recognise internal diversity within the different social groups and therefore for failing to address issues relating to intersectionality. He therefore questions whether the diversity approach could emerge as an alternative model to equality.

Bell's book critically explores mainstreaming within the framework of political commitments and legally defined duties. The reader is made to understand the strengths and weaknesses of mainstreaming within the context of binding instruments or political commitments like the 1998 Commission's Action Plan Against Racism and Xenophobia.

Throughout the book, Bell addresses challenges related to the now highly relevant issue of intersectionality. He highlights the need for law and policy to respond to the challenge posed by discrimination arising from the "cumulative effect of combinations of characteristics, such as ethnicity and gender" (p.3), and consistently examines the extent to which intersectionality has been incorporated into the various fields chosen for study.

The book provides a comparative approach to the theme, drawing inspirations from both national and international jurisdictions, i.e. the European Commission on Racism and Intolerance and the European Convention on Human Rights, and includes a relatively rich source of case law, as well as some data on the performance of ethnic groups in the labour market.

The book is to be recommended for instructors and researchers in equality law. Its thought-provoking approach can also contribute to lively class discussions. Scholars of the intersectionality debate will find this book particularly interesting, not only because the author has consistently integrated intersectionality into his analysis, but also because the areas identified and discussed happen to be rather relevant for highlighting the socio-economic situation of ethnic minority women in the European Union and thus for addressing structural intersectionality.

Victoria Chege
University of Oldenburg

European Ways of Law: Towards a European Sociology of Law, by Volkmar Gessner and David Nelken, (Oxford: Hart Publishing, 2007), xiv + 393pp. inc. index, paperback, £25, ISBN: 978-1-84113-778-0.

This volume adds to the Oñati International Series in Law and Society, which is published for the Oñati Institute for the Sociology of Law, Basque Country, Spain. It draws on a selection of papers presented at the first European socio-legal conference on the European ways of law held at the institute, July 6–8, 2005. The editors contribute an overarching "Introduction: Studying European Ways of Law", and Nelken also co-writes Ch.13. The introduction sketches the current state of a European sociology of law and then overviews the contributions. In terms of the former, it appears the Anglo-Saxon world, chiefly the United States and the United Kingdom, have the most developed and research active socio-legal community. Europe itself lacks a continental equivalent to the Law and Society Association, the United States' chief organisation in the area.

Unfortunately, the legal academy in many continental countries is being eviscerated and reduced to a core group of academics working in the socio-legal field. This makes the underlying research agenda for the volume even more important. But one wonders whether academia across Europe is strong enough to develop a truly European discourse that reflects and fosters European ways of law.

The agenda underpinning the collection and project of European ways of law (p.3) encompasses law "in Europe", "for Europe" and "by Europe" and seeks to: (1) understand the internal differences within Europe and the way these are changing in the processes of globalisation; (2) consider the role of law in

the process by which European polities are actually coming together, or should come together; (3) clarify similarities and differences between Europe, the United States, the Islamic world (presumably chiefly the Middle East), Asia, etc. with regard to legal epistemes, legal cultures and legal traditions; (4) examine the role of European law in the globalising world; and (5) consider the different ways of studying law sociologically in Europe and the way this reflexively helps to shape the law itself. As ever, the globalising world seems to be code for the Americanising world, which, as noted above, looms large over European socio-legal research. Law in the United States is presented (pp.5–6) as being governed by the market, whereas within European legal thinking this is supposedly rejected. One wonders whether this distinction between "European ways of law" and "the American way of law" (discussed further by Kagan in Ch.2) is sustainable given the West's—that is, not merely America's—fostering of neoliberalism, an ideology and way of governing that seeks to extend market rationality into law and political institutions, and which is privileged by the European Union's well-known constitutional asymmetry. On this point the editors would appear to disagree: for them a comparison between the United States and Europe (and not merely the European Union) "is essential if we are to show that there is an alternative model to that of neo-liberalism" (p.13). It would be interesting to read more about how the editors understand neoliberalism, for it appears to be of constitutive importance to a European way of law and the project of constructing a European sociology of law.

The volume has 13 substantive chapters divided between three parts. The chapters tend to be well-structured and written in a clear and succinct style. Part A focuses on theorising "European" legal culture and comprises Chs 1–5. Chapter 1, "Images of Europe in Sociolegal Traditions" by Roger Cotterrell, contrasts the classic contributions to imagining Europe by Ehrlich, Weber and Durkheim with Habermas, who is in turn contrasted with socio-legal scholarship. Together these help to highlight problems of regulation, such as its scope and legitimacy, democratic and cultural foundations, and social and economic effects. Chapter 2, "American and European Ways of Law: Six Entrenched Differences", by Robert A. Kagan, alluded to above, highlights the importance of what the author terms "adversarial legalism" to defining the American way of law. It appears American law privileges a style of legal decision-making that uses disputing parties or interests acting through lawyers. By contrast European styles of legal decision-making tend to privilege judges and bureaucrats, producing "bureaucratic legalism". Apparently, convergence across the Atlantic is unlikely. But the reason for this is unidirectional: the tenacity of distinct national legal cultures and political structures in Europe. It is unclear why the United States might not converge with Europe, and whether it might be desirable for the former to learn something—not necessarily "bureaucratic legalism" but other ways of law—from the latter. It is important to query the wisdom of unquestionably accepting the assumption that those outside the United States should learn from American ways of doing law. Chapter 3, "La place paradoxale de la culture juridique Americaine dans la mondialisation", by Antoine Garapon, provides a useful critique of the American way of law. Arguing against a straightforward view of American domination and legal imperialism, the chapter argues globalisation is more complex and not merely about Americanisation. Cultures exchange ideas and norms, and law is part of this broader process. This chapter is a welcome contrast to Kagan's.

Chapter 4, "Globalisation and the Rise of Procedural Informalism in Europe and America", by Wolf Heydebrand also contrasts with Kagan's contribution in highlighting the development of informal, flexible and soft legal processes—so-called new governance—in Europe and the United States. This procedural informalism appears to be useful in light of the uncertainty produced by globalisation. Managing uncertain risks makes enhanced discretion and negotiation between parties and interests even more important. It might be worthwhile reflecting on the way in which neoliberalism with its particular understanding of constructing free exchange and circulation of persons, goods and services, necessitates the use of such ways of governing at a distance. Chapter 5, "American and European Forms of Social Theory Reflecting Social Practice", by Richard Münch, uses clean air regulation in the United States, England, France and

Germany to demonstrate how the representative social theory of each country—respectively Stauss' negotiated order, Giddens' structuration, Foucault's reproduction by power structures, and Habermas' and Luhmann's approaches—reflect and construct legal practice.

Part B comprises Chs 6–9 and is focused on re-constructing Europe. Chapter 6, "'Cold War Law': Legal Entrepreneurs and the Emergence of a European Legal Field (1945-1965)", by Antonin Cohen and Mikael Rask Madsen use Bourdieu's theoretical approach to explain how the staff of the European institutions, legal academics and practitioners helped to develop European law, and how practitioners used these accomplishments as a resource within their domestic jurisdictions. Chapter 7, "The Transformation of Sub-state Nationalism in Conflicted Societies: The Impact of European Constitutionalism", by Victoria Jennett explains how the European Union's constitutional model, with its focus on democracy, liberty, human rights and the rule of law, provides ways of accommodating European substate nationals with the potential to produce a bond between Europe's peoples in a post-national policy community.

Chapter 8, "Is There the Spirit of the European Laws? Critical Remarks on the EU Constitution-making, Enlargement and Political Culture", by Jiří Přibáň looks at how a European political identity requires the marginalisation of identities based on ethnicity and nationality. This chapter provides a timely reminder of the dark undercurrents at work in the construction of Europe. Chapter 9, "How to Conceptualise Law in the European Union Integration Processes? Perspectives from the Literature and Empirical Research", by Bettina Lange explores how, in contrast to conceptualisations of EU law in the literature, it is neither instrumental, nor formal, nor autonomous. Lange therefore highlights the importance of empirical research for determining the type of law generated in the practice of European integration. It is to be hoped that future empirical research will build on this incisive contribution.

Part C comprises Chs 10–13 and focuses on European styles of legal regulation. Chapter 10, "EU Ways of Governing the Marketing of Pharmaceuticals—A Shift Towards More Integration, Better Consumer Protection and Better Regulation?" by Bärbel Dorbeck-Jung and Marjan Oude Vrielink-van Heffen examine EU ways of governing pharmaceuticals. They demonstrate the complexity of an approach that utilises elements of the traditional, binding Community method with elements of soft law and new governance to regulate risk. It appears EU regulation enhances integration, but has a questionable impact on patient protection. This critical conclusion paves the way for rethinking EU regulation.

Chapter 11, "Embedded and Disembedded Rationality: Contributions to Global Governance from European and American Legal Cultures" by Gerd Winter uses the examples of climate policy, chemicals regulation and biotechnology to reveal the different rationalities at play in the US and EU approaches to regulation legitimation and justification. The United States uses a utilitarian approach to apportion the environment to individuals according to market criteria. By contrast, the European Union uses a philosophical approach that treats the environment as a public good to be regulated by democratic government. This latter model is argued to provide better environmental protection than the market-driven alternative used by the United States.

Chapter 12, "Dutch Legal Culture and Technological Transitions—The Impact of Dutch Government Interventions" by Helen Stout and Martin de Jong, challenges the view that Dutch legal and administrative cultures foster private enterprise. Using the example of the transition from telegraphy to telephony, they demonstrate how the Dutch Government used formal legal instruments to influence the transition, but not so as to foster the introduction of the best electronic innovations onto the market.

The final contribution, Ch.13, "Early Intervention and the Cultures of Youth Justice: A Comparison of Italy and Wales" by Stewart Field and David Nelken, uses the example of handling juvenile crime in Italy and Wales to explore contrasting ways of law within Europe. In order to bring out the differences between the two systems, the authors focus on the relationship between civil and criminal intervention, the difference

in tone between the youth justice discourses in each country, the contrasting assumptions about child development and the responsibility of young persons, and the different kinds of relationships within the family and the community.

What defines European ways of law requires further inquiry. This collection is a valuable step in that direction. In particular, future work should tease out the operation of what is held-up—both in this book and in public discourse—as the constitutive and essential difference between Europe and its "other", the United States: the latter's neoliberalism. The contributions to this collection provide food for thought in this regard as in so many others. This collection and its individual chapters will no doubt be cited by those seeking to get to grips with European ways of law, its problems, its potential and likely future direction for years to come.

Mark Flear
Queen's University Belfast

European Criminal Law: An Integrative Approach, by André Klip, (Antwerp: Intersentia, 2009), xv + 531pp. inc. index, hardback, £125.00, ISBN: 978-90-5095-772-4.

The first obvious question when discovering a book entitled *European Criminal Law* is if there is a European criminal law at all and what the author means by this formulation. Through over 450 pages the author tries to answer this question, departing from the traditional national criminal law towards its European perspective.

This book is addressed to several categories of readers (criminal lawyers and European lawyers, practitioners, academics and students of European criminal law), but, in order to fully understand it, two preconditions are necessary: a good knowledge of European law, and also of national criminal law. This doesn't mean that without knowing either of the two fields of law the book is incomprehensible. But sometimes the analysis is very brief and the conclusions rely on the (assumed) understanding of legislation and/or institutions previously known to the reader.

The book is structured in four parts and nine chapters, configuring the topics from a traditional system of criminal law and transposing them at European level. The first chapter, "Introduction", is in itself a review of the book, the author revealing for the reader his own vision of the structuring of European criminal law as a hybrid system, with multi-layered patchwork of legislation and case law in which both national and European courts, European and national legislatures, and other authorities and bodies play a role. The reader will know from the first 10 pages if s/he needs to read the book or not, as the author briefly describes his understanding of the notion of "criminal law", the structure of the book, the use of terminology and the methodology and characterisation of the law in the book.

Part I, "The Legal Order of the Union", consisting of Chs 2 and 3, focuses upon the balance between the freedoms to which Union citizens are entitled and the restrictions of these freedoms on the basis of criminal law. Using the words of the author, "Part 1 can be described as what criminal lawyers need to know about European (institutional) law".

Chapter 2, "Institutional Foundations of the European Union", is a descriptive chapter, dealing with the coming into being of the European Union, the concept of European integration and the mechanism applied to further its cause. Chapter 3, "Constitutional Principles of Union Law", focuses on the legal instruments of the Union, their meaning and influence, setting out the fundamental importance of the "so-called five freedoms" (p.6) and concluding with a section on the interpretation of the law by the Court of Justice. The author considers the right to move and reside freely within the territory of the Union for its citizens as the fifth emerging fundamental freedom and also puts in balance the fundamental rights