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Book Review

Research Handbook on the Politics of EU Law

Editors: Paul James Cardwell and Marie-Pierre Granger

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Abstract

The *Research Handbook on the Politics of EU Law* makes a significant contribution to European Integration literature. Covering a range of topics from EU institutional order, to EU system of governance, as well as substantive areas of EU policy where law and politics meet, complement and, sometimes, conflict. This is a multi-dimensional book and a useful reference guide for both legal academics, political scientists, and scholars from other disciplines who have a strong interest in the EU's political integration through law.

Keywords

EU politics; EU law; European integration; Human rights; Freedom of movement

European integration has not just been an economic, but also a normative process to realise political aims through legal instruments. Art.2 of the Treaty of the European (TEU) underlines the "respect for human dignity, freedom, democracy, equality, the rule of law, and the respect for human rights, including rights of persons belonging to minorities". However, European integration has been challenged on numerous grounds today with democracy, fundamental values and rule of law at the centre of the debates. Therefore, the *Research Handbook on the Politics of EU law* (the *Research Handbook*) is a timely contribution to the limited but significant area of European integration literature covering substantive analysis of where law and politics meet and complement each other. In this respect, the book addresses several issues which feed into different dimensions of the EU integration process and reflects on how recent crises have impacted on law and policy-making in the EU.

There are two main parts to the *Research Handbook*. The first part deals with theory and practice of EU governance as the meeting place between EU law, EU politics and EU institutions. As regards EU institutions it analyses how these evolved throughout the EU's history, including their respective roles in European integration, how they relate to each other, interact with each other, and interact with other bodies such as NGOs or private companies. In this part, the analysis highlights on the use of direct democracy such as referenda and the European Citizens' Initiative (ECI), including the new ECI regulation and sheds light on significant developments in this area, post-Lisbon.

The second part of the book examines the specific policy fields in which the EU has been particularly active, such as free movement, gender equality, citizenship, anti-discrimination rules, and where there is clear interaction between politics and law, both in the historical and in the contemporary context. In this part, Heindlmaier and Blauburger explore in Chapter 10 how the Court of Justice of the European Union (CJEU) has contributed to political decision-making on free movement law (2020, 163-180). The analysis explains CJEU judges' changing attitudes over time, the empowerment of the Court, the limits to its political power and Member States' reactions to its judicial activism. In Chapter 11, the judicial governance of EU anti-discrimination law and the development of anti-discrimination as a core principle of EU law is analysed by Frese (2020, 181-203). Then in Chapter 12 Tryfonidou navigates through the political minefield that is the law and politics of sexual minority rights in the EU (2020, 204-223). The chapter provides us with the recent developments in the field revealing the resistance of some Member States to protect or even recognise the LGBTQ rights and also the CJEU's rather reserved manner in its rulings related to the enforcement of such rights. Chapter 13 by Polomarkakis, explores certain key hurdles to progress in his analysis of Social Europe, such as: the dubious success of informal governance, mainly through Open Method of Co-ordination (OMC) and the paradigm of flexicurity; the considerable influence exerted by Member States as powerful stakeholders in the EU's multi-levelled governance system; and the inherently economic orientation of the Treaties and the European project more generally. Polomarkakis explanations of the role of the OMC as an informal governance tool, the competence issue, and the handling of the global and financial crises by the EU are likely to be informative for EU law experts who are perhaps less familiar with EU politics (2020, 224-245).

The political dynamics of EU human rights law is analysed by Granger in Chapter 14. Beginning with a brief presentation of the EU human rights law regime and its specific features, Granger goes on to successfully develop an argument calling for a more interdisciplinary research agenda, inspired by scholarship on European integration and legal mobilisation which helps anticipate its future evolution (2020, 246-280). Following this, Zahn elaborates on the politics of European labour law, in Chapter 15, reminding us of the CJEU's judgements in *Viking and Laval* and the proposed 'Protocol on Social Progress' in order to clarify the relationship between fundamental rights and economic freedoms (2020, 281-299). Another contribution comes from Borg-Barthet, who provides analysis of a rather neglected area, namely, the mutual recognition of companies within corporate law

and free movement rules in the EU. Writing in Chapter 16, Borg-Barthet revisits the CJEU's *Centros* ruling and the subsequent related decisions and, in so doing, underlines certain unresolved problems in this area (2020, 300-319). Chapter 17 by Herlin-Karnell touches on the Area of Freedom, Security and Justice (AFSJ), which is an important field for the interaction of politics and law. Whilst asylum, immigration and civil law cooperation were brought into the first pillar of EU competences by the Treaty of Amsterdam in 1999, criminal law cooperation and security remained in the third pillar until the entry into force of the Lisbon Treaty in 2009. Therefore, the political dimension has always been dominant in this area, as evidenced clearly during the Syrian refugee crisis. Herlin-Karnell analyses the issue from a trust and mutual recognition perspective and makes significant predictions about the functioning of the AFSJ policy in the future (2020, 320-334). Chapter 18 entitled "The unintended consequences of the Common Agricultural Policy (CAP) for local communities" (335-356) focuses on the EU's agriculture-related policies (i.e., CAP) with a secondary focus on animal welfare and food safety. The authors used the case study of the Greek Island of Ikaria "to illustrate the ways in which the law and politics of the EU intertwine and translate into unintended consequences such as environmental degradation and the erosion of traditional practices, leading to loss of community cohesion." (2020; 335). Dickons' chapter 19 on the politics of EU migration law provides us with the overview of EU migration law and policy a useful categorisation of specific migration types shaped by the different policy priorities of the EU (2020, 357-374). Finally, in Chapter 20, Fahey takes the EU's International Relations (IR) law as the context and provides a critical analysis for a future research agenda (2020, 375-387). According to the author, EU IR law has long been a highly doctrinal subject, dominated by highly court-centric views on EU integration and with the new type of trade agreements in the post-Lisbon era, the EU IR law will become increasingly difficult to litigate and increasingly unpredictable in respect to outcomes (387).

To conclude, *The Research Handbook on the Politics of EU law* is a valuable and highly commendable source of information on many cross-cutting issues – including migration, human rights, free movement, international relations and governance – where law and politics meet in the EU context. The book reflects the interplay and tensions between legal requirements and political goals. In this respect, it is an excellent reference book not only for lawyers whose knowledge on the EU politics is limited but also for those interested in the EU from all disciplines.

BIBLIOGRAPHICAL INFORMATION

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