would want to keep far away. In the case of this book, the Canadaphiles win. This is a very fine volume in the best tradition of the British law book and the American book about the law. It has it all: a concise but incisive analysis of the evolution of international trade theory and policy; a transcending structural analysis of the principal global (WTO-GATT) and regional trade regimes (EU, NAFTA) and then a magisterial march through the terrain of international trade law from the most classic

(tariffs, subsidies, antidumping, etc.) to the most innovative (e.g. investment, environment and intellectual property). The book picks up themes where other (trade lawyers) often do not dare to tread: Trade and Development and Movement of People to give but two examples.

One of the important virtues of the book is that it manages to provide a 'how to think about it' analysis of each of its topics without compromising a hard look at the positive law. Even the most experienced would profit from its insights. And as an accompaniment to a good set of Cases and Materials, it is hard to think of a better volume for students.

J.H.H.W.

Kuhn, Heike. *Die soziale Dimension der Europäischen Gemeinschaft*. Berlin: Duncker & Humblot, 1995. Pp. 451.

This doctoral study traces the emergence of the 'social dimension' of the European Community from the period before the Treaty of Rome to immediately following Maastricht. Kuhn finds that a 'social deficit' has gradually become a predominant concern of European policy. While the Community institutions were initially divided over both the desirability and the possibility of encouraging a European Social Charter, there have been strong attempts for a long time now to replace national social regimes with equivalents developing on the European level. Kuhn describes the differences and the changes in attitude of the institutions as well as of the Member States towards the adoption of European social policies. While social policy has been regarded traditionally as a predominantly 'national' concern, the book lays out the dynamics of a growing body of Community law, ranging from workplace safety to equal gender treatment.

Two aspects, in particular, of Kuhn's study make it rewarding reading. Firstly, she points to the ambivalent meanings of the term 'social' and the difficulty connected therewith

to account for the nature of the various rules, norms and regulations originating on the European level. She makes the case for a broad interpretation of 'social' policy arising from the shifting of, for example, unemployment, sickness and family allocations and other provisions in employment law from the national to the European level. Secondly, she discusses the areas where conflicts have been arising over the powers transferred by the Member States and the reach of the competencies of the European institutions. She outspokenly defends ECJ decisions, such as *Katsikas*, *Francovich*, *Pinna (I, II)*, *Pindone* and *Paletta*. Drawing on a detailed description of the impact of these cases and the interpretation of the Treaty, Kuhn succeeds in arguing for a close, even inevitable connection between the development of rules governing the uninhibited movement of persons, goods, services and capital on the one hand, and a correspondingly sophisticated set of social norms on the other.

It can be argued, in effect, that one may not be had without the other, underlining the particular quality of the emerging new legal order (cf. at 311: 'real community of different states'; also at 336, with reference to the ECJ's decision in *Costa/E.N.E.L.*, and in *Van Gend & Loos*, at 339). 'Europe', characterized by the intertwining of economic, social, cultural and political structures on various levels, might — some day — be a vivid sphere of political deliberation and social justice, both initiated and reinforced by European citizens, only if the right pace is followed in the consolidation of an economic and monetary union with that of a socially sound political texture. Kuhn notes possible dangers to the unity of Community Law; in her conclusion, however, her optimism towards an ongoing effort to promote continuing integration prevails. Her technically detailed study highlights the steps taken by the developing social policy within a legal framework itself still searching for its full consolidation.

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Evans, Andrew. *EC Law of State Aid*. Oxford: Clarendon Press, 1997. Pp. 484.

EC law on state aid is a fundamental area of Community law, both for the public and the private sector. Its central importance is paralleled by its great complexity and sometimes uncertainty. For this reason, a comprehensive and detailed publication on this subject, such as Evan's *EC Law of State Aid*, cannot but be welcomed.

The book starts by describing the concept of state aid under Article 92(1) EC Treaty as well as the conditions that make it illegal (Chapters 1 and 2). It then examines the compensatory justification under Article 92(2) and 92(3) EC Treaty, i.e. the cases where state aid shall or may be compatible with the common market (Chapter 3), devoting particular attention to regional aid, i.e. aid awarded on the basis of regional criteria (Chapter 4), to sectoral aid, i.e. aid awarded to certain economic activities (Chapter 5) and to so-called 'horizontal aid', i.e. aid directed towards goals that differ from assistance to particular regions or sectors, for example, job creation (Chapter 6). Finally, it deals with the legal sources regulating state aid and the procedures for the awarding of state aid (Chapter 7).

The book has various remarkable qualities and some shortcomings. As for its positive qualities, it first and foremost relies on accurate and painstaking analysis of the many sources of EC law on state aid. In particular, the praxis of the Commission and the rulings of the ECJ are extensively described and critically assessed. To this extent, it is an extremely valuable volume for anyone who already has a background in EC law and wants to learn the ins and outs of state aid. Second, the law and its application are analysed from an economic viewpoint as well. This is essential in a legal area strictly related to the common market where a merely formal approach would not lead to any useful results. Third, it shows how Community law on state aid has developed, especially with regard to the changes of the common market and the enlargement of the Community. Fourth, EC law on state aid is explored in the light of its

institutional implications as well as in relation to other fields of EC law (for example, structural policy or agricultural policy). Finally, Evan's book is, on the whole, well written and easy to follow.

In contrast, the major defect of Evan's book is its scarce conceptualization of the analysed material. Although an over-reliance on theory rather than on exact findings is a defect which should be avoided, and this book certainly and fortunately cannot be accused of this, a good legal work should not neglect the theoretical framework. Despite the fact that Evan's book consists not only of description but also of critique, such a framework becomes evident only sporadically throughout the book and in the conclusions. Second, although the material is generally well organized in the various chapters, a true introduction is absent and the reader is abruptly dropped in the midst of the technicalities of the law. Moreover, the chapter on the procedures concerning authorization of state aid could have been expanded and made a little clearer. Third, the author regularly refers to the opinion of the Advocate General, but only sometimes specifies whether the ECJ has followed it. Finally, there are a couple of debatable points. For example, in the introductory analysis of Article 92 EC Treaty exegetic conclusions are drawn from the use of the term 'promote' (Article 92(3)(a)) rather than 'facilitate' (Article 92(3)(c)) without considering the fact that such a difference does not exist in the German version of the Treaty and that according to Article 248 EC Treaty and Article 5 EU Treaty all linguistic versions are equally authentic (at 16). Another example: in the analysis of the condition of distortion of competition under Article 92(1) EC Treaty, the statement that the application of the *de minimis* rule in the state aid field may be seen as incorporating the subsidiarity principle of Article 3b EC Treaty seems very questionable, especially since this concept is not even briefly treated (at 99). Finally, from a layout perspective, the placement of some footnotes next to each other, rather than one beneath the other, is neither elegant nor clear.

State aid is an area of EC law that will probably continue to develop in the years to come. The future accession of some Eastern European countries and the probable non-expansion of the Community structural funds will increase the significance of state aid and at least partially modify its practice. At the same time, there are sectors such as banking that have been the object of decisions of the Commission on state aid only in the very recent past. For these reasons, one can expect that an updated version of Evan's book will soon become necessary. This will give the author an opportunity to develop a more thorough theoretical framework and amend the few flaws of this very interesting and valuable work.

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Daly, Mary C. and Roger J. Goebel,  
(eds). *Rights, Liability and Ethics in International Legal Practice*. The Netherlands, New York: Transnational Juris Publications, 1994. Pp. xviii, 428.

Are we moving toward a universal ethical code to guide lawyers engaged in international law practice? This book tries to answer 'yes', but in the final score — perhaps because the volume is a conference compendium — it fails to leave this reader with much confidence that the complex particularities of different national practices can be resolved in one coherent whole.

This text is one of the first explorations into the most common ethical and practice-related problems. Its genesis was a 1991 Conference on the Internationalization of the Practice of Law, held at the Stein Institute of Law and Ethics at Fordham University School of Law.

The major themes in the text are organized around three 'pillars' of ethical behaviour: i) the duty of loyalty (in American terms, conflicts of interest); ii) the duty of confidentiality (attorney-client privilege); iii) the duty of competence (a particularly complex area when attorneys hold themselves out as qualified in an international