

Briefly Noted

Ulrich Fastenrath, Rudolf Geiger, Daniel-Erasmus Khan, Andreas Paulus, Sabine von Schorlemer, Christoph Vedder (eds). ***From Bilateralism to Community Interest. Essays in Honour of Judge Bruno Simma***. Oxford: Oxford University Press, 2011. Pp. 1345. £125. ISBN: 9780199588817.

In his first seminal Hague lectures, published in 1994, Bruno Simma defined the ‘community interest’, which in the meantime has become an indispensable component of the discipline’s conceptual toolbox, as ‘a consensus according to which respect for certain fundamental values is not to be left to the free disposition of States individually or *inter se* but is recognized and sanctioned by international law as a matter of concern to all States’. Bruno Simma, a prolific writer and, since 2003, a judge at the International Court of Justice, reconstructed in his apparently most influential publication the ‘various ways in which community interest is currently marching through the time-honoured institutions of the law’.

In an opulent *Festschrift* marking the 70th birthday of the Munich Law School’s distinguished Professor Emeritus, now a member of the University of Michigan Law School’s faculty, an impressive congregation of eminent scholars follows him on this trail. Eighty contributions form a monumental panorama of contemporary international law, its problems and challenges. Investment law and humanitarian law, legal responses to climate change, global terrorism and the crisis of the financial markets – there is much to read and reflect on regarding today’s pressing issues.

Discussing the role of the judge in the international legal order, the volume mirrors contours of a nuanced profile depicting the productive professor and practitioner Bruno Simma. The self-professed ‘enlightened positivist’ holds international courts accountable for the further development of international law – which is, to him, a public law order far from allowing anything that is not explicitly forbidden. James Crawford, in his contribution, reminds us that Simma’s ‘international community’ is (still) a community of states, upon whose political will the enforcement of international law depends. Yet reciprocity is not everything, as Andreas Paulus, Justice of the German Federal Constitutional Court, emphasizes. Paulus points to the need to ‘uphold the minimum core of civilization as good in itself’, with minimum rules of civilized behaviour. A worthwhile future international law might also require the development of new forms and modes of transnational democracy. To further the advancement of such democratic innovations, former Justice Brun-Otto Bryde, until February 2011 a colleague of Paulus on the bench, pointedly criticizes Karlsruhe’s 2009 *Lisbon* decision. Anne Peters spells out hard legal consequences of the ‘responsibility to protect’ concept, aspects of which are discussed in various contributions assembled in this remarkable volume.

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