

CAMBRIDGE

JOURNALS

# A World of Quality Scholarship

## International Relations Journals from Cambridge University Press



[journals.cambridge.org/ir](http://journals.cambridge.org/ir)



CAMBRIDGE  
UNIVERSITY PRESS

CAMBRIDGE

JOURNALS

# The Cambridge Law Journal

## Editor

John Bell *University of Cambridge, UK*

*The Cambridge Law Journal* publishes articles on all aspects of law. Special emphasis is placed on contemporary developments, but the journal's range includes jurisprudence and legal history. An important feature of the journal is the Case and Comment section, in which members of the Cambridge Law Faculty and other distinguished contributors analyse recent judicial decisions, new legislation and current law reform proposals. The articles and case notes are designed to have the widest appeal to those interested in the law – whether as practitioners, students, teachers, judges or administrators – and to provide an opportunity for them to keep abreast of new ideas and the progress of legal reform. Each issue also contains an extensive section of book reviews.

Volume 71 [2012] C.L.J. ISSN 0008-1177 Part 2

## THE CAMBRIDGE LAW JOURNAL

July 2012

Tribunal Justice, Cost, and Proportionate Dispute Resolution  
MARK ELLIOTT AND ROBERT THOMAS  
Generative Ethics, Adaptation and Human Rights Law  
JILL MARSHALL  
To Run, Vote and Govern: Protecting Low Level Digital Speech  
JACOB ROBERTSON  
Protecting the Property of the Mentally Ill  
CHRISTIAN STEPHENS  
General Classes and the Competing Ethics of  
European Consumer Law in the UK  
CHRIS WILLET

For full contents see back cover  
CAMBRIDGE UNIVERSITY PRESS  
FOR THE FACULTY OF LAW, UNIVERSITY OF CAMBRIDGE

**The Cambridge Law Journal**  
is available online at:  
<http://journals.cambridge.org/clj>

### To subscribe contact Customer Services

#### in Cambridge:

Phone +44 (0)1223 326070

Fax +44 (0)1223 325150

Email [journals@cambridge.org](mailto:journals@cambridge.org)

#### in New York:

Phone (845) 353 7500

Fax (845) 353 4141

Email

[subscriptions\\_newyork@cambridge.org](mailto:subscriptions_newyork@cambridge.org)

### Free email alerts

Keep up-to-date with new  
material – sign up at

[journals.cambridge.org/register](http://journals.cambridge.org/register)

For free online content visit:  
<http://journals.cambridge.org/clj>



**CAMBRIDGE**  
UNIVERSITY PRESS

CAMBRIDGE

JOURNALS

# British Journal of Political Science

## Editors

Sarah Birch, *University of Essex, UK*

Kristian Skrede Gleditsch, *University of Essex, UK*

Hugh Ward, *University of Essex, UK*

The *British Journal of Political Science (BJPoS)* is a broadly based journal aiming to cover developments across a wide range of countries and specialisms. Contributions are drawn from all fields of political science (including political theory, political behaviour, public policy and international relations), and articles from scholars in related disciplines (sociology, social psychology, economics and philosophy) appear frequently. With a reputation established over 40 years of publication, the *BJPoS* is widely recognised as one of the premier journals in its field.

British  
Journal of  
Political  
Science



CAMBRIDGE  
UNIVERSITY PRESS

*British Journal of Political Science*

is available online at:

<http://journals.cambridge.org/bjpol>

## To subscribe contact Customer Services

### in Cambridge:

Phone +44 (0)1223 326070

Fax +44 (0)1223 325150

Email [journals@cambridge.org](mailto:journals@cambridge.org)

### in New York:

Phone (845) 353 7500

Fax (845) 353 4141

Email

[subscriptions\\_newyork@cambridge.org](mailto:subscriptions_newyork@cambridge.org)

## Free email alerts

Keep up-to-date with new  
material – sign up at

[journals.cambridge.org/jps-alerts](http://journals.cambridge.org/jps-alerts)

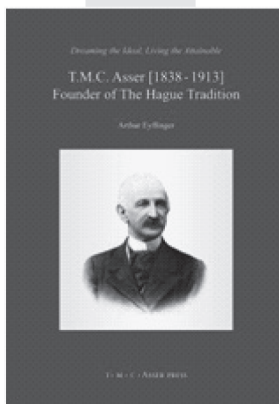
For free online content visit:  
<http://journals.cambridge.org>



CAMBRIDGE  
UNIVERSITY PRESS



T · M · C · A S S E R P R E S S



*Dreaming the Ideal, Living the Attainable*

**T.M.C. Asser [1838 - 1913]  
Founder of The Hague Tradition**

**Arthur Eyffinger**

**2011, ISBN 978-90-6704-340-3, XII + 114 pp.,  
hardbound, € 27.00**

'The Learned Guide of our Nation' Tobias Asser was coined upon his demise by the then Dutch Foreign Minister, as this dignitary solemnly pledged his country over the open grave: 'We will not forget'. Fairly few though are the Dutch these days who will recall Tobias Asser's exceptional talents and the crucial role this gifted Amsterdam scholar of Jewish descent played in putting The Hague back in touch with the world and have it emerge as a centre of international law and diplomacy. In retrospect, reviewing that is in the perspective of a full century of international adjudication and with The Hague Tradition of International Law firmly established, it is hard to imagine the unlikely beginnings of the current claims of our proud Legal Capital and the critical bearing of Tobias Asser's visionary, daring views on a remarkable process that turned history around. This year we celebrate the centenary of Asser's unique status in The Netherlands as the nation's single Nobel Peace laureate, along with the assignment of the designation 'Royal' to the Dutch Association of International Law [the oldest national branch of the ILA], to which Tobias Asser stood godfather a full hundred years ago. It makes for a fitting moment to step back from the hectic and briefly pause and ponder: *Siste Viator!*

Dr. Arthur Eyffinger [1947, The Hague] is classicist and legal historian.

**Distribution:** Boom Distributiecentrum, Postbus 400, 7940 AK MEPPPEL,  
The Netherlands. Tel. 0522-237555 / Fax 0522-253864, e-mail: [bdc@bdc.boom.nl](mailto:bdc@bdc.boom.nl)

[www.asserpress.nl](http://www.asserpress.nl)

# EUROPEAN CONSTITUTIONAL LAW REVIEW

2012 VOLUME 8 ISSUE 3

This issue is dedicated to the memory of our colleague and member of the Board of Advisors Hjalte RASMUSSEN (1940-2012), whose passing we note with great sadness

## CONTENTS

### *Editorial*

Watching Karlsruhe/Karlsruhe Watchers 367

### *Articles*

Koen LENAERTS – Exploring the Limits of the EU Charter of Fundamental Rights 375

Steve PEERS – The Stability Treaty: Permanent Austerity or Gesture Politics? 404

Aart LOUBERT – Sovereign Debt Threatens the Union: The Genesis of a Federation 442

Wojciech SADURSKI – Allegro without Vivaldi: Trademark Protection, Freedom of Speech, and Constitutional Balancing 456

Darinka PIQANI – Arguments for a Holistic Approach in European Constitutionalism: What Role for National Institutions in Avoiding Constitutional Conflicts between National Constitutions and EU law 493

### *Book Reviews*

Nico KEIJZER and Elies VAN SLIEDREGT (eds.) – *The European Arrest Warrant in Practice* (Karen WEIS) 523

S. GALERA (ed.) – *Judicial Review – A Comparative Analysis inside the European Legal System* (Maartje DE VISSER) 534

Distributed by:

**CAMBRIDGE**  
UNIVERSITY PRESS

Cambridge Journals Online  
[journals.cambridge.org](http://journals.cambridge.org)

1574-0196(2012)8:3;1-4

