

- More. *The Last Soviet Generation*, Princeton 2006.
- 2 Siehe dazu beispielsweise: J. Grützmacher, *Die Baikäl-Amur-Magistrale. Vom stalinistischen Lager zum Mobilisierungsprojekt unter Brežnev*, München 2012.

**Linda Wedlin / Maria Nedeva (eds.):  
Towards European Science. Dynamics  
and Policy of an Evolving European  
Research Space, Cheltenham: Edward  
Elgar Publishing, 2015, 216 pp.**

Reviewed by  
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The aim of the book is to give a picture of the developments in European science/research policy and governance over the past decades. It focuses not only on developments in European science from the point of view of new policy initiatives and governance systems but also of the potential implications of such changes for the relationship between science, researchers, and organizations (pp. 3–4) in Europe. The book looks at the development of “the European-level research space, that is the funding and policy space of research activities and actors, within which the rules of knowledge production, knowledge legitimacy and knowledge use are negotiated” (p. 4). The volume targets policymakers, science policy experts, and advisors in order to make science policy more efficient and effective. From the point of view of researchers and members of academia, the book will help to clarify the dynamics of the science systems and the complex rela-

tionship between governance and knowledge organizations. It provides a complex picture of European research space as a transnational and transformational space, together with the relation of the myriad of different organizations and national, local, and regional research spaces within the European research space.

Each of the ten chapters of the book has a specific view on the main topic of the book, that is, how the transformation from the “science in Europe” to “European science” has taken place during the past decades. The case studies are the European Research Area (ERA), the European Funding Area (EFA), the executive governance of European science, transnational organizations, knowledge institutions, science academies, and research institutions. Because of its overarching aim that seeks to create excellence and quality in the European research space, the role of European Research Council (ERC) is analyzed in several chapters. The volume illustrates a system that has been constantly transformed when trying to compete with other large research spaces in the world such as the United States, Japan, and China.

European science policy and organization are closely connected to the changing policy and governance aims within the European Union (EU), which seem to be forever changing. The book describes the changes that have taken place over the last decades and assesses which direction European science and research is going to take in the future. There have been several changes in the European funding system due to the shifting policy targets and these changes are visible in the organization of the European science space. The case study of the European Research Area (ERA)

shows how the promotion of science has been transformed to promote social and economic development of Europe and serve the broader European Union agenda (pp. 42-44). When the EU is looking for a target for a funding scheme, it appears that it compares the system with the systems adopted in the United States and Japan. From the point of view of the reader, an interesting issue is how the expected outcomes of the EU-funded research, that is, the relationship between science and industry (p. 88), has changed during the last decades. This is clearly connected to wider global developments such as innovation policy in the European context. From this point of view, an interesting question is whether the research is “science-driven” and supports basic research or “policy-driven” supporting strategic and applied research (p. 62).

One of the overarching themes in the volume is the question of “excellence” and “quality” in the European research space. An example of the excellence-driven programmes is the European Research Council (ERC), which promotes excellence and quality and focuses on support for basic research (p. 48). The ERC was part of the 7th Framework Programme (FP7) and it soon became one of the major schemes of the European science space (p. 115). The ERC is connected with the other major issue in the European context, that is, the relation of national, international, and transnational research in the context of the European research space. For the individual researcher, the EU programmes may remain unclear due to the myriad of policy agendas, funding possibilities, and different schemes. In this picture, the role of national funding organizations has

an important position in guiding the researchers as well as influencing the EU’s research policy. The book brings to the forefront the multileveled system of national, international, and transnational interactions connected to the processes in the European science space in which national funding agencies, universities, and academies play an important role in the allocation of resources and academic governance while participating in science policy discussions. The case study focusing on the academies shows how they foster international cooperation as well as promote science and provide expertise and advice. Actors with long experiences in collaboration are needed when global models and ideals of performance-based funding principles, evaluation/ranking, and quality assurance systems are changing the European research space.

For the reader who is definitely not an expert of European science policy but rather the “research-performing actor” and applicant for EU research funding, the volume opened up a completely new view on the topic. In all calls, there is recommendation to read the policy documents connected to the funding instrument. After reading this volume, it is easy to understand why. The aim of the editors was to analyze the transformation of the European research space and to point out topics that should be taken into account when trying to understand the impact of the European research space in the future. These topics are relations between actors and organizations within the European research space and the relations and dynamics between and across the different research spaces. After reading the volume, it is easy to agree with the editors and to recommend the book to

all actors in any research space interested in the science policy in the EU and the transformation of the European research / science space.

**Marietta Auer: Der privatrechtliche Diskurs der Moderne, Tübingen: Mohr Siebeck, 2014, X, 204 S.**

Rezensiert von  
Helmut Goerlich, Leipzig

Die Münchner Habilitationsschrift entstand bei Claus-Wilhelm Canaris. Die Autorin ist inzwischen Professorin für Bürgerliches Recht und Rechtsphilosophie an der Universität Gießen. Sie war länger zurück mit ihrer sozusagen außerordentlichen Dissertation hervorgetreten<sup>1</sup> und hat größere Vorstudien der nun vorgelegten Arbeit vor einigen Jahren veröffentlicht.<sup>2</sup> Diese Vorstudien nehmen die Arbeit nicht vorweg, zeigen vielmehr, dass gerade eine knappe und konzise Schrift angewiesen sein kann auf intensive Vorarbeiten, soll sie überhaupt diese Strenge und Stringenz erreichen können. Das Buch ruht daher auf handfesten Ecksteinen aus Rechtsphilosophie und -geschichte, die sein Anliegen ermöglichen, nämlich ein besseres Verständnis dessen, was im Privatrecht geschieht, um sich orientieren und neu justieren zu können. Unsere Moderne, wie sie der Titel voraussetzt, ist geprägt von Begriffen und Rechtsverständnissen sowie Bildern vom Menschen und der ihn umgebenden Natur, wie sie die frühe Neuzeit

verstanden hat und wir sie hintergründig meist unverändert verstehen. Das Buch sucht nun in einer aufklärerischen Absicht zu erhellen, dass die inzwischen sich deutlich abzeichnenden Grenzen verfügbarer Güter und Gegenstände auch dem Recht der Moderne Grenzen setzen, die seiner Legitimation im Individuum, in dessen Rechtsstellung als Person und Anknüpfungspunkt subjektiver Rechte mit absolutem Charakter widersprechen. Diesem personal-individualistischen Kontext entsprach wohl schon immer ein objektiver Rechtsgüterschutz, mit dem das Individuum in seiner Stellung etwa als Teil einer Familie im Sinne eines objektiv-rechtlich gesicherten Personenverbandes zur Wahrung bestimmter rechtlich anerkannter Zwecke konfrontiert ist, wobei die Doktrinen des Zivilrechts nach Kant, die die Familie nicht mehr vertraglich zu begründen suchen, zur Geltung kommen. Mit einer an Kant und insbesondere Hegel, den man manchmal als den besten Interpreten Kants sehen kann, anschließenden Aufhellung der Grenzen der bürgerlichen Gesellschaft, die sich aber auch schon in Lockes Hinweis zur Knappheit dessen, was durch Arbeit angeeignet werden kann, findet, zeigt die Autorin, dass die moderne Legitimation von Recht in Person und Eigentum immer auch eine Gegenbewegung auslöst. Diese gegenläufige Bewegung lässt die Moderne auf halbem Wege stehen, sei es, dass das Privatrecht selbst objektive Grenzen setzt, wie etwa eine Vertrauens- oder eine Gefährdungshaftung sie ergeben, sei es, dass das öffentliche Recht sozusagen paternalistische Grenzen zieht. Dies mag durch eine Rechtsprechung im Zivilrecht selbst oder durch besondere Gesetzgebung geschehen, die die Vertragsfrei-