

and society literature points to numerous reasons why legal mobilization promotes a political movement's goals even when a favorable judicial decision is unlikely. The Supreme Court has historically considered a great many appeals from indigent persons convicted of crimes, few of whom are deterred by the low probability of success. With rare exceptions, capably sentenced prisoners always appeal their trial verdict, regardless of anticipated outcome. Thinking about when litigants seek to have higher courts review a lower court decision may improve some formal models of the appeals process. Consider the hypothesis that higher courts are more likely to review and take seriously appeals from the category of litigants who tend to appeal only when there is a high probability of success.

Broader knowledge of the public law field, this and other examples suggest, will likely produce even better game theoretical insights. Consider Martin's interesting statistical analysis (p. 19), which concludes that the Supreme Court in constitutional cases responds strategically to the president, but not Congress. Martin may be correct, but another explanation for his finding is that presidents who appoint justices have a greater influence on judicial preferences than the senators who confirm justices. Recent scholarship suggests that post-New Deal presidents sought to nominate justices who were committed to liberal notions of racial equality, but that Presidents Franklin D. Roosevelt, Harry S. Truman, and Dwight D. Eisenhower did not consistently seek justices committed to free speech. Congressional majorities may have had different preferences during the 1940s and 1950s. Greater judicial agreement with the president may reflect these shared commitments, rather than strategic choices. Needless to say, both statistical analysis and more formal models that seek to elaborate on the distinction between race cases and free speech cases are likely to provide fascinating insights that will benefit the entire public law field. Certainly, if the quality of essays in *Institutional Games* is any indication, a great many people in political science have a good deal to learn from each other.

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European Ways of Law. Towards a European Sociology of Law. By Volkmar Gessner and David Nelken, eds. Oxford, United Kingdom: Hart Publishing, 2007. Pp. xiv+393. \$95.00 cloth.

Reviewed by Stephan Parmentier, Catholic University of Leuven, Belgium

"Can there be such a thing as a European sociology of law, and if so, what does it involve?" This is the key question that underlies

this volume, which is the outcome of the First European Socio-Legal Conference held in Oñati (Basque Country) in July 2005. Hundreds of participants, most but not all from Europe, gathered for three days to discuss the specific characteristics of a “European” sociology of law in theory and in its applications. Gessner and Nelken, two workhorses of the conference, selected papers to produce this unique book.

The book is subdivided into three main parts. The first offers a very interesting theoretical approach to European legal culture and to the place of law in European societies, and it consists of five chapters. The first, by Cotterrell, looks in a very clear way at European ideas or images of law and society through the work of three classical European theorists (Ehrlich, Weber, and Durkheim) and one contemporary theoretician (Habermas) and argues that their work remains very valuable in understanding and advancing the European project. Then follow four chapters in which the European approach is studied in a comparative mode, namely by contrast—and sometimes contradiction—to the United States. Kagan’s piece is probably the most polemical, as he argues that the “American and European Ways of Law” display at least six “entrenched” differences in their methods of governance and that there is little likelihood for convergence between these two systems. The reason lies in the tenacity of the political and legal cultures of European countries, as well as in their political structures. Equally challenging is the piece by Heydebrand, who sees more commonality by pointing at the close relationships between the political economy of globalization and the emergence of “procedural informality,” in both the United States and Europe. Münch’s piece on American and European forms of social theory that reflect social practice is an interesting attempt to view legal and social practice through the looking glass of distinct social theories (Strauss, Giddens, Foucault, and Habermas and Luhmann) and to observe their mutual relationships. The only non-English piece in the volume is by Garapon, who only focuses on American legal culture and its paradoxical character in the era of globalization. In a sympathetic yet critical stance, he qualifies it as both “appealing,” for its liberal and innovative features, but also “appalling,” because of its imposing and cynical traits.

The second part of the book deals with the ways in which the institutions of the European Union (EU) try to construct an integrated idea of Europe. This part consists of four chapters, all of them on the genesis or the impact of EU law. Cohen and Madsen cover the first 20 years after the Second World War (until 1965) and analyze how both transnational and national communities of lawyers alike have used European law (both from the European Community and the Council of Europe) as a new resource to

strengthen their respective positions (or their “habitus,” in Bourdieu’s terms). The chapter by Jennett deals with nationalism in Europe and argues that EU constitutional arrangements offer new possibilities for the political accommodation of substate nationalists who articulate aspirations for self-determination. This is done through the emphasis on tolerance, diversity, and sustainable peace, which she groups together under the heading of “high culture.” While constitutionalism is also at the centre of Priban’s piece, his analysis take a different—even contrasting—route and focuses on political identity in Europe. For him the building of European identity can only proceed by marginalizing ethnically established loyalties (“taming ethnos”) and traditional communal identities. Lange’s piece aims at conceptualizing law in the EU integration processes and therefore uses various conceptions of law (instrumental, relatively autonomous, and formal) and concludes that EU law is often none of these but instead an “open” system in the same way as applied in regulatory agencies at a national level. Her plea for more empirical research is very well taken in order to increase our theoretical understanding of these processes.

Finally, the third part provides several analyses of European “styles of legal regulation” by means of case studies and other methods of empirical research. Dorbeck-Jung and van Heffen-Oude Vrielink take the example of pharmaceuticals and identify an interesting mix of hard law and soft law, and many other forms of governance in a multi-actor and multilevel framework. The last aspect very much resembles that of global governance, which is the main focus of Winter’s contribution that compares European and U.S. contributions to it. With examples of climate policy, chemicals regulation, and biotechnology, he shows the divergent approaches of the United States (“purified rationality”) and the EU (“embedded rationality”) and opts for the latter. The last two chapters go back to the national states. Stout and de Jong challenge the widespread assumption that Dutch legal and administrative cultures are positively inclined toward “daring” private firms and that their actions will be regarded as positive. Various examples of technological innovation instead show the primacy of the Dutch government and downplay the importance of the private sector. The final chapter compares the handling of juvenile crime in Italy and in Wales. Field and Nelken argue that the different levels of youth incarceration should not be taken at face value but should be interpreted in the light of the legal and broader cultures that have generated them, such as the “tonal quality” of youth justice discourses and the assumptions about child development in both countries.

While providing a fascinating collection of diverse approaches, it is clear that this volume does not exhaust the European

perspective on doing law. In response, the editors have listed a number of issues for future research, including the need for comparative research between the legal systems of various European countries, the convergence of European polities, Europe in relation to other major legal systems of the world, and the role of European law in a globalizing world. It is equally important to distinguish the various definitions of “Europe” and “European,” to avoid some confusions present in the book between nation-states (and their sub-national components) within the geographical boundaries of Europe on the one hand, and the EU and—at times—also the Council of Europe as international organization(s) on the other hand.

All in all, however, the volume compiled by Gessner and Nelken is the first of its kind in trying to assess if there is a distinctive European way of dealing with law and society, and their answer is definitely in the affirmative. However, after reading this book the question remains largely open if there is such a thing as a European-style sociology of law. In any case, the volume is a very courageous attempt to tackle many issues and will definitely generate further debate and new research. For this reason only, the volume should be of great interest to the many sociologists of law in Europe, and to the many more interested in this discipline. At the same time its value extends far beyond these two groups, as this volume should be of equal importance to sociologists of law in other parts of the world interested in learning about the European approach in its various dimensions.

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The Economic Psychology of Tax Behaviour. By Erich Kirchler. Cambridge, United Kingdom: Cambridge University Press, 2007. Pp xvii+262. \$91.00 cloth.

Reviewed by Victoria A. Redd, University of Florida

Whether you are a tax professional, business owner, or trusting citizen, each individual is affected by taxes. Is there a psychology behind whether people pay their taxes? At times, it becomes difficult to define legal tax behavior. Governments even claim to simplify the process to eliminate the leaks in the tax system. Using the United States as an example, its tax code has increased from 400,000 to more than 1.6 million words in the last 50 years. Will complicated tax codes make people pay their taxes? What does this say about a government and its knowledge of people’s attitudes regarding taxes? What kind of message does a government send when it takes an already hard-to-comprehend tax system and make it even more so?