

The Law of the European Union: A New Constitutional Order

Materials and Cases

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Preface

This work by Professors Levasseur and Scott has the great merit of gathering together some of the most important writings dealing with the construction of Europe. Multiple sources are used—literature, learned works, speeches, case-law, official publications, and newspaper articles—and the authors come from many backgrounds—diplomats, lawyers, politicians, economists, journalists and philosophers. The period dealt with covers the entire twentieth century, with several excursions into earlier centuries so that the reader has, for example, an extract from the celebrated, “Essay towards the Present and Future Peace of Europe” by William Penn, inventor of the concept of the weighted vote.

Both this multitude of sources and this broad scope of coverage illustrate the significance and the difficulty of the task which Professors Levasseur and Scott have accomplished. This work has been undertaken with an eye, initially, towards American students in law, political science, government, European history, international studies... but also to the benefit of a wider readership, interested in the moves towards European integration.

The success of this work is due in part to the effort of research but also to the synthetic powers which, thanks to his dual roles as a European jurist in the Civilian tradition and as a Professor of Law in a common law country, Professor Levasseur has been able to offer his students and readers. In this respect, Professor Levasseur was very strongly supported by Professor Scott.

This work is not the traditional case book which one finds in most American universities; nor, however, is this book a classical manual of the institutional law of the European Union of the kind used by European professors, even if the author himself gives an introduction to each of the principal themes examined here. Rather, while students are guided in their learning, this work also demands of them that they read, organise, critique and ultimately, test legislation, case-law and secondary literature themselves. It is as though the ingredients and the recipe have been provided, leaving it to the individual concerned to create the best dish possible.

This first volume on the law of the European Union is perfectly suited to autonomous use, but it would also be a useful companion to textbooks on the institutional law of the European Union. It adopts the classical structure in this field; after a chapter devoted to the origins of the European unification movement and to the different forms of cooperation pursued since the Second World War, the first part of this work considers in turn the structures and the constitutional principles of the Union, its institutional architecture, the decision-making process, the judicial system, the interaction of Community law and the national legal systems, the preliminary ruling mechanism and the various forms of direct action before the Community judicature as well as the tortious liability of the Community and the Member States. The second part of this

work deals with the external relations of the European Union and Cooperation in Justice and Home Affairs.

On a personal note, it is hoped that as a result of this work, Professor Levasseur will want to come back to Europe a little more often, both for our pleasure and for that of teaching and being taught in Community law.

Melchior WATHELET
September 2000

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This first volume on the Law of the European Union reflects, to a very large extent, by its approach and its selective content, the European background of the three authors. Although this casebook is mainly designed to be used in American Universities, and Law Schools in particular, we felt that it was appropriate and pertinent to present the law of the European Union in the way it is considered and taught in European Law Schools. This explains a first volume on matters intimately tied to the sovereignty and the constitutional powers of the Member States of the EU: Institutions, Law, Legal Remedies, Foreign and Defense policies, International Relations, Justice and Home Affairs. . . . A second volume, in preparation, will emphasize the 'substantive' law of the EU, mainly, the Four Freedoms and Commercial, Competition, Agricultural, Social, Economic, Monetary and Energy law and policies.

We felt also that the tremendous, and continuing, enlargement of the EU since its early days as the ECSC, and the deepening of its integration process deserved and justified this presentation of the law of the EU into, at least, two volumes.

A.A.L.
R.F.S.
A.T.M.

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