

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.

Pavlos Eleftheriadis  
Queen Mary and Westfield College London

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

or four most preferred candidates will be selected. At the second round the election of the winner takes place. While the first round calls for 'sincere voting' of the truly preferred candidates without any restriction, it displays elements of proportional representation. The second round comes close to a majoritarian election, where voters concentrate their votes strategically on the likely winners. In favouring the double ballot system Sartori tries to combine the idea of fair representation with the quest for clear solutions liable to provide responsible governments. It remains unclear, however, to what extent the proportional selection of the most preferred candidates in the first round is undermined by the final majority rule in the second round. Sartori contents himself too much with existing voting rules instead of exploring possibilities of extending given rules. Furthermore, Sartori defends the hypothesis that the effects of electoral systems can be adequately predicted by assessing the characteristics of the party system. In fact, there seems to be a close linkage between the concept of a two-party-system and the respective electoral system. It is less obvious which conclusions this allows to draw since Sartori disregards the far more complex relationship between party system and the respective national society.

In the second part of his book he turns to a comparative assessment of parliamentary and presidential systems. Although presidential systems have in many cases performed poorly, they are conducive to effective government. Parliamentary systems work only when they are constituted by disciplined parties that hold together in supporting the government which is their appointee. Sartori draws implicitly a parallel between majoritarian voting and presidentialism because both seem to bring about effective outcomes. The same parallel is drawn between proportional systems and parliamentarism in terms of their representational and thus fair character. It is far from clear to what extent this comparison holds true. Also his proposal of

alternating presidentialism seems to apply the basic idea behind the double ballot method to the political system. The representative form remains in power until it is replaced by the more decisive and outcome guaranteeing system. As long as the parliamentary system works it may persist, but in case of failure it is supplanted by a presidential mechanism. The president appears to be a corrective measure for the parliament and at the same time counterbalances its built-in weakness. Sartori contents himself with some hints that a parliamentary constitution simply needs a presidential addition and that presidential constitutions require little more than a parliamentary prefacing. Although he discusses at some length the details of how the alternating president must be empowered without undermining parliamentary control, his final justification amounts to the simple mechanical analogy that two alternating engines cannot work against each other (see p. 170). Again, he attempts to cure the odds of fair representation with the stick of a 'hard hand'.

His analysis suffers not only from doubtful parallelisms, but also performs poorly as far as the justification of its arguments is concerned. It is pragmatic in the sense that his search for better solutions is outcome oriented. Sartori does not base his arguments on normative assumptions about how democracy should work, how a fair system of representation can be promoted or how the philosophical justification of a political system can be translated into practice. On the contrary, his point of departure is that constitutions engender certain political systems. As normative as they may be, Sartori takes them for granted and contents himself with their 'repair'. That is where the mechanical metaphor of his book title 'constitutional engineering' has its place. His credo is that constitutions work only as intended with the help of a built-in structure of punishments and rewards. However, the idea of constitutions as 'incentive-based structures' (p. ix) introduced in the preface is rather loosely tied to the rest of the book.

When Sartori concludes that constitutions are 'pathways' (p. 201) which should ensure a controlled exercise of power, he emphasizes their procedural and content-neutral character without displaying how a supposedly 'appropriate structure of incentives' can come into constitutional being. No further argument is dedicated to the question how possible constitutional incentives interrelate with electoral and political systems. Besides the fact that Sartori cannot sustain this link, there is also little evidence in his other theoretically rather weak assumptions. That 'consensus management' (p. 72) is the very essence of democratic governance seems to be unquestionable for him. It remains also unchallenged what makes consensus democracy a desirable goal. The author does not even discuss the inherent problems of consensus. It is not only built on conflict, but possibly also on exclusion of those not agreeing. The belief nurtured from Popper's insights that generalizations in law-like form prove the truth of one's observations and allow inferences to possible improvements appears to be at best ingenuous. Sartori bases his study on the conjecture that the more political systems we compare, the more likely we are to derive a law-like rule about their functioning. From there he tries to pull the threads and pinpoint the necessary characteristics for a sustainable electoral and political system. His comparative and descriptive method neglects entirely the results provided by social choice and voting theory. It would have been of major importance to take other possibilities of extending the majoritarian rule into account and compare the results of different approaches. Thus, Sartori's study is only supposedly helpful in its attempt to foster democracy through the stick of deterrence and quasi-dictatorial measures. Citizen participation in the political process is definitively not a central issue of his framework.

*Monika Betzler*

*Visiting Fellow Harvard University*

Scott, Joanne, *Development Dilemmas in the European Community. Rethinking Regional Development Policy*, Buckingham: Open University Press (1995) xviii + 160 pages + Index. £16.99, paper; £40, hardback.

Scott's book provides a timely and stimulating treatment of the increasingly important area of regional development policy in the European Union (EU). The introduction outlines a major 'dilemma' presently facing the EU. The author contends that the phenomenon of the globalization of capital investment restricts nation states' (and, therefore, local communities) autonomy in policy making. Possessing the ability to play states off against each other, international capital can negotiate the best possible conditions for investment in any given state. Consequently, there is a tendency for states to race to the bottom of the deregulation heap to attract such investment. A response to this problem is the creation of supra-sovereignties which increase the leverage of states by allowing the co-ordination of investment policy. The rub, however, is that these larger political structures display a tendency to concentrate power at the supra sovereign level. As a result of such concentration, the possibility of meaningful decision making at the local level is endangered. Therefore, the dangers posed by international capital, and the response to this danger, both threaten local community decision making. Here lies the dilemma. Worse still, in the EU context, the pay off that supra sovereignty promises has not been exploited. The author claims that the very political tools the EU has to deal with international capital investment, positive harmonization powers is the example given, remain under exercised. Instead, EU policy preference has placed great reliance on negative integration powers which are largely driven by the policies of individual member states.

Scott argues that EU regional development policy is one such instance of the EU's failure to exploit its supra