

Book Review

van Gerven, Lever, Larouche, von Bar, Viney, *Tort Law – Scope of Protection, Common Law of Europe Casebooks*, Oxford (UK): Hart Publishing (1998) 494 pp.

This book is the first part of a casebook on torts in the *Casebooks for the Common Law of Europe* series, which the authors intend to be used as teaching material in universities throughout Europe and elsewhere. The casebook and the whole series aim at helping 'to uncover the common roots of the different legal systems, not to unify them' (foreword). The Editorial Committee under whose responsibility the casebook is published, is composed of some of the leading European specialists in tort law.

The whole envisaged casebook comprises eight chapters. The present volume contains the second chapter 'Scope of Protection', which will be updated and incorporated into the casebook when the other chapters of the volume are ready to be published. It may be regarded as the general part of the casebook as it covers the basic elements for tortious liability.

Following a general introduction the book is divided into nine sections: 1. The Approach of Tort Laws in General, 2. Protection Against Harmful Acts or Omissions, 3. Protection of Life, Physical Integrity, Health and Freedom, 4. Protection of Personality Rights and Privacy, 5. Protection of Ownership and Property Rights, 6. Protection of Economic Interests, 7. Protection of Collective Interests, 8. Protection Against Unlawful Conduct of Public Authorities, 9. Impact of Supranational and International Law.

Each section contains selected materials, basically from English, German and French law, in some sections from other EU legal systems as well as from the United States. Each country report is preceded by an introductory note, explaining the surroundings of the reprinted court decisions which follow. The judgments themselves are extremely well edited: the facts are summarized for the ease of the reader, they are followed by a precise holding and the judgment that is abridged and summed up where necessary. Thus even French court decisions that in the original are hard to understand by a foreign reader are readily accessible. The decisions are followed by notes which place them in a bigger context and give further reference to other case law and scholarly writing. At the end of each section a comparative overview in light of the reviewed materials is given, unfolding the common core of European tort law albeit all the differences in detail.

The first issue of the casebook series is very promising. It provides students and teachers with materials necessary for an indepth comparative study of tort law. It nicely complements the comparative textbooks that are currently emerging on the European market. What remains to be done is to restructure the curriculum of law faculties in Europe, so that a casebook like the one reviewed here can really be used

in academic teaching. Up until now almost all universities – not only in Europe but especially in the United States – still focus on the respective national law; comparative law is usually an optional course not exceeding two to four hours a week. Within such a narrow time frame it hardly seems possible to make use of such indepth teaching material. But this might change in the future and it always needed visionaries to bring about fundamental changes. In this sense this casebook may be called visionary.

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