

Ian Mitchell's Law-related (video)
BOOK RECOMMENDATIONS

56 – *European Legal History*
(30 May 2020)

**THE OXFORD HANDBOOK OF
EUROPEAN LEGAL HISTORY**

Author: Heikki Pihlajamäki, Markus D. Dubber, Mark Godfrey (eds.)

Publisher: [Oxford University Press](#), 2018
(available on *Amazon*, [click on cover image for link](#))

Descriptor: 1200 pages of essays on European legal history from top scholars

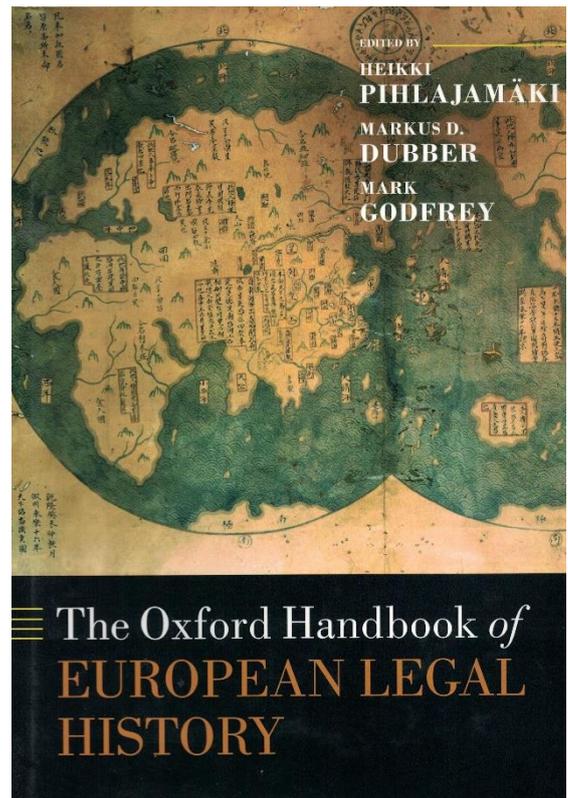
RusRoL relevance: *Helps to understand how the rule of law developed in western Europe rather than elsewhere and, in the last chapter, how it is threatened by the European Union's pre-seventeenth century legal culture*

“National constitutional principals [i.e. nations] do not necessarily ‘control’ their supranational agents [including the European Court of Justice]—indeed the very purpose of supranational delegation has been to confer autonomy on the supranational agents.” (p. 1117)

Reason to read: Too many to list here, but the last chapter, “The Law of the European Union in Historical Perspective” (from which the quote above comes), shows clearly how the RULE OF LAW is not even an *ideal* inside the EU. Essentially, Europe is reverting to the principle of the Divine Right of the Executive, and the judges in the ECJ are used as camouflage for that. There is no control, either democratic or parliamentary, over those judges. That is deliberate. They are free to interpret everything that comes before them in the light, not of the law, but of the ideal of a united Europe. This goes a long way beyond the fears of even the most Brexit-supporting voters in Britain.

YouTube video link: <https://www.youtube.com/watch?v=i3xGet6Rtr0&t=12s>

Overall recommendation level: VERY HIGH INDEED



About the reviewer: Ian Mitchell is the author of four books, including *Isles of the West* and *The Justice Factory*. He is writing a comparative study of Russian and Western constitutional history to be called *Russia and the Rule of Law*—hence the “RusRoL Relevance” section at the top. He can be contacted at: ian@ianmitchellonline.co.uk.

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