

Book reviews/Discussions

Anna Potyrała, *Unia Europejska wobec międzynarodowych sądów karnych. Geneza, istota i praktyka współpracy*, Wydawnictwo Naukowe WNPiD UAM, Poznań 2012, pp. 344.

'*The EU towards international criminal tribunals. Genesis, Concept and Practice of Cooperation*' is a study that focuses on the important research question of the broad and multi-aspectual problem of criminal tribunals on the international arena. This has been tackled in many Polish and foreign publications, however, to date no work has studied the EU cooperation with the three international criminal tribunals – two *ad hoc* ones and a permanent one. Therefore, it is necessary to recognise the ambitious and pioneering task and venture that the chosen research field is highly appropriate not only if one casts an eye at the monograph title, but foremost the case put forward in the introductory part.

The structure and content of the reviewed monograph is an affirmation of good scholarship, planned in accordance with the research methodology of the field. Thus in this context, of great importance is the precision of research questions being formulated and relevance of discussion, chosen scope and familiarity with professional literature, rhetorical structure and coherence of argumentation in respect to outlined thesis, as well as subsequent research findings and their relevance. As a result, a given work's structure (chapters and their sections) can be said to facilitate the cohesiveness of discussion and related fluency of narration.

Taking the above into consideration, one ought to stress that '*The EU towards international criminal tribunals. Genesis, Concept and Practice of Cooperation*' meets the above mentioned aspects of good research and publication practice in its clarity, appropriate planning, cohesive discussion and balance of structure, setting of argumentation priorities; thereby moving from the general to the particular.

This work consists of four chapters. In the first, determinants for the establishment of international criminal tribunals (the International Criminal Tribunal for the former Yugoslavia, the International Criminal Tribunal for Rwanda and the International Criminal Court), as well as the process of their creation are analysed. The second chapter focuses on the genesis of cooperation between the EU and the three courts mentioned above. The concept of human rights in internal and external EU actions is examined, as are the European Union activities aimed at these tribunals' establishment. The concept of cooperation is analysed in the third chapter. The character and material scope of cooperation are examined, as well as factors determining this cooperation. In the last chapter the practice of cooperation is taken into account, as well as examples of direct and indirect collaboration with the three courts.

In sum, it can be said the respective titles of chapters and discussion therein fully reflect the importance of issues raised by Anna Potyrała in a cohesive framework of research issues raised and responded to through subsequent discussion, findings and finally, conclusions.

In the clearly established research area, A. Potyrała has undertaken a study of the nexus between the European Union and international criminal tribunals, reflecting the title of the monograph. Taking into consideration the relevant research questions, Anna Potyrała has proved that the EU and Member States support of the three courts in the implementation of their mandates has undergone a specific evolution from limited collaboration to a complete and unconditional partnership. On the one hand, this has reflected a concern to promote human rights and their protection. On the other – so as to stabilise the situation in regions recovering after conflicts, as well as to advance the concept of national reconciliation. A. Potyrała therefore has proved that without cooperation

between the EU and the three international criminal tribunals it would not be possible for the latter to function and fulfill their mandate. The progression of argument in this context focusing on the concept and practice of cooperation attests to the fact that the research aim of the reviewed monograph has been fulfilled.

In completing her research findings Anna Potyrała has made use of a comprehensive base of literature in the field, in particular in respect to original materials, as well as monographs and other studies by Polish scholars and those abroad. This very fact can be said to be one of the strong points in this work.

Anna Potyrała's monograph entitled '*The EU towards international criminal tribunals. Genesis, Concept and Practice of Cooperation*' thereby offers a thoroughly researched and documented store of knowledge with a considerable research base and thus deserves recognition, being worthy of recommendation to scholars of Political Science and International Relations.

In conclusion, in having met her research aims through related discussion and subsequent findings, A. Potyrała has pioneered a route yet to be taken in this particular research field. This study therefore has provided the opportunity to successfully undertake an original work of scholarship, boasting a complete and exhaustive analysis of issues centred on the European Union and the international stage of criminal courts.

Włodzimierz MALENDOWSKI

Poznań

Dieter Fuchs, Hans-Dieter Klingemann (eds.), *Cultural Diversity, European Identity and the Legitimacy of the EU*, Edward Elgar Publishing 2011, pp. 269.

The book *Cultural Diversity, European Identity and the Legitimacy of the EU*, edited by two German professors Dieter Fuchs and Hans-Dieter Klingemann, is a significant analysis of the latest dilemmas concerning the European Union: cultural diversity, European identity and the legitimacy of the EU. This book is a result of a project within the Sixth Framework Programme of the European Commission. The editors recruited a team of young researchers from various universities in Germany, the Netherlands, France and Switzerland, who were the authors of particular chapters.

The book consists of three parts. The first part focuses on the theoretical framework of cultural diversity. Olivier Ruchet presents a short history of the debate on the democratic (legitimacy) deficit. He widely cites Andrew Moravcsik and his controversial thesis on "the myths of Europe". Dieter Fuchs analyses the concept of European identity, its problems and the attitudes of mass opinion towards the EU and European identity.

The second part refers to European and national identity. Dieter Fuchs and Christian Schneider analyse the support for the EU as well as European identity. They pose some important questions, e.g.: is the relationship between European identity and national identity complementary or conflicting? They remark that there is a difference between European identity and national identity. National identity in individual Member States has grown over a long period of time and is deeply rooted among citizens. The authors prepared surveys, and according to the answers given by the respondents, nearly 64% of EU citizens profess a multiple identity and only 26% declare an exclusively national identity. Hence, for two-thirds of all respondents the two types of collective identity are complementary, and only for approximately a quarter of the respondents do the collective identities remain in conflict. Fuchs and Schneider optimistically conclude that a European identity can be said to exist, because according to the data presented in this chapter 67% of EU citizens feel an attachment to Europe.

Andrea Schlenker-Fischer examines multiply identities and attitudes towards cultural diversity in Europe. He says that the majority of citizens living in the old Member States of the EU identify with the nation-state and Europe simultaneously. The European identity should not be conceptualised in zero-sum terms, as if an increase in the European identity necessarily decreases one's loyalty to national or other communities.

Isabelle Guinaudeau discusses national and European identity in France. The historical review of French conceptions of national identity revealed that the often encountered description of France as a political type of nation is an oversimplification. However, in France the political definition of "nation" has a wider reception than the cultural definition. Guinaudeau concludes that French national identity does not create a barrier to the development of a European identity.

The third part presents the formation of attitudes towards the EU. In chapter 7, Julia de Clerck-Sachsse looks at civil society organisations and constitution making in the EU. She analyses the question of whether or not the assumptions about the identity-building potential of civil society organisations (CSOs) are confirmed by the experience of the EU's constitutional Convention. In her point of view CSOs are seen to fulfil two functions, which are relevant to the emergence of the European identity. First, they are believed to Europeanise public debate by encouraging deliberation among citizens across borders. Second, it is thought that CSOs provide platforms for direct civic participation in the political processes, thereby mobilising and socialising people into the political system. The challenges for involving civil society was seen during the organisational failure on the part of the Convention on the Future of Europe (de Clark-Sachssel examines 35 civic organisations). She truly concludes "The lack of a public sphere in which constitutional discourses could unfold, and the lack of commitment or inability on the part of CSOs to mobilise a wider public that could sustain such a discourse, means that the idea of European constitutional patriotism emanating from civil society for now remains confined to theory rather than practice."

Simon Bornschieer considers national political conflict as the diverse nature of the threat from the extreme left and the extreme populist right. He puts forward two theses. According to the first one, opposition to European integration can be economically or culturally motivated, with divergent consequences for the prospects of European identity. The first form of Euroscepticism is related to the perception that market building in the EU has committed national governments to liberalising trust in economic policy-making, which endangers the achievements of national welfare states. Furthermore, the integration process diminishes the autonomy of the nation state and establishes a new political community in which collectively binding decisions are taken. The second thesis is that the potential for politicisation of European integration is exploited to a far greater degree by national parties than is often assumed. Bornschieer explores cultural opposition from the left in Scandinavia, Portugal and Greece. He also analyses countries with significant right-wing populist parties. Finally, he explains the dimensionality of European orientation after the 2004 Eastern enlargement.

Catherine de Vries and Christine Arnold explore the link between European citizens and political elites' preferences for European Union public policy. The question of political representation and the EU's democratic deficit are considered to be the most burning political issues in Europe recently. If governments are to increase their commitment to deepen and widen European integration, they must address these outstanding questions on legitimacy and accountability. De Vries and Arnold conclude that parties only partially represent their voters when it comes to their preferences regarding the content of EU policy-making. More generally, parties are clearly more in favour of EU legislation in the case of employment, environmental and asylum policy, while voters opt for legislation at EU level as far as common currency and foreign policy are considered. Another conclusion regards the parties' policy preferences. The party-voter distance is clearly visible, especially in mainstream government parties, while opposition or niche parties are more closely in touch with their electorate.

Dieter Fuchs explains support for the EU. According to the presented attitudinal model, the support for European integration is 44% while support for the EU is 49%. He concludes that the basic goods which the EU delivers to its citizens, such as economic and political stability play an important role in their evaluation of the EU. According to his analysis, this is still the case after the Treaty of Maastricht, which started the process of transforming the EU. Four freedoms, especially the freedom to travel and work anywhere within the EU also play an important role in citizens' positive evaluations of the EU.

It should be stressed that the book edited by Fuchs and Klingemann has a clear and cogent composition. It is well prepared and well thought out. There are a lot of interesting conclusions. It is worth mentioning that the subject chosen by the authors is important and still widely discussed in Europe.

Elżbieta KUŹELEWSKA

Białystok