

theory and philosophy. The not-so-rare bibliographical pointers in brackets scattered throughout the text illuminate an immense variety of theoretical conceptions built upon. However, there are a lot of thoughts that will not feature an explicit reference to a particular author – but all these conceptions that are indirectly being made use of will slowly dawn upon the reader as an unmentioned yet clearly visible background that enriches March's and Olsen's narrative.

In remarkable difference to other works of democratic theory, 'Democratic Governance' does not have the sometimes dusty smell of academic self-reference. While informed by traditional as well as less traditional sources, it never comes close to scholarly rumination. Indeed, March and Olsen assemble a whole new world of thinking about the basic issues of democracy. Sometimes it seems to be possible to locate them in the vicinity of some familiar political conception (such as some strands of communitarian thought, or new republicanism, or Habermasian discourse ethics), but as soon as this familiarity is graspable the authors subtly, albeit quickly and unmistakably, distance themselves from it. It is impossible to put them into a drawer with a traditional label – they are simply March and Olsen.

Why is it so worthwhile for legal scholars to invest in this book? Because it casts a new light on many, if not all, preconceptions and *Vorverständnisse* of legal thought. For instance, is it not common legal knowledge in modern democracies that democratic accountability is the centre-piece and Archimedean point of conceptualizing democratic legitimacy? March and Olsen, of course, do not argue against accountability – but relying on findings of psychology and political science, they manage to drag this theorem into the twilight of ambiguity and implant that grain of doubt into the reader's brain that will force her to go on thinking about accountability and to question some of the basic knowledge we already believed to be uncontestedly received. In addition, the

authors place our legal beliefs into a wider context (of ideas about the common good, or a civilized society), connect them to thoughts about learning, ideology, aspirations, solidarity, virtue, faith, or the development of political identities, and thus broaden our horizons in the true sense of the word. Starting out with a brilliant analysis of democratic governance, March and Olsen eventually arrive at a democratic agenda of how individuals and societies can achieve institutions that make politics civil and capable. Anyone with only a slight interest in political theory who is bored by self-referring accounts of the exaggerated antinomies between substance and process or between liberalism and communitarianism should buy and read this book.

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Boyle, A.E. (ed.), *Environmental Regulation and Economic Growth*, Oxford: Clarendon Press (1994) xxix + 252 pages + Index. \$65.

Increasingly stringent environmental regulation in industrialized States has given rise to fears of decreasing competitiveness, and of a curbing of economic growth. Simultaneously the possibility of imposition by these countries of green barriers to regional and international trade threatens to restrict imports from countries with lower environmental protection standards. Fears of economic inhibition are justified only to the extent that the concept of sustainable development demands a halt on indiscriminate economic development in favour of environmental protection. Yet the practical meaning of such a concept and the implementation of leading complementary environmental principles, such as the 'polluter pays' principle, remain full of uncertainties. Focusing on the interconnection between environmental law and economic development, *Environmental Regulation and Economic Growth*, fleshes out some of the key legal

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