

critics there is a variety of more or less coherent political positions. In other words, political theories face the same substantive disagreements even when they begin from the same or similar foundational assumptions. If this is true, what is the significance of metaphysics and epistemology for issues of politics and law? This question divides theorists of all persuasions. Within the critical movement that Gaete sides with, this is the familiar debate between 'external' and 'internal' critique. Some believe that the achievements of critical or postmodernist or anti-foundational epistemology are somehow crucial to the critical evaluation of modern law and jurisprudence. Others believe that this debate is only marginal to jurisprudential debates (for an excellent commentary on this question see now M.H. Kramer, *Critical Legal Theory and the Challenge of Feminism: A Philosophical Reconception*, Rowman and Littlefield, 1995). The problem with Gaete's book is not that it fails to resolve this difficult question. Nor is it that it sides with the first approach, while this reviewer agrees with the second. The problem is rather that Gaete takes this debate as settled and closed and has no time for rival conceptions of his project. This is a serious fault in a book of such admirable ambition. It is disappointing in this respect that a book on anti-foundationalism and rights has no extended discussion either of Kant or of his admirers in contemporary political theory.

It is unfortunate that this book has kept its vision away from these important questions. Although its central claims are thus rendered ineffective, the book is full of imaginative argument and interesting points. It is based on a very wide range of scholarship and succeeds in mastering several diverse areas of study. This unusual and difficult synthesis is a project long overdue and the author deserves praise for taking it up. One hopes it is not the author's last word on the subject.

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Jackson, B.S., and D. McGoldrick, *Legal Visions of the New Europe. Essays Celebrating the Centenary of the Faculty of Law, University of Liverpool*, London, Dordrecht, Boston: Graham & Trotman, Martinus Nijhoff Publishers (1993) viii + 348 pages + Indexes.

'The most profound truths are also the least familiar' says Francois Ost at the beginning of his contribution to this volume and he is undoubtedly right, at least as far as the topic of this book is concerned. The current changes in the institutional shape of Europe are, to be sure, the subject of the closest scrutiny by scholars and others. However, academic practice has it that one is expected to focus on particular aspects of these changes according to one's area of specialization and almost never leave the confines of their respective disciplines and methodological paradigms. As a result, legal academics rarely have the chance to stand back from doctrinal questions of their respective fields in order to view these developments in a more synthetic or interdisciplinary way. Even more rarely do we see the results of this process of self-reflection in published form.

Nevertheless, this is precisely what this volume sets out to do. It brings together various approaches to the current European developments, ranging from the history of law (B.S. Jackson) and the history of international confederations (I. Campbell), to the law of human rights (e.g. A. Garapon, N. Harris, S. Millns, P. Rowe), the Conference on Security and Cooperation (D. McGoldrick), the regulation or non-regulation of trade in the EC (D. Chalmers, G. Howells, M. Jones), the new challenges for legal education (R. Bakker) and the international politics of European integration (J. Verhoeven). These studies, authored by past and present members of the University of Liverpool and by continental academics with links with it, focus both on distinct areas and on wider perspectives. The result is a collection of essays that, when read together, provide a fruitful beginning for a

broader appreciation of the various 'Legal Visions' of the new Europe and lead to a deeper understanding of current transformations. Moreover, these essays achieve their goal by maintaining their focus on the legal dimensions of these changes. They avoid, that is, the well known strategy of dispensing with complex normative questions by reducing them to the interplay of some social or historical forces, supposedly external to the legal process itself. The clear appreciation of the normative issues at stake and of the role that European legal culture plays in describing and answering these questions is what sets this collection apart from other, less successful, attempts at the same objective.

No clear conclusion seems to emerge from this synthesis and this is perhaps the most important conclusion. The variety of methods and arguments seem to be not just a matter of different legal cultures but also an integral part of systematic distinctions – like those between public and private law, national and international law – and a necessary feature of the historical development of national legal systems. This variety sits uneasily with the optimistic view of the (often spoken as almost 'natural') harmonization of the different European legal systems. But this may not be always problematic. Why not maintain a plurality of solution for a plurality of problems in a plurality of social contexts?

This book is a very welcome addition to the literature on comparative and international law and a significant contribution to the study of European laws and institutions. It is also fitting tribute to the hundred years of the Faculty of Law of the University of Liverpool. It is evidence to the very high quality of scholarship pursued there.

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Sartori, Giovanni, *Comparative Constitutional Engineering. An Inquiry into Structures, Incentives and Outcomes*, New York: New York University Press (1994) xi + 209 pages + Index. \$40, hardback; \$18.50, paper.

In light of the current failure of many political systems to bring about stability and political participation at the same time, Sartori's comparative study on different forms of democratic government provides tools to analyze more critically their merits and flaws. It is particularly welcome in connection with the debate provoked by the pending 1996 IGC. His book is an attempt to challenge democratic minimalism fostered by the media and political corruption on behalf of the citizens who have been deprived of their participatory role. Despite the technical and somewhat misleading title, he focusses on existing forms of governance in order to derive from their strengths and weaknesses new ways of political representation. After his books on *Parties and Party Systems* and *The Theory of Democracy Revisited* Sartori ventures to examine more closely the implications of electoral and political systems in terms of their applicability.

His study is divided into three parts. Part one discusses the various electoral systems, part two concentrates on presidentialism and parliamentarism. Part three unfolds Sartori's own concept of an 'alternating, or intermittent presidentialism' (p. 153). In analyzing majoritarian and proportional systems he tries to describe how people's votes are translated into a possibly fair representation. According to Sartori's diagnosis majoritarian systems are too manipulative, because they neglect large minorities. Proportional systems usually permit too many parties and thus, they fail to guarantee political decisiveness. The double ballot system allowing to vote twice after one or two weeks between the first and the second voting round seems to combine majoritarian and proportional arrangements. At the first round the three