

**Book Review: „In einem vereinten Europa dem Frieden der Welt dienen...“ *Liber Amicorum* Thomas Oppermann.**

Edited by Claus Dieter Classen, Armin Dittmann, Frank Fechner, Ulrich M. Gassner and Michael Kilian. pp 907. Duncker & Humblot: Berlin 2001, EUR 98,--

By Peter Häberle

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To render justice in a mere book announcement to an (indeed ‚gigantic‘) *Festschrift* would necessarily be futile from the outset, if the respect for the life achievement of the *Jubilar* did not in fact demand the reviewer’s attempt. From the perspective of public law scholarship (see *Archiv des öffentlichen Rechts* 105 [1980], p. 652) the terrifying inflation of the literary species *Festschrift* has already been noted as a problem in a comparative perspective. However it is only in vain that the absence of strictly thematic collections of essays in honor of a celebrated personage or, as a serious alternative, the *colloquium* continues to be lamented. Yet, to offer a positive judgment straight away: the volume here under review, originating in Tübingen, is altogether a happy achievement oriented around the Jubilar’s areas of expertise. Only a few of the contributions reveal themselves as occasional pieces or ones taken out of the drawer or, even, concealed expert opinions. However, the volume, quite beautifully published, is by no means a ‘graveyard’ but, instead, a reflection of the achievement of Thomas Oppermann, whose *oeuvre* spans the fields of the Law of Cultural Administration (*Kulturoverwaltungsrecht*), European Community Law and International Economic Law.

*En détail*: The book is structured into several individual parts, the first of which concerns “National Integration and Constitutionmaking” (*Nationale Integration und staatliche Verfassungsgebung*). Three scholars from Tübingen set the stage: Martin Heckel explores the struggle over the legislative powers to write the constitution in the *Paulskirche* in 1848/49, Michael Ronellenfitsch writes on “M.C. Calhoun and the European Community of States”, and Wolf Graf Vitzthum treats the issue of ‘multiethnic democracy’ in the example of Bosnia-Herzegovina. The second part of

the volume, entitled "Towards a European Constitution" (*Auf dem Weg zu einer europäischen Verfassung*) commences with very moving, personal recollections of Walter Hallstein (authored by Michael Kilian), and encompasses the topics "The Way to the European Union" (Klaus Stern), "Through Convergence Towards Coherence (Ulrich Everling), the Treaty of the European Union as "Integration procedure" (*Integrationsverfahren*) (authored by Gert Nicolaysen), and "The Constitutional State and its Membership in the European Union" (Paul Kirchhof). Special mention shall be made of three contributions to the next, possibly exaggeratedly labelled section "Europe and the World", which are authored by scholars from Poland, Israel and Japan, as they effectively display the reach of the Jubilar's personal relationships. The ensuing section "The Constitutionalisation of the International Economy" (*Konstitutionalisierung der internationalen Wirtschaft*) comprises articles, among others, by Martin Nettesheim ("On the Development of Forms of Order in International Economic Law" - *Zur Entwicklung von Ordnungsformen des internationalen Wirtschaftsrechts*) and by Meinrad Hilf on the "democratic legitimation of the WTO". The section "National and International Law" holds a contribution by Klaus Vogel on the OECD's commentary of the Double Tax Treaty Model (*Doppelbesteuerungs-Musterabkommen*) as well as one by Louis Dubouis on the Impact of European Community Law on the French Legal Order. In the subsection "Economic Law" (*Wirtschaftsrecht*) we find contributions by, among others, Peter Badura, Volkmar Götze, and Ferdinand Kirchhof. The "issues of the heart" of the Jubilar can be found in the concluding two sections of the book: "Culture and Media" and "Education and Science" (*Kultur und Medien* and *Bildung und Wissenschaft*). The reviewer is aware that he is inviting lifelong grudges from the more than twenty authors not mentioned here, but can name only few: Frank Fechner's contribution "From a Law of Cultural Administration towards a European Culture Law - why not 'Cultural Constitution Law'?" (*Auf dem Weg vom Kulturoverwaltungsrecht zu einem europäischen Kulturrecht - warum nicht 'Kulturverfassungsrecht'?*), Armin Dittmann's "The New Media in the Constitutional Order" (*Die neuen Medien in der Verfassungsordnung*), Günter Püttner's "Achievement evaluation in School" (*Leistungsbeurteilung in der Schule*), Karl-Hermann Kästner's "Religious and world view aspects in Public Schools" (*Religiöse und weltanschauliche Bezüge in der staatlichen Schule*), Fritz Ossenbühl's "Foundations as Institutional Assurers of Scientific Freedom" (*Stiftungen als institutionelle Sicherung der Wissenschaftsfreiheit*) and contributions by Claus Dieter Classen and Manfred Ehrhardt on science politics (*Wissenschaftspolitik*) and the law of University Education Law (*Hochschulrecht*). The volume concludes with an impressive bibliography (the wide-reaching scope of the Jubilar's topics would in itself be worthy of an academic exploration!) and a list of Oppermann's former doctoral students.

That the editors have chosen a passage from of the by now classic preamble of the German *Grundgesetz* of 1949 does not suffice to render the volume “eternal”, but indicates congenially its own liveliness and that of the Jubilar’s *oeuvre*.