

pleading in the alternative; but I am not sure it would make very much difference to the outcome of most cases.

Although some of the essays in this book are by no means new, it is nonetheless true that all of them address questions to which tort lawyers are *still keen* to find answers. Equally, and relatedly, although the law has clearly moved on since some of them were first published, one cannot say that any have clearly exceeded their sell-by-dates. Accordingly, because they all bear the hallmarks of first-rate scholarship, the book comes highly recommended. Indeed, because most of the topics addressed in this book centre on aspects of the law that form the backbone of most university courses on tort law, I would go so far as to call it essential reading.

JOHN MURPHY  
THE UNIVERSITY OF HONG KONG

*The Structural Transformation of European Private Law: A Critique of Juridical Hermeneutics.* By LEONE NIGLIA. [Oxford: Hart Publishing, 2023. xx + 184 pp. Hardback £90.00. ISBN 978-1-50992-525-4.]

Niglia's book offers a comprehensive and insightful analysis of the intricate relationship between the EU constitutional order and private ordering, illustrating three significant structural transformations over the past 60 years. Niglia's examination of the interplay between the EU constitutional order and private ordering is both comprehensive and thought-provoking. The book delves into private law areas most affected by contemporary modernisation waves, including consumer law, the internal market, *lex mercatoria*, digitisation, artificial intelligence, data protection, standardised contracts, finance, political economy and labour. The innovative comparative methodology provides valuable analytical tools, offering profound insights into the evolution of these disciplines.

The prologue lays a solid foundation by contextualising the three major structural transformations within the framework of European integration and, thus, it provides a detailed overview of the evolution and current condition of European integration in relation to private ordering, setting the stage for the chapters that follow. In the prologue, the author clarifies the concept of "comparative juridical hermeneutics" as an approach that goes beyond merely comparing norms, facts, ideas or functions (pp. 11–12). Instead, it involves a comparative analysis of how legal actors employ the technique of balancing in both EU law and national private laws. This means examining not only the content of the laws themselves, but also how judges, lawyers and other legal professionals interpret and apply these laws in various contexts.

In Chapter 2, the author interestingly delves into the concept of autonomy within the EU constitutional order, examining how private law areas have evolved in response to the increasing autonomy of European legal structures. This exploration includes an insightful analysis of the historical development of the case of the Court of Justice of the EU ("CJEU"). In this perspective, Niglia critically examines the impact of autonomy on these areas, highlighting both the advancements and the challenges. The book is not an easy read. It delves into various dense and complex concepts, such as, co-normativisation, mutual learning

qua osmosis and mutual respect qua indirect constitutionalisation (pp. 44–48). These intricate ideas, while enriching the analysis, make the text critically challenging and demanding for readers.

The subsequent chapter on heteronomy investigates the second structural transformation, consisting of a historical analysis of the judicial and scholarly private law discourses. The analysis effectively highlights the historical roots of the concept of European private law by navigating the judgments of the CJEU (p. 53), the scholarship's major contributions and the Draft Common Frame of Reference (p. 60) and the draft Common European Sales Law. Nevertheless, a more detailed examination of specific case studies would enhance the reader's understanding and demonstrate the practical implications of these external influences. In particular, Niglia examines how Europe's constitutional structures are reconfigured in response to the rise of private ordering, particularly in labour law and political economy contexts. This critical assessment of how private ordering influences public policy is compelling and thought-provoking. Nevertheless, the chapter on heteronomy presents reasoning that is particularly difficult to grasp, further contributing to the complexity of the work.

In Chapter 4, entitled "Absorption", the author further advances the historical analysis of leading cases at the CJEU (p. 98). He examines these cases through the lens of his theoretical framework, providing a critique of the shortcomings inherent in the construction of EU private law and the process of market integration within the EU. This analysis serves to highlight and substantiate his critical perspective on the unclear relationship between EU private law and national private laws. This chapter engages in the examination of the concept of constitutional absorption through an exploration of specific examples such as the *lex mercatoria*, the UNIDROIT Principles of International Commercial Contracts and digitisation (pp. 111–25). The author's approach is characterised by its originality, while the inclusion of these topics demands a rigorous analysis of each, considering their distinct scopes and inherent complexities. These differences underscore the challenge of integrating them into a cohesive theoretical construct of constitutional absorption.

Finally, the epilogue provides a critique of the transformations from autonomy to heteronomy discussed throughout the book. Niglia presents a balanced perspective on the future of European integration and private ordering. The epilogue presents an intriguing map of CJEU decisions concerning private dimensions, encompassing judgments on rule of law and solidarity. This mapping illustrates how the CJEU's rulings extend beyond traditional legal boundaries into critical aspects of governance and societal cohesion within the EU. While this chapter effectively wraps up the book's core arguments, it could delve deeper into potential downsides and unintended consequences of increased private ordering, particularly in terms of social justice, equity and the marginalisation of certain groups within the European legal landscape.

The book's critical exploration of Europe's constitutional reconfiguration in light of the rise of private ordering is particularly insightful. Niglia's work challenges conventional perspectives and encourages readers to rethink the balance between public and private legal orders in the context of European integration. However, despite its many strengths, the book has some limitations. The dense and complex writing style may pose challenges for readers not well-versed in the history and theories of European private law. Simplifying the language and providing clearer explanations would make the book more accessible.

Additionally, while the comparative methodology is innovative, the comparative analysis could be more explicitly detailed. The inclusion of more concrete examples and case studies would enhance the practical applicability of the book's findings and make the arguments more tangible.

The book does not include insights about the present challenges of EU structures of governance and the political crisis that can affect today's trajectory of European integration. However, Niglia's rigorous analysis and innovative methodology make it a significant contribution to the field, offering a deep understanding of the transformations that have shaped and will continue to shape the landscape of EU private law and national private laws. As such, the book is a valuable read for anyone interested in European private law.

CRISTINA PONCIBO  
UNIVERSITY OF TURIN