
In a short review it is not possible to do justice to each and every of the 47 contributors to this substantial volume: one can only give an overall assessment whilst picking out a few matters which were of special interest to the reviewer.

The volume, published in April 1996, contains the edited proceedings of the annual conference convened by the renowned T. M. C. Asser Institute in The Hague from 14 to 16 September 1995. The subject chosen was, appropriately, the reform of the European Union, and publication was so timed that the volume could be made available to the intergovernmental conference which opened on 29 March 1996 in Turin.

As is to be expected of so prestigious an event, a powerful team of experts was assembled from the member States and beyond, including present and past members of the two Community Courts in Luxembourg, prominent academics, senior officials of the Community and leading figures from relevant ministries in the member States. From such ingredients the resulting feast could have proved too rich for easy digestion, were it not for the skill of the Dutch editorial team, who no doubt encouraged and secured sensible revision of the contributions for publication. The reader is also helped by the grouping of the material under the three heads: the framework of the revision debate, general institutional questions, and the powers of the Community and the Union. For a general overview the reader should read first the closing pages by Kellermann, which include the masterly summing-up by T. Koopmans at the final session.

The reviewer, reading the volume whilst the sovereignty/federal debate was raging in the British press, was struck (and somewhat surprised) by the near unanimity of the contributors that the IGC would not lead to a federal State. To cite only five contributors: Professor Dashwood of Cambridge writes of “the irrealism of a federalist strategy”; Professor Frowein of Heidelberg comments “The EU is not and never will be a State”; Herr Seidel of the Federal Economics Ministry in Bonn believes “Transformation of the EU into an authentic federal state is not likely to be achieved at the 1996 IGC”, and Professor Weiler of the Harvard Law School (an Israeli and therefore an “outsider”) considers “the EU is not an American-style nation-building melting pot, but a process designed to being an ever closer union among the peoples of Europe”; Weiler is agreeing, it seems, with H. Timmermans of the European Commission when the latter concludes “Attempts to achieve a federal structure are entirely unrealistic not least because for the peoples of Europe this would be too close a Union.”

L. Neville Brown


This volume brings together a collection of papers and comments presented at a seminar organised in 1995 by the Institute of European Law at Stockholm University, within the framework of the EU COST A7 research project. The papers are broken down into separate themes, establishing questions of justice within a variety of frameworks—notions of justice and exclusion; concepts of justice, constitutional principles and processes; justice, contractual relations and the market; re-regulation, deregulation and the forms and ends of justice in the European Union; principles of justice and enforcement of rules; principles of justice and social policy issues; principles of justice and the financial markets. The title is slightly misleading—on the whole, the papers are not concerned with “principles of justice and the EU” as such. Rather, they are concerned with setting the parameters for research into “principles of justice and the EU”. Within this approach, the papers range from mere sketches of poss-
ible areas for future research to more considered pieces examining specific issues of European integration and the challenges these pose for the conceptualisation of justice (e.g. Wolff, Jachtenfuchs, Baldwin, Raes, De Lange, Nielsen, Schokkaert). And although the papers contain thought-provoking and studied suggestions (developed to a greater extent in some papers than in others), particularly on the questions of equality of access and equality of enforcement and the relationships between rights and processes within a system of governance beyond the nation State, the reader cannot help but wonder whom the intended target group is for a volume of this sort. Finally, it is felt that more attention could perhaps have been paid to the presentation of the papers—the reader stumbles across uncompleted sentences, grammatical mistakes and hybrid words. A strong editorial hand would have gone a long way to ameliorate this problem.

Caitriona A. Carter


For many years Arnould and Ivamy maintained a virtual monopoly on marine insurance. In his preface Bennett describes Malcolm Clark’s The Law of Insurance Contracts as a “tour de force of non-marine insurance”, and Bennett’s own work hardly falls short of a tour de force of marine insurance. It is intended to benefit the law student or practitioner unfamiliar with the subject.

Bennett spends refreshingly little time on the general introduction and historical review of the subject which others before him have covered in a masterly fashion, and indeed there would have been little to add. His review of the principles of the formation of the contract of insurance follows the traditional lines but misses the opportunity to comment on the effect of computerisation of both underwriting and broking or the likely effect it may have.

In the chapter “The Duty of Utmost Good Faith” Bennett examines in clear and precise language the impact of the House of Lords decision in Pine Top as well as St Paul Fire & Marine Insurance v. McDonnell Dowell Constructors Ltd. His presentation of the relevant issues in contrast to CTI v. Oceanus is factual, to the point and easily understood.

The chapter on broking is based on the traditional concept of the brown-slipcase-carrying broker and reviews the law as it stands without looking into a future that may well consist of electronic mail and computerised broking and underwriting. Today’s law student will encounter a modern insurance environment and requires the opportunity to obtain an early degree of familiarisation with the insurance world of the twentieth century.

Following a brief eulogy on the SG policy, Bennett proceeds to deal with principles of causation and policy construction. However, the reader may be left puzzled by the fact that causation issues precede the review of marine perils.

War and strike risks are dealt with adequately and contain, quite deservedly, enough detail to underline their importance in the law of marine insurance.

Attachment and alteration of the risk, as well as good faith after the formation of the contract, are treated with the respect they deserve, and the same can be said about the following chapter examining the rights of third parties. “Losses and the Measure of Indemnity” includes observations on GA expenditure and sue and labour charges.

The chapters on subrogation and double insurance conclude Bennett’s examination. The appendices comprise the Marine Insurance Act 1906 as well as the Rights of Third Parties against Insurers Act 1930 and the most important Institute clauses. For good measure extracts from the Rules of a P & I Club are added, although mutual associations are generally treated as a separate subject and dealt with en passant.

Bennett has incorporated case law up to 1 July 1996 and therefore has the advantage of his being the most up-to-date book on the subject. He treats the reader to careful and detailed thoughts on some of the leading cases, not holding back criticism where it may be required.