aspects of civil adjudication. I found two chapters especially thought-provoking: one on the discussion of the unique features of civil litigation in America, and the other on the exploration of a recurring tension between discretion and rule of law in American adjudication. Reading these chapters is like sitting in on a well-taught seminar that broadens our understanding of law in society and suggests new directions for future research.

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Law, Culture and Society: Legal Ideas in the Mirror of Social Theory. By Roger Cotterrell. Aldershot, United Kingdom: Ashgate, 2006. Pp. 206. $114.95 cloth; $39.95 paper.

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Collecting a series of previously published articles of a theorist of the stature of Cotterrell has not only the distinct virtue of convenience, but also offers an opportunity for reflection on the importance of a corpus of individually influential articles now subject to a more holistic interpretation. Add to that mix the slight reworking and updating of some of the articles, and a new introduction and conclusion, and you have the perfect recipe for constructing and evaluating the major themes and aims of a spectrum of work that dates back at least a decade.

The collection of articles is grouped into two parts: the first part is called "Perspectives" and focuses on legal and social theory, while the second is named "Applications" and is subtitled "Comparative Law and Culture." The insights are layered, beginning with the development of conceptual tools within social theory, exploring their impact on legal theoretical issues, and then proceeding toward detailed work in the methodology of comparative law. It is, however, artificial to attempt to separate the conceptual tools of social theory that Cotterrell invokes and develops, for it is the conceptual tools themselves that help construct that object—said by Cotterrell to be "law as institutionalised doctrine" (p. 1). That construction manifests itself in the methodological parallels that Cotterrell is keen for us to recognize between social theory and

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legal analysis. "Both," he says, "must define and conceptualise very elusive aspects of human behavior," and both "have to make sense of the strategies and the accidents of history" (p. 2). In that respect, this collection should speak as much to the social theorist as to the legal theorist. Cotterrell is at pains to make law less intimidating and more accessible to social analysis, stressing that legal discourse is not some unified, autonomous system of communication—i.e., that law does not have its own "truth"—and thus opening up "legal understandings" to the sociological microscope. The focus on participant understandings of law is of critical importance to Cotterrell. He argues that it should be "the aim of a sociological perspective . . . to broaden participant understandings of law, and of the social interpreted in law, so as to enable people to know better the society they live in, and (amongst other things) to regulate it in a better informed way" (p. 5). Law "is a field of social experience focused on problems of governmental organisation and regulation" (p. 4) and it is, therefore, profitably understood "in the Mirror of Social Theory."

Of course, Cotterrell does not let the similarities and capacity for scholarly "alliances" between legal analysis and social theory shroud the differences. That the law presents itself as self-sufficient and as the preeminent normative discourse or knowledge field (p. 4) cannot be dismissed as a phenomenological nicety—appearances have political effects and impose, necessarily, upon all those who engage with it, political responsibility. What is that political responsibility for Cotterrell? It is "allegiance to an idea of peaceful, stable regulation of social life, and to aspirations for justice in the life of communities" (p. 5). And that is an allegiance, as I have noted above, that cannot be fulfilled as effectively, and not nearly as ethically, without the gift of sociological analysis—without that mirror of social theory.

The particular characterization of the social locus of law that Cotterrell first explored in *Law's Community* (1995), but that is substantially revised and developed in this collection, is that of a legal concept of community. There is an intimate link between the concepts of legal pluralism and that of a community: indeed, the aim of positing communities is to assist analysis of the unique regulatory aspects of distinct social networks. But aside from the descriptive aim, there is—and, it is no doubt, ultimately, inseparable from the descriptive project—a normative aim, i.e., of making "regulation more morally meaningful, closer to the lived experience of citizens, than much state law" (p. 65). How is that normative aim to be achieved? The best guide for an answer to that question lies in the conclusion, aptly titled "Frontiers of Community." Crucially, the concept of a community brings to prominence the intimacy of relations between persons within that community—of "social

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relations based on mutual interpersonal trust''—which "is valuable in itself, because social life in any stable and rewarding sense is impossible without it'' (p. 162). Trust, in turn, can be of different kinds, depending on the nature of the community. Thus, "business communities . . . need honesty, fair dealing and good faith,'' while "local communities rely on their members' integrity, sincerity of belief and mutual identification'' and "families and friendship groups flourish where there is empathy, and mutual care and concern'' (p. 164).

Cotterrell's argument reaches its zenith when he argues for the invocation of "the individual's obligation to maintain mutual interpersonal trust in the form necessary for the particular social relationships of community in which that individual is involved,'' such that "betrayal of this trust . . . can give rise to liability, to some kind of sanctioning of the individual within the community'' (p. 164). The question that must be asked is whether this reconciliation between individual responsibility and Cotterrell's community-based concept of trust is capable of being translated into a detailed jurisprudence, testable against the distinct peculiarities of criminal, civil, and public law, and capable of assisting the resolution of hard cases in such an extensive spectrum of legal areas. The issues are legion: for example, given the many different conceptions of trust in the equally many different kinds of communities, which conception is to be preferred in any specific instance requiring a legal solution? Are we to have a hierarchy of such conceptions? Can we reach agreement on which conception is trumps?

Cotterrell appears to rest in this context on the recent work of Norrie (2005) on "relational responsibility,'' but notwithstanding Norrie's important work, this reader, for one, awaits with anticipation a theory of legal reasoning that shows how conceptions of trust within specific communities would—and should—change the outcomes of hard cases. And if this is not forthcoming, what we may have to consider is that Cotterrell's work requires a long-term reimagination of the legal (and perhaps also the moral) subject, not as an allegedly autonomous individual, but as a community value. Although the devil is in the detail, it is the immense feat of imagination, which, as usual, is a necessary precondition, and one, moreover, that needs time to develop in the life of the law.

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