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The Transformation or Reconstitution of Europe: The Critical Legal Studies Perspective on the Role of the Courts in the European Union, edited by T.Perišin and S.Rodin (Oxford: Hart Publishing, 2018, ISBN 9781509907250)

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qualitative analysis) confirms expected institutional preferences and contestation in all four arenas, while also pointing at differences in degree of contestation in different arenas and at strategies used to overcome it. Chapter 6 (the quantitative analysis) confirms Parliament's and Council's preferences on the application of the control system in 64 relevant (but randomly chosen) cases of legislative negotiations proposed post-Lisbon (and before 31 December 2012), but also reveal unexpected results with regard to the Commission's preference.

This book is a valuable contribution to help clarify institutional preferences in executive rule-making in the EU. Scholars seeking to combine quantitative and qualitative research methods will find the design of the quantitative analysis in Chapter 5 and the discussion leading to the hypotheses guiding the empirical data analysis particularly useful. Finally, Brandsma and Blom-Hansen's concluding discussion of the normative implications of their findings places executive rule-making into the broader debate on EU legitimacy.

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The Transformation or Reconstitution of Europe: The Critical Legal Studies Perspective on the Role of the Courts in the European Union, edited by T. Perišin and S. Rodin (Oxford: Hart Publishing, 2018, ISBN 9781509907250); viii+248 pp., £65.00 hb.

The present book combines a critical legal studies perspective with the study of European Union (EU) law. Proponents of the critical legal studies movement typically see the law as indeterminate so that in concrete cases many different outcomes are possible. They also argue that law cannot be separated from politics. On the contrary, law serves the elite to retain its power and thus maintains inequalities.

Not all contributions to this book share such a radical perspective. Siniša Rodin and Tamara Perišin introduce the reader to what critical legal studies could mean in a European context. A critical approach could not only challenge accepted legal reasoning, but also help scrutinize rules of the national legal orders. Pierre Schlag and Duncan Kennedy then discuss general questions of interpretation from a critical legal studies perspective in two separate chapters. Both analyze the interpretative openness of the law and show what this means for the interpretation of the law by a critical legal scholar or judge. Koen Lenaerts elaborates on the comparative method of interpretation used by the Court of Justice of the EU (CJEU). He describes how comparing legal systems of the member states helps the CJEU interpret EU law. Although interesting, because it provides insight into the reasoning of the CJEU, there is not much critical legal study in this chapter. However, it provides the background to the chapter on legal reasoning and ideology that follows. Tamara Čapeta argues in her contribution that the CJEU is very much guided by ideology. She refers back to Lenaerts' chapter to show that the comparative method could have wielded different outcomes in concrete cases and claims the fact that it did not was a consequence of the Court's ideology. In combination, these two chapters were the most rewarding to read as Čapeta's chapter explicitly contradicts many of Lenaerts' assumptions. Mitchel de S-O-l'E Lasser analyzes judicial appointments to the CJEU and the

European Court of Human Rights. He combines a thorough historical review of the most recent reforms in the appointment procedures of both courts with critical reflections of their impact on the independence of the appointed judges. In the following chapter, Perišin takes a critical look at the CJEU case law on the free movement of goods and people. She concludes that the CJEU has extended the benefits of the internal market in the form of free movement and social rights for some groups, but bemoans that it has not done so for others. Rodin describes the tensions between national criminal law provisions and the European Arrest Warrant, stressing the distinct identity of EU law from national law. Chapters on the recourse to legal formalism in EU law by Pieter-Augustijn Van Malleghem and on the role of European critical legal scholarship by Daniela Caruso and Fernanda Nicola round up this rather eclectic collection of contributions.

All of these contributions are very interesting and well written and worthwhile in their own right, with Capeta's *réplique* to Lenaert being the highlight of the book. The book is of interest for an advanced legal audience.

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