

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

field but are not fully competent to advise, and particularly troublesome for lawyers engaged in international practice who must master different foreign laws throughout their careers).

The viewpoint is primarily Eurocentric, using American examples as the springboard for discussion and analysis because of the wealth of case law generated by so many lawyers in this country (a sometimes dubious distinction). The editors suggest that American lawyers have much to learn from the regulation of complex ethical issues in differing legal systems, particularly the common standard of European legal ethics evolving through the Council of the Bars and Law Societies of the European Community (CCBE): 'It now behooves the U.S. legal profession to consider some of the solutions they have worked out as a possible basis for a more global approach' (at xvii). The point is not lost on some of the American contributors, as evidenced by one comment: 'the ABA's effort strikes me as yet another manifestation of the American principle that when something seems imperfect, one should leave no stone unturned to make it worse' (at 41).

As frequently happens in books published from conference proceedings, the quality is not uniform throughout. Some of the essays (billed as chapters) are too short to cover topics in anything more than a cursory manner (e.g. a chapter on state and federal regulation of foreign lawyers in the United States covers barely three pages). Five other brief but informative chapters deal with lawyer training and accreditation of foreign lawyers in England, France, Japan, Belgium and Germany.

The absence of an index is a glaring weakness to the book, particularly since the collage of speeches, essays and panel discussions lacks a coherent narrative — perhaps the book's ultimate value is as a spot-reference on ethical norms. Similarly, more rigorous and aggressive editing would have served to make many of the 35 chapters read less like a conference transcript. Too many loose ends without sufficient editorial synthesis leave the reader mired down in conference chatter and self-

referential commentary. There is one particularly powerful and analytically complex chapter — a cogent book within the book — worthy of special notice, Roger Goebel's excellent 'Lawyers in the European Community: Progress toward Community-Wide Rights of Practice'. After critically reviewing and then generally endorsing the CCBE standards, he proposes the liberalization and fusing of US-EC cross-border legal practice to benefit clients and trade by bridging cultural gaps. The Document Supplement is a more interesting read than some of the submissions. It includes: CCBE Code of Conduct for Lawyers in the European Community; Explanatory Memorandum and Commentary on the CCBE Code of Conduct for Lawyers in the European Community; Draft Directive on Right of Establishment for Lawyers; Justification for the Negative Vote of the Luxembourg Delegation on the Draft Directive 'Establishment' Submitted for Approval to the Plenary Session of the CCBE at Lisbon on 23 October 1992; Vote of the Spanish Delegation on the Project of Directive on Lawyer's Establishment Rights; and, the CCBE Directive on Right of Establishment for Lawyers Explanatory Memorandum.

As the practice of law inevitably becomes more global, increasing numbers of less experienced lawyers will be drawn into the murky, grey area of cross-cultural ethics. What are the rules, both formal and ethical, to such problems as retaining and relying upon foreign counsel? Managing international law firms? Dealing with anonymous bank accounts? Advising on fiscal fraud and professional liability in matters of foreign law? This text constitutes an adequate starting point for lawyers requiring answers to such complex problems.

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Boyle, Alan, and Michael Anderson (eds). *Human Rights Approaches to Environmental Protection*. Oxford: Clarendon Press, 1996. Pp 313.

The condition of the environment is inextricably linked to our social and economic