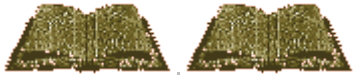
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Book Reviews: Technical Books Section



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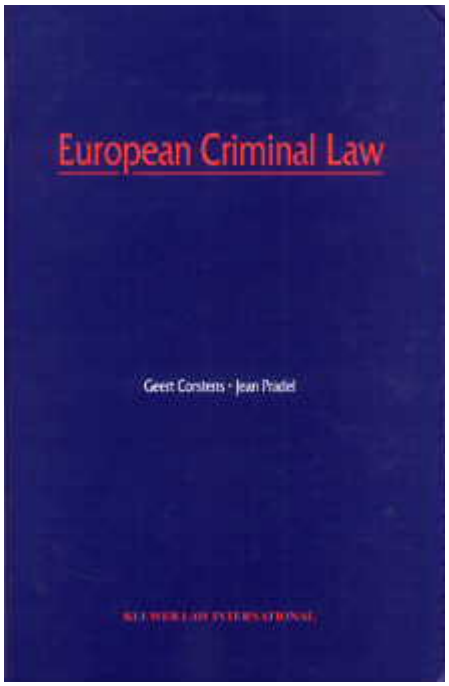
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EUROPEAN CRIMINAL LAW

European Criminal Law, 1st Edition, *by* Geert Corstens and Jean Pradel . Hard Bound, 6.5" x 9.5". (Original French version, Droit pénal européen © 1999 Editions Dalloz, 31-35 rue Froidevaux, 75685 Paris Cedex 14, France)
Translation from the original version: Chanterelle Translation (2000)
Kluwer Law International, P.O. Box 85889, 2508 CN The Hague, The Netherlands. Publication Date February 2002. 642 pages, ISBN 90-411-1362-2. Price EUR 95.00 / USD 87.50 / GBP 60.00

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In its long history, Europe assisted to some partial and temporary attempts of unifying the so many peoples living here. After the fall of the Roman Empire, the political and cultural union disintegrated. The dreams of Charles the Great and of Napoleon lasted only few years, but the core of their domain maintained the idea of a possible co-operation. After the Treaty of Rome (1957), working together did not appear so difficult, and Europe enlarged. The last result is the adoption of a common currency, the Euro. Next year, ten other nations will adhere to the Union.

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It is obvious that the creation of a political entity of this type involves deep modifications, with the aim of making the legislation as similar as possible in all the states of the European Union.

The book by professors Corstens and Pradel is situated at the academic level. However, Prof. Corstens is now a member of the Supreme Court of the Netherlands, and Prof. Pradel was a juge d'instruction , so both of them have the necessary juridical practice, in the criminal field and in the respective country.

The Authors do not hide the difficulties politicians will meet, when it will appear mandatory to create a federal penal code and to harmonize the penal codes of the various states, in the respect of human rights. The book represents one of the studies devoted to these problems in this period, when institutions like the European Court of Human Rights and the European Court of Justice are active since years, but integration of penal codes and procedures is still very far.

The book is a large and heavy one, but the prose is very readable, and it is enriched by a glossary, which helps understanding juridical terms, and by appendixes (the European Convention on Human Rights and the Treaty) and indexes.

...The book is a large and heavy one, but the prose is very readable, and it is enriched by a glossary...

A large part of the book is devoted to the European interstate co-operation in criminal matters (primary and secondary assistance) and to Human Rights. The matter is very complicated, and

strictly connected with fundamental principles and remote conventions between states. The impression is that a hard work must be done before we reach a suitable solution.

From the strictly technical point of view, a practical solution could derive from a vote of the Parliament, but the problem is represented by the meaning we give to the words "international criminal law". In other terms, has some supranational European organism the right to judge crimes against humanity inside and overall outside the Community? In the opinion of the Authors, a clear definition of European criminal justice could help. The definition consists in a collection of criminal standards (substantive, procedural, and penitentiary) common to various European States, with the aim of better combating criminal activity in general and transnational organized crime in particular.

This is a very practical point of view, and possibly it shall prevail. In some European countries, including mine, the penal code is under revision, and hopefully these revisions shall respect some common standards.

A reader could now ask, what's the matter with legal medicine or forensic pathology or other sub-specialties in our field? No matter, of course, if we are mentally limited, for instance, to extraction of a drug from a biological fluid, or to replication of a DNA fragment. A great importance, however, can be assumed by a common criminal law if we contribute to its formation giving our technical opinions in many fields, from criminology to organization of uniform medico-legal services and law enforcement throughout Europe. Criminal law is the basis of our activity, and we should help in this effort.



-Giusto Giusti
Professor Giusto Giusti is the Chairman of Legal Medicine, Faculty of Medicine, Via Montpellier - 1, Rome 00133, Italy. He has edited an exhaustive Treatise of Legal Medicine (six volumes, about 8500 pages) CEDAM, Padua (1998-99). He can be contacted by Clicking here

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