the criminal responsibility of States co-existed with that of individuals. A well-documented discussion of the concept of State criminality in the work of the codification bodies follows. Dr Jorgensen candidly accepts that the concept has generally received a cool reception, especially in the more recent work of the International Law Commission and in the Sixth Committee of the General Assembly

Part II looks at the juridical status of State criminality—what are the modalities of giving effect to collective criminality and liability? Two models are assessed in detail. The first is that of criminal organisation, employed during the Nuremberg trials. The assessment here is theoretical, with no clear attempt to demonstrate how the model might apply to those responsible for more recent atrocities, such as in Rwanda, Cambodia, or Yugoslavia. An interesting analogy is also drawn with responsibility of corporations, as a possible model for imputing criminal responsibility to States.

Part III is a careful and methodical consideration of criteria and indicia for identifying States' crimes. This makes a very useful attempt to explore the relationship between State criminality and other principles of international law: in particular, norms having the status of *jus cogens*, obligations *erga omnes* and the concept of persistent objector. Part IV looks at the practical feasibility of the concept of State criminality. The author argues that the concept is not as utopian as sometimes considered, and that a number of existing institutions could be adapted to give effect to it. These include the imposition of punitive damages, extending the jurisdiction of the International Criminal court to States, and sanctions and similar remedies that can be imposed by the General Assembly and the Security Council. It is difficult to share her optimism given the well-known reluctance of States to accept third party judgments even in the more modest context of delictual responsibility.

The final part looks at the concept of State criminality in contemporary international law. The *Rainbow Warrior* and *Lockerbie* cases are considered as instances of State-sponsored terrorism (a controversial characterisation) that attracted appropriate penalties. It is of course a debatable issue whether the compensation paid by France in the *Rainbow Warrior* case or the sanctions imposed on Libya following the *Lockerbie* affair could strictly speaking be described as penal.

The work is thoroughly researched and presented in a convincing and persuasive style. It should invigorate the debate on this topic. However, as the author herself concludes (p. 258), 'In the twenty-four years since the adoption by the ILC of a distinction between international crimes and delicts, the views of states have remained strikingly consistent. Overall the mood is one of scepticism.' I suspect that those who object to the concept of State criminality as a matter of principle (which includes many States) will find little here to convince them otherwise.

PHOEBE N. OKOWA

*Sex Discrimination Law*. By MARGUERITE BOLGER and CLIONA KIMBER. [Dublin: Round Hall Sweet & Maxwell. 2000. xlv + 474. ISBN 1–85800–062–9. £110]

ANTI-DISCRIMINATION and equality law has developed significantly in Ireland since it joined the European Communities in 1973. Domestic fundamental rights had come into their own in the 1960s, with the accession to the Supreme Court of the first generation of lawyers trained in the post-1937 Constitution era. (The late Mr Justice Brian Walsh, who latterly served on the European Court of Human Rights, was to the forefront in the development of a domestic fundamental rights jurisprudence.) However, although Article 40.1 of the Irish Constitution guarantees equality before the law, the provision was—and remains—the poor relation in the family of Irish fundamental rights. Membership of the Communities, however, required Ireland to enact substantial legislation in the 1970s concerning sex discrimination in the field of pay and other areas of employment. The European Court of Human Rights, in its rulings on Irish laws discriminating against non-marital children (in the *Johnston* case) and men who were sexually active with other men (in the *Norris* case), also led to legislative change, in the form of the Status of Children Act,

1989 and the Sexual Offences Act, 1993. The late 1980s and the1990s, however, also saw significant domestic legislative initiatives which went beyond the requirements of EU law or the European Convention on Human Rights. These initiatives preempted developments such as the current Article 13 of the EC Treaty and the new Twelfth Protocol to the ECHR. The newly formed (and short-lived) Department of Equality and Law Reform played a significant role in this regard by formulating the two main pieces of anti-discrimination legislation, which were first published as the Employment Equality Bill, 1997 and the Equal Status Bill, 1997 and eventually enacted as the Employment Equality Act, 1998 and the Equal Status Act, 2000. The two Acts aim to provide protection from discrimination, subject to certain exceptions, on grounds of sex, sexual orientation, marital or family status, religion, age, disability, race or membership of the Traveller community, in the work-place and with regard to provision of services respectively.

Bolger and Kimber concentrate more or less exclusively on Irish, EC, ECHR, and UN laws prohibiting discrimination on grounds of sex. Prior to their substantive discussion, however, they provide a useful analysis of different models of equality—formal equality with strict identical treatment, formal equality combined with some form of special treatment (to counteract past discrimination) and the so-called "anti-subordinate principle". This latter model, one of whose main proponents is Catherine MacKinnon, moves beyond earlier notions of equality and aims at changing substantively the social and economic status quo, rather than simply ensuring that women are treated in the same way as men have been traditionally dealt with. The authors point to the advantages and disadvantages of each of the three models, although they appear to see most potential in the MacKinnon approach. This analysis provides a useful conceptual tool with which to view the anti-discrimination laws dealt with in the rest of the text and illustrates the close relationship between calls for equality and the desire for social change more generally.

The substantive discussion commences with an examination of Irish constitutional law and illustrates the timidity of the judiciary in striking down prima facie sexist legislation and justifying its retention, notwithstanding the provisions of Article 40.1, on the basis that the different social roles traditionally assigned to men and women justified Parliament in enacting laws ensuring that those roles could not easily be re-calibrated and that men and women seeking to step outside them would be disadvantaged. The authors also illustrate that—somewhat contradictorily—Article 41.2 of the Constitution, which refers to the special role of married women in the home and commits the State to endeavouring to ensure that mothers are "not obliged by economic necessity to engage in labour to the neglect of their duties in the home", has not been used by the courts to protect women who have worked within the home to the detriment of their careers from the adverse financial consequences of marital breakdown. Subsequent chapters deal with EC and related Irish law on equal pay, pensions, atypical and part-time workers, social welfare, sexual harassment, pregnancy, maternity and parental rights and access to employment and promotion. There is also an interesting chapter on the Equal Status Act, 2000 and its relationship with the Convention on the Elimination of all forms of Discrimination against Women. This book provides a valuable insight into the interaction between domestic and international law and the relationship between legal and societal norms in the area of sexual equality. It is written in a clear and accessible manner and the authors' forthright feminism ensures that it is both a thought-provoking and an interesting read.

JAMES KINGSTON

*Islam and European Legal Systems*. Edited by SILVIO FERRARI and ANTHONY BRADNEY. [Aldershot: Ashgate. 2000. ix + 203pp. ISBN 1–84014–466–1. £50. (H/bk.) ]

THIS book was a useful exercise, although not quite as useful as it might have been. Its aim is to consider 'the nature of Islam, the form that it takes in Europe and . . . the ways in which very different European legal systems have tried to reach an accommodation with Islam' (p. ix). After an introduction to some of the complex issues raised (Silvio Ferrari), two opening chapters consider the nature of Islam, both as a normative system (Salah Eddine Ben Abid) and as a social

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