conclusions are profoundly spurious. It is one thing to argue that 'majoritarianism' could be the cause of many present and future malaises of the Community (the idea has been developed, with special sharpness, by authors such as Dehousse), and a very different thing to conclude that the present decline of popular adherence to the European project in the founding Member States *is due to* a rise in the Community's majoritarian features, without providing the flesh of empirical support for this conclusion, but simply the bones of an — again, elegant — economic model. The second essay in the second part of the book develops the thesis that judicial discretion is a function of what the authors call 'legislative resistance'. The argument is well encapsulated in the following *formula*: 'Courts will be more adventurous in interpreting statutes when the probability decreases of legislative repeal of their decisions' (at 109). After a series of comparative analyses of different judicial systems and legal areas, the authors conclude that their assumption holds true in a high number of cases. Turning to the Community context, the authors then predict that due to the increase of 'legislative resistance' after the Maastricht Treaty, in terms of more powers for the European Parliament, judicial discretion (understood as legal innovation and judicial activism) 'should expand' (at 125). Of course, it is still too soon to have the whole picture of the Communities' Court reaction to the new institutional environment established with Maastricht. But it is probably not too adventurous to say that the emergent pattern after Maastricht has more to do with caution and self-restraint on the part of the ECJ than with judicial activism, as some leading post-Maastricht cases seem to demonstrate (think, for example, of the case-law that N. Reich called the 'November revolution', not reflective of a particularly 'activist' posture). In other words, the conclusions of the authors seem to be contradicted by reality.

And we could go on. In my view, the main shortcomings of *Constitutional Law and Economics of the European Union* are twofold: firstly, it is not an economic analysis *of* law, as the title of the book seems to imply, but an economic analysis *about* law. The legal dimension is almost absent in all the contributions, except in the final paper by Everling, which expounds a lawyer's view of some of the issues dealt with in the book. And secondly, the analysis is extremely formal in character. Economic models are an elegant way to conceptualize reality but, if not rooted in solid empirical research, the outcome risks being but the modelization of conventional wisdom.

Universidad Carlos III de Madrid — *Antonio Estella de Noriega*

van den Bempt, Paul, and Greet Theelen. *From Europe Agreements to Accession: The Integration of the Central and Eastern European Countries into the European Union.* Brussels: European Interuniversity Press, Brussels 1996.

This book by van den Bempt and Theelen is the result of a series of conferences organized by the Trans European Policy Studies Association (TEPSA) between 1991 and 1995. Relying on the conference papers, the authors have created a synthesis of the expertise of the participants. The contributors and the subject of their papers are reported in a separate bibliography at the end of the book. This synergetic approach helps to avoid the risk of redundancies and the authors manage to present a singularly concise overall view of the developing relations between the EU and the countries of Central and Eastern Europe (CEEC) as of 1996. Starting with an overview of the Europe Agreements and their subsequent implementation, in particular via the Structured Relationship, the authors analyse to what extent the CEECs already enjoy access to the Community's Internal Market. Van den Bempt and Theelen analyse the conditions for accession formulated by the EU and its Member States regarding democracy, rule of law, institutional and economic stability. They set out the efforts made by the CEECs to gradually adapt to the *acquis communautaire* by approximating their legislation as well as their attempts to create a framework for a func-

tioning market system through privatization and the creation of a financial infrastructure. The authors report the differing experiences and successes of the various CEECs between economic and social shock therapies and gradualism. In addition to an account of the financial and technical assistance given by the EU and others, the reader also finds a — necessarily speculative — perspective on budgetary developments after accession. Of particular interest is a critical evaluation of the progress concerning democracy, protection of minorities and respect of human rights in the candidate countries, which highlights possible sources of tension among potential EU Member States, as well as first steps towards equitable and permanent solutions. Last but not least, the authors analyse the impact of an Eastern enlargement on the EU Common Foreign and Security Policy and the security interests of the CEECs. The final chapter, devoted to the reform of the institutions necessitated by further enlargement, remains largely unaffected by the Treaty of Amsterdam which has postponed the solution of these institutional problems. The text of the book is supplemented by ample statistics contained in Annexes.

However, the excellent impression conveyed by van den Bempt and Theelen's work is slightly diminished by the fact that it does not facilitate further independent research by the reader. Apart from the Presidency Conclusions of the European Council of Copenhagen and the statistics, virtually no official sources for original documents are given. The authors offer to provide copies of the non-published papers from the bibliography mentioned above to the interested public. This service, however, cannot guarantee that the reader will eventually find the documents he or she is looking for.

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Yourow, Howard Charles. ***The Margin of Appreciation Doctrine in the Dynamics of the European Court of Human Rights Jurisprudence***. London, New York, The Hague: Martinus Nijhoff Publishers, Kluwer Press, 1996.

One of the most complex features of international human rights law is the challenge of balancing international human rights norms and the particularity of the contexts in which their application arises. Aligned to this is the delicate task of mediating the tension between effective international supervision and the upholding of established human rights norms on the one hand, and primary domestic responsibilities and socio-cultural choices and contexts on the other. The poles in contest may be seen as involving the vertical or horizontal distribution of power, as well as the (absolute or relative) nature of the rights at issue.

The balancing involved in any human rights system is an ineluctable one, involving the problems of objective and discernible standards as well as a recognition of the subjectivity of contexts and fact. Beyond this, the balancing needed in relation to all human rights would appear to be heightened in the context of international human rights supervision, even in a relatively cohesive regional system such as the European Convention on Human Rights. These competing considerations form a symbiosis which an international supervisory body such as the European Court of Human Rights must continually define in its interpretative and supervisory role.

The margin of appreciation may be the single most distinctive interpretative feature of ECHR jurisprudence: it has defined not only the interpretative methodology of Strasbourg jurisprudence but also the substantive import of Convention rights. It remains pivotal to the operation of a critical symbiosis between national upholding of the Convention and the supervision of the ECHR mechanism: it lies at the heart of the ineluctable and perennial mediation of consensus and relativity,