on p. 994 insofar as only states being non-parties to the Statute can be meant by this provision. Nevertheless, it seems rather questionable to consider immunity as a shield not only against national jurisdiction, but also international jurisdiction. In this respect, a clear distinction has to be made between Articles 27 and 98, the first addressing judicial activities of an international body, the latter concerning those of a national organ. It is only to be regretted that Article 98(2) – despite the indication in the index – is not discussed. Regarding the interpretation of Article 21 on the applicable law, one cannot but concur with Pellet that its text suffers from the great rush in which it was drawn up. This provision will still cause headache to judges when they try to figure out its real meaning. The elaborated discussion of the choice the Conference had to make between an accusatorial and an inquisitorial approach by Orie is correct when it pointing to the different traditions from common and civil law countries. The author regrets the absence of a clear decision for the one or the other system; however, such a one-sided decision was beyond any reach; the Conference had to strike a realistic balance between both systems, even at the cost of a clear and unequivocal result. One can regret the somewhat fuzzy and unclear nature of the procedure, but the creation of the ICC could be achieved only under such circumstances.

Finally, the board of editors attempt a general assessment: In their view, the states should examine whether in some circumstances the ICC would not be better equipped than national courts for trying certain cases; the independence of the Court will be influenced by the Assembly of the states Parties; the procedures of the Court suffer from certain lacunae for ensuring a fair trial and the effectiveness of the Court will depend on the willingness of the states Parties to cooperate appropriately with the Court.

In sum, this commentary is a complete work on a very new field of international law, namely international criminal law. Not only will each and every reader benefit from it, it will also form a basis of the work of the ICC and substantially contribute to the interpretation of the Statute of the ICC.

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The European Centre of Tort and Insurance Law (ECTIL, http://www.ectil.org/) was founded in February 1999 as a research institute for legal and comparative legal
studies in the field of national, international and common European tort and insurance law. It is an independent incorporated association having its seat in Vienna, and it conducts research on the foundations of tort law in various European legal systems, on the similarities and differences in national tort law systems as well as the unification of European tort law. In addition research focuses on the fundamental questions relating to the function of tort law, insurance and social security and, in particular, the relationship between those instruments. Among other publications, the ECTIL is the general editor of the Tort and Insurance Law Series published by Springer.

As the ECTIL is an institute primarily for comparative law questions it is evident that the main methodology of its research and its publications are case studies and country reports. This holds also true for the first two publications of the Tort and Insurance Law Series. The first of them presents an analysis of how the courts of European countries have responded to the issue of medical malpractice which has become of increasing importance in the last years. After a short introduction (part I) by the editors, Franz Michael Petry presents six case studies from Germany. The starting point for the project was “the concern about the expansion of medical malpractice in Germany” since it is Germany “where medical malpractice in Europe has probably been most developed” (p. 2). Each case study consists of the factual background, the allegations of the litigating parties, the statements of the experts appointed by the court, the operative provisions of the judgment, the reasons for the court decision as well as the quantum of the damages awarded. The author continues with a very detailed presentation of medical practitioners’ liability in German law. Part III contains country reports which, while differing with regard to their structure, are all based on the six cases studies in part II. The countries chosen and the authors of the reports are Austria (Bernhard A. Koch & Helmut Koziol), Belgium (Herman Cousy & Mick de Graeve), France (Suzanne Galand-Carval), Germany (Gottfried Schiemann), the Netherlands (Carel Stolker & Shirin Slabbers), Portugal (Jorge Sinde Monteiro & Maria Manuel Veloso), Sweden (Christian Dahlman & Lotta Wendel), Switzerland (Heinz Hausheer), and England (Horton Rogers). Michael Faure has assumed the task of drawing conclusions from these country reports by way of comparative analysis (part IV). He states that the comparative conclusions and the outcomes of the cases showed that there are still considerable differences between the various legal systems (p. 306). Nevertheless, neither the mere transboundary character of externality – prompted e.g. by patients “escaping” from their country to another country where they can get health care faster and better – nor economic reasons – e.g. differences in marketing conditions – may be advanced to justify the harmonization of medial malpractice on a European level (pp. 307-308). For, after all, these differences are but a manifestation of the different legal systems as well as a reflection of the diverse preferences and peculiarities in the various European countries. Neither does harmonization of medical malpractice, as distin-guished from the problems of tort law involved, appear to be practicable (p. 309). The author, however, calls for an examination as to whether “common principles may be found which constitute the ‘roots’ of a European tort law” (ibid.). The book concludes with a contribution by Helmut Koziol on the “Deficiency of Regulation and Approach to