competences of a single state. Thus, today's reality requires different levels of problem-solving, a development which is most prominently reflected in the growing extent of competences and responsibilities conferred upon trans-/inter- or supranational authorities. This evolution, however, so the author argues, demands a rewriting of the classical elements of statehood: sovereignty can thus no longer be attributed exclusively to the state; the '*suprema potestas*' must rather be regarded as being distributed on different levels and exercised by different, even non-governmental actors. However, the state still holds a key position in this multi-level interplay of a variety of actors. Hobe's final outlook on the future of the state (at 446ff) is therefore after all an optimistic one: in his opinion, the 'waning of the State' (Schreuer) is not yet on the agenda.

The book covers an enormous range of different questions without ever losing the thread. It is hardly astonishing that some topics can only be touched on. This is particularly true for the complex questions linked to the process of European integration. Patterns which might be valid elsewhere do not always seem to fit perfectly with this very special phenomenon, at least when presented in such a cursory manner. However, enriched by some innovative ideas, Hobe's book is certainly one of the most comprehensive studies on the state's position under the conditions of the new world order. In addition, it constitutes a most valuable contribution to the state theory as such. The 62-page (!) bibliography of this German '*Habilitation*' and the extensive footnoting underscore the book's value as a reference work.

An English-language summary of some of the essential conclusions can be found in an article published in the *Austrian Review of International and European Law* 2 (1997), 127. A special aspect — the increasingly important role of non-governmental organizations — is dealt with in an article which appeared in the 1997 issue of the *Bloomington Journal of Global Legal Studies*.

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## Duursma, J.C. ***Fragmentation and the International Relations of Micro-States: Self-Determination and Statehood.*** Cambridge: Cambridge University Press, 1996. Pp. xxv, 461. £55; $89.95.

The book's focus is simple: '[H]ow do Micro-States function in the international community and what can international law learn from their existence?' (Introduction, at 3). It is dealt with in three sections. First, three aspects of (general) international law that impact on micro-states are considered. This survey is followed by five case studies of European micro-states: Liechtenstein, San Marino, Monaco, Andorra and the Vatican City. The section is then rounded off with some general conclusions.

Self-determination constitutes the bulk of the international law section. Reference is made to documents, debates and judicial decisions before focusing on the key question of conflict with the 'right' to territorial integrity of existing states. The coverage is wide-ranging, if at times slightly lacking in focus. It is followed by a much briefer treatment of the criteria for statehood and the general question of micro-states within international organizations, both of which are more interesting than enlightening. Whilst being accessible, the whole section is heavily based on previous works, such that it only serves as a general summary of the material.

Each of the five case studies consists of a survey of various aspects of individual micro-states, such as the history, demographic and economic conditions, constitutional arrangements, and relations with other states and international organizations. The consistency of information provided makes for easy comparisons and offers for a useful survey of the material. This is then related back to the prior discussions of the criteria for statehood and self-determination, before conclusions as to statehood are drawn for each entity. These brief summaries are both intelligent and accessible. However, recalling the caveat already made regarding the lack of rigour in the first section of the book, the reasoning

used in the conclusions can, at times, appear convoluted and weak. One example is the interpretation of the Franco–Monégasque Treaty of 1918 in determining the extent of Monaco's formal independence (at 311–313). The reasoning is based on the right of the Monégasque people to self-determination having the force of *jus cogens* from the earlier theory discussion. It is further based upon an interpretation of the consequences of the negotiating positions of both France and Monaco regarding the Vienna Convention of the Law of Treaties (1969), and the subsequent status of its provisions as customary law. Whilst I do not necessarily disagree with the conclusions reached, I am not fully convinced by the reasoning offered. That said, there are relatively few such examples, and my criticism must be weighed against the likely volume and complexity of a full exposition on such a topic.

The book concludes by taking the consideration of the theory of self-determination and the criteria for statehood, alongside the assessment of the five European micro-states, and applying them to three aspects of legal inquiry: namely, autonomy, secession and fragmentation. And it is here that one is left with a feeling of the incompleteness of this volume. Dr Duursma has taken the reader on a fascinating survey of the intricacies of these five European micro-states and of certain aspects of international legal theory. In so doing, the theory and the reality have been neatly and, in the main, convincingly tied together, but there is just the slightest sense that the opportunity for more firm conclusions was not taken. This is a great pity given that the preceding work is both interesting and generally rigorous. Or perhaps these conclusions await us in a future volume? If so, I would certainly wish to read them.

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Schmidtchen, Dieter, and Robert Cooter (eds). ***Constitutional Law and Economics of the European Union.*** Cheltenham, UK; Lyme, US: Edward Elgar. 1997. Pp. 303.

Does economic analysis of constitutional norms add new insights to our understanding of Community constitutional and institutional phenomena? The authors of *Constitutional Law and Economics of the European Union* answer in the affirmative. To illustrate this, they apply economic analysis to a range of issues (such as Community decision-making, comitology, the balance of power, federalism, judicial discretion, the principle of subsidiarity, competition among rules, enlargement, unanimity), analysis of which is organized round three themes: decision-making, federal structures, and institutional change.

But does it? Taking a closer look at the different contributions in the book, it gives a rather sceptical impression of the in-built virtues of the economic approach to constitutional law, at least as developed by the authors of this volume. Why conclude with a sceptical tone? I shall give a number of examples, which are by no means the exception but serve to illustrate the rule. The second essay in the first part examines the issue of comitology from the perspective of game theory. The terse elegance of the model is definitively not matched by the relevance of the conclusions, which reflect but a truism. According to the authors, 'our main findings are that — aside from the advisory committee procedure that does not restrict the Commission in the slightest way — the management procedure restricts the Commission the least' (at 55). This would be a big discovery — only if it did not stem from the simple reading of the so-called 1987 'comitology' decision. More examples are found in the first essay of the second part. The main argument of the paper is, if not new, still interesting, since it seeks to place the emphasis on the connection between 'majoritarianism' and the Community's social legitimacy deficit. But the