issues underpinning any future synthesis between economic growth and environmental protection.

The book is basically a collection of papers presented at the 1993 Oxford Law Colloquium, in which the concept of 'sustainable development' and the 'polluter pays' principle serve as the guiding lines through which the authors discuss various topics, ranging from the interconnection of domestic, European, and International environmental law, through the role of information, auditing, and liability regimes in environmental protection, to the relationship between free trade policy and environmental protection, the effects of environmental regulation on business, and the costs of compliance with a continuously growing environmental regulation.

Therefore, as the editor points out in the Introduction, the book tackles many important problems of practical importance to all those dealing with environmental law, but it does not attempt to present a comprehensive account of what in any event is an extremely wide-ranging issue. However, as he acknowledges, the confines of the colloquium and of this book did not permit the inclusion of contributions by environmental economists. Nor does it afford attention to developmental issues as such, which could be regarded as a rather important omission, although some aspects of North-South relationships are touched upon in chapters devoted to the relationship between trade and environment.

The book has two particular strengths. First, its blend of expertise and views of academics, practicing lawyers, regulators, and figures in industry and commerce which presents a multilateral and quite comprehensive account of the relationship between environmental law and economic growth (though it is somewhat surprising that the perspectives of Non-Governmental Organizations have not been accommodated). And second, its constant drawing upon the interplay of international, Community and national law, which provides the reader with insights to the different policy levels and legal solutions bearing upon the subject. Thus, for example, in the national arena special consideration is given to an analysis of the relevant legal issues in the United Kingdom, with occasional references to other Anglo-American legal systems (United States, Canada and Australia) and to other European Union Member States (mainly to northern partners such as Germany , The Netherlands and Denmark).

However, while accepting the logical constraints of the colloquium and the book, a more detailed analysis of the cost effectiveness of the environmental legislation under assessment would have served to further illustrate the extent to which different levels of environmental protection allow economic development, as well as establishing criteria to select the most appropriate legal instruments for the attainment of joint environmental and economic goals.

Overall, the approach followed in *Environmental Regulation and Economic Growth* constitutes a worthwhile contribution to the ever expanding literature on environmental law which, hopefully, will trigger further research on methods and processes best suited to realize sustainable growth.

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Häußler, Richard, *Der Konflikt zwischen Bundesverfassungsgericht und politischer Führung*, Berlin: Duncker & Humblot (1994) 286 pages. DM 108; öS 843; sFr 108.

The expansion of judicial power, above all of Constitutional Courts, has been the subject of a flood of publications around the world (the latest example being Tate and Vallinder's compilation, reviewed in this issue). In the United States alone, the 'countermajoritarian difficulty' (Alexander

Bickel) has sparked off a debate that, in terms of both learnedness and quantity of contributions, is without precedence. Germany too has had its scholarly debates, a little more modest though, and chiefly characterized by the typical German legal discourse which – in its mainstream – rejects the notion of 'law in context' (not to mention ideas of the critical legal studies movement). However, the winds of change are blowing in Germany. The so-called Crucifix decision of the German Federal Constitutional Court (*Bundesverfassungsgericht*) in 1995 has provoked a storm of protest from the political system and German society, contributing to a far-reaching demystification and deprofessionalization of the Court's constitutional law discourse.

Richard Häußler could not know of this since his book – which is entitled 'The Conflict Between the Federal Constitutional Court and the Political Leadership' – appeared in 1994. Yet, his book will be measured in the light of the current German debate, and everyone opening its pages will hope to find some explanation of what is going on: some subtle hints maybe at a thunderstorm ready to break, or some illumination of the theoretical background of the Court's legitimate position in the German constitutional system. Those expectations are nourished by the book's subtitle: 'A contribution to the Court's history and position in the legal system.' They will be bitterly disappointed.

This is not because one of Häußler's main points is the pervasive social acceptance of the Court as the main reason for its strong position (e.g. on p. 270) – a thesis that has been proven wrong by the reaction to the Crucifix decision. Rather, it is disappointing that Häußler only rarely succeeds in crossing the boundary between informed description and theoretical analysis. His first part – as well as some anecdotes related throughout the course of the book – are interesting to read and fall into the category of 'historical story-telling'. This is not meant in a pejorative way. Every German reader will be relieved and joyful to finally be furnished with a well-written account of the tensions between Bonn and Karlsruhe (the Court's seat) which stands out against many dry counterparts. However, after a while one wishes for less easy going. When we would expect Häußler to dive into the analysis of the legitimate function of the Constitutional Court, for example under the paradigm of the countermajoritarian difficulty, he remains at the very surface of the issue. Any account of whether or not the political system can legitimately tamper with the Court's competence requires a thorough analysis of what the *Bundesverfassungsgericht* under the Basic Law may and should do. Equally, the subject would have offered a wonderful possibility of delineating a boundary between the political and the legal system, and examining its blurring when it comes to some aspects of judicial constitutional discourse. Häußler avoids any functional perspective though. He also avoids any deeper sociological or philosophical analysis, and – what is most disappointing from an international perspective – does not bother about extra-German research in this field. His bibliography lists but one non-German author. This is a pity (and to my mind a serious flaw) because other democracies have a lot to tell about conflicts between constitutional courts and the political class, and their experience could have informed and enriched Häußler's discussion.

Of course, Häußler also earns merit. He has undertaken the daring project of introducing the paradigm of the conflict between law and politics into mainstream constitutional law discourse. This means a lot in a country that in general still regards law as a science operating within the framework of strictly rational and objective criteria and standards. Insofar, Häußler's book represents both, an opportunity seized and an opportunity lost.

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