

BOOKS RECEIVED / LIVRES REÇUS

M. AMOS, *Human Rights Law*, Hart Publishing, 2014, 705 pp., ISBN: 978-1-84946-380-5

In *Human Rights Law*, Merris Amos provides an expert and detailed analysis of the United Kingdom's Human Rights Act of 1998. As a dedicated researcher and academic specialized in human rights, with years of experience, Amos' examination of the 1998 Human Rights Act provides a balanced account of the most controversial elements that encompass such a delicate topic. By providing an in-depth background to the Act, and later on centering her analysis around key concepts such as the right to life, to liberty and security, fair trial, freedom of thought, conscience and religion, this second edition becomes an invaluable tool for the clear understanding of the application of the Human Rights Act within the United Kingdom. Amos separates her arguments in two parts, a book structure that allows her to deliver the nature, framework, and approaches of the Act and later on, in the second part, to examine specific articles, definitions, and cases. Furthermore, this academic work offers an outlook into the judicial proceedings that have surrounded the Human Rights Act, its origins, relationship with the European Court of Human Rights, as well as its benefits and burdens in the context of English law.

*J. Navarrete*

D. ANAGNOSTOU (ed.), *Rights and Courts in Pursuit of Social Change: Legal Mobilisation in the Multi-Level European System*, Hart Publishing, 2014, 218 pp., ISBN: 978-1-84946-390-4

As editor Dia Anagnostou correctly points out in her introductory chapter, the role of minorities and other marginalized members of society participating in rights-based legal action has been largely under-studied in the European context. This volume seeks to ad-

dress this gap by analyzing the efficacy of pursuing legal mobilization through the different levels of the complex European legal system.

The unique structure of the book, which is split into three parts containing a broad range of case studies, allows the reader to gain an understanding of the risks and rewards of pursuing rights through the different avenues provided by the European system. Notably this is done by not only focusing on each level of the system, but also on the different actors working within it. This provides for an in-depth presentation of the motivations of minority individuals, groups, and organizations and the challenges that they face based on their political and legal realities, which is essential when analyzing the successes or failures of their legal pursuits.

This volume effectively lays the groundwork for further study of this under-analyzed topic by beginning the conversation surrounding the opportunities and shortcomings of the European legal system for individuals or groups seeking to enact social change.

*H. MacKenzie*

W. E. CONKLIN, *Statelessness: The Enigma of the International Community*, First Edition, Hart Publishing, 2014, 380 pp., ISBN: 978-1-84946-507-6 (Hardback)

Conklin's book explores the history of statelessness. He looks for an explanation of how and why the international community has created such a large, unprotected population, through the denial of national identity. Conklin's passionate argument makes a compelling argument. He argues that under the international community as a whole, a person's social and cultural bonds determine nationality. The legal status is based on a lack of national recognition. He correctly shows that in this case the link between an individual and a state is absent, thus leading to social and symbolic exclusion. Despite the fact that he assures that the states always maintain independent power over domestic affairs, he presents a compelling case through specific case-studies. Conklin's view shows the dysfunction of a system where the individual person is the main actor and can access that community without state intervention.

This is an increasingly widespread problem. He argues against traditional efforts to recognize and reduce statelessness, showing the problem, in the obligatory nature of law, domestic or international. Although he emphasizes that statelessness is inevitable when the world is viewed as the aggregate of states, his conclusion, based on placing responsibility on the executive branch, is well argued and irrefutable.

*M. Flores Kuri*

F. DESSEMONTET, *Intellectual Property Law in Switzerland*, 2<sup>nd</sup> edition, Kluwer Law International / Stämpfli Publishers, 2013, 212 pp., ISBN: 978-90-411-5151-3 (Kluwer), 978-3-7272-7737-5 (Stämpfli)

In *Intellectual Property Law in Switzerland*, Dessemontet provides a thorough analysis of Swiss intellectual property law, covering legislation on copyright, patents, trademarks, trade secrets, and more. In addition to his initial short summary on Switzerland and its history, Dessemontet presents the sources of legislation for each subject and highlights any important background information before delving into and adding his commentary in order to enhance fundamental understanding of the current status of various intellectual property laws in Switzerland.

This presentation and commentary is clearly an invaluable addition to the library of any legislator or intellectual property lawyer operating in Switzerland. Professionals aside, anyone attempting to expand their understanding of such law will find seemingly no stone left unturned within these chapters. Apart from its practical usefulness, Dessemontet's precision and attention to detail are to be admired.

*M. O'Brien*

C. HOLDER / D. REIDY, *Human Rights*, Cambridge University Press, 2013, 486 pp., ISBN: 978-1-107-00306-4 (Hardback), 978-0-521-17626-2 (Paperback)

Featuring insights from some of the world's leading human rights scholars, this brilliant anthology seeks to answer the most persistent questions of human rights scholarship today. Among the many topics this book covers are several uniquely 21<sup>st</sup>-century issues, including the human rights questions created by the rise of global economy.

In particular, this book tackles a pressing problem in human rights: the appropriate means of enforcement. It considers the role parties in conflict must take to protect human rights and whether states can be invaded in the name of human rights. The final chapters ponder the progressiveness of human rights, which have already vastly expanded since the passage of the Universal Declaration of Human Rights in 1948. The book tries to determine how human rights will evolve to answer the changing mores of the 21<sup>st</sup> century and, specifically, how gender equality will be affected.

As a result of the diverse backgrounds and opinions of the authors, this book is a well-rounded and comprehensive look at the complex issues surrounding human rights. It provides detailed insight into many questions but reaches few conclusions, allowing the reader to form their own opinions and understanding of human rights.

*A. Plummer*

B. MATHIEU, *Justice et Politique: la déchirure*, LGDJ lextenso éditions, septembre 2015, X, 191 pp., ISBN: 978-2-275-04740-9

Dans cet ouvrage l'auteur montre la grande opposition qui existe entre le Pouvoir Politique et le Pouvoir Judiciaire. La justice est considérée comme un contre-pouvoir au pouvoir politique car elle contrôle et sanctionne le politique. Et dans le monde la condition primordiale de l'existence d'un Etat de droit est l'indépendance de la justice. La séparation des pouvoirs étant l'un des principes clé qui existe dans le fonctionnement d'un Etat doit se manifester par la

distinction entre le pouvoir juridictionnel et le pouvoir politique. Dans certains Etats l'auteur montre comment le pouvoir juridictionnel est inféodé par le pouvoir politique à tel point que l'opposition va se mettre à décrier les méfaits de la justice qui reste totalement inactive face aux dérapages de la mouvance au pouvoir. Cet ouvrage nous fait comprendre la difficile cohabitation dans un Etat du pouvoir politique et du pouvoir juridictionnel qu'il a nommés des contre-pouvoirs.

*A. Kayembe Muamba*

G. L. NEGRETTO, *Making Constitutions: Presidents, Parties, and Institutional Choice in Latin America*, Cambridge University Press, 2013, 243 pp., ISBN: 978-1-107-02652-0

In Latin America, constitutions have developed on a unique trajectory. Historically, the region has been quick to raze and replace constitutions, each country having had an average of almost six separate constitutions since 1900. While this trend can in part be explained by a tumultuous transition to democracy in many countries in the region, regime change does not, in fact, tell the whole story. As Negretto explains in this book, not only do democratic transitions not always result in a new constitution, but there are also many cases of ruling parties with a great deal of security in their power launching efforts to supplant the existing constitution. The outsized number of constitutional replacements is, in reality, due to a wide range of institutional factors. Negretto employs a two-level theory of constitutional choice to scrutinize the particular trends in Latin America, and uses empirical evidence as well as a series of case studies to illustrate the tendencies of constitutional and institutional reform in the region. His analysis is informative and comprehensive, taking pains to consider the trends on national, regional, and international scales.

*M. Read*

T. RISSE / S. C. ROPP / K. SIKKINK, *The Persistent Power of Human Rights*, Cambridge University Press, 2013, 374 pp., ISBN: 978-1107-60936-7 (Hardback), 978-1-107-60936-5 (Paperback)

A comprehensive follow-up to the editors' *The Power of Human Rights* (PoHR), published in 1999, *The Persistent Power of Human Rights* delves deeper into human rights compliance, considering more conditions and case studies than the original and positing how the spiral model of PoHR can be expanded and modernized to explain human rights compliance in the 21<sup>st</sup> century. It recognizes more obstacles to human rights compliance, including limited statehood and decentralized rule implementation, and studies non-compliance in depth, particularly focusing, through case studies on the United States and China, on the non-compliance of strong states and the ability of the international community to pressure these states into compliance.

This book seeks to build on the scholarship of its predecessor while pondering new facets of human rights compliance. In particular, it contemplates the compliance gap between what states say about human rights and how they act, as well as the efficacy of international institutions in closing this gap. It also discusses, in depth, the human rights compliance of non-state actors, a growing topic in the 21<sup>st</sup> century. In doing so, it considers the actions of corporations and militant groups and their responsibility to human rights. In sum, this book is an effective study of the current status of human rights and provides brilliant insights into the future.

A. Plummer

S. SHETREET / S. TURENNE, *Judges on Trial: The Independence and Accountability of the English Judiciary*, 2<sup>nd</sup> ed., Cambridge University Press, 2013, 494 pp., ISBN: 978-1-107-01367-4 (Hardback), 978-1-107-62937-0 (Paperback)

On this second edition of *Judges on Trial*, Shetreet and Turenne present a complete and in-depth analysis of the English judiciary in the context of independence and accountability. The book has a detailed account that provides crucial background on the structure and

governance of the English system. In this practical and theoretical analysis supported by interviews with judiciary experts such as scholars, judges, and legal practitioners, the authors have characterized the English judiciary as the “guardian of the constitution,” thus, highlighting the importance of its independence and accountability. It singles out the historical-political context of England as the most important determinant in the understanding of judicial independence. The book notes the judiciary as branch of the government that goes beyond a mere institution to resolve disputes through its thorough evaluation of the role of the judiciary. It focuses on the standards of conduct both on the bench and off the bench but ultimately singles out judicial immunity as the basis for the success of judicial independence.

Shetreet and Turenne argue that judicial independence must be secured at the institutional and individual level, and thus expand on the topics of immunity, discipline and freedom of expression and public trust. Even though *Judges on Trial* is a highly specialized and technical book, its clear structure and meticulous breakdown of themes and topics makes the message practical, approachable and understandable.

*J. Navarrete*

M. VARJU, *European Union Human Rights Law, The Dynamics of Interpretation and Context*, Hungarian Academy of Sciences, Budapest and University of Debrecen, Debrecen, Hungary, Edward Elgar publishers, 2014, 272 pp., ISBN: 978-1-78195-173-6

Human rights law is present in almost every society. Its character is shaped by many factors, depending on the jurisdiction. This book tries to demonstrate that the character of Human Rights Law in the EU was shaped by the interplay between judicial interpretation and its context. The book discusses the motivation of the implementation of human rights law in the EU. It is said to not be just motivated by the *EU care for humanity* but used in order to promote and strengthen the EU constitutional and governance powers, reinforce its authority over Member States and the effective enforcement of its law in the Member States. Another important point is the pri-

mary interpretative basis for human rights in the EU by the Court. In this aspect, the rule of law plays a major role as the EU courts interpret human rights in accordance with the provisions of the EU legislation established for the protection of human rights. However, in a multi-layered and complex system, the interpretation and protection of human rights faces some difficulties.

This book uses different case studies to show the difficulty of application and interpretation of human rights law. It also presents a good analysis of the EU constitutional and governance terrain. This book shows that human rights law has a very important place in the EU not only for humanitarian reasons but because it determines the EU policy and provides foundations for the construction of EU governance. It totally matches today's needs, as we are moving toward new approaches and interpretations of human rights law.

*S.D. Kone*