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Book Review: The Oxford Handbook of Empirical Legal Rearch

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nificant pressure to win a case at all costs, the error of under- or overprosecution is more common than we would like. This can even lead to bad judgment when deciding whom to charge with a crime (193). Bach's final story illustrates an overzealous prosecutor who manages to win a very weak, yet high profile, case only to consider the likelihood that he convicted the wrong men, a circumstance brought about by a prosecutor's unwillingness to dig too deep in the fear he will undermine his own victory. A negative of our adversarial system is the tunnel vision resulting from the competitive culture in the courtroom. The injustices here are the intense pressure and focus on winning to the exclusion of insuring proper justice and due process.

Bach's innovative analysis presents real criminal cases in a narrative format, making this book deceptively easy to read. The format and methodology of the author's case analysis are fitting for legal scholarship and serve as an eye-opener for the public. This book effectively illustrates the injustices in a system that is clogged with too many cases and too few attorneys and judges to adequately provide the due process necessary for justice to prevail.

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The Oxford Handbook of Empirical Legal Research. By Peter Cane and Herbert M. Kritzer, eds. New York: Oxford University Press, 2010. 1094 pp. $250.00 cloth.

Reviewed by William T. Gallagher, Golden Gate University School of Law

The Oxford Handbook of Empirical Legal Research, edited by Peter Cane and Herbert M. Kritzer, is an excellent scholarly resource that is especially timely given the recent resurgence of interest by (mostly) legal academics in the empirical study of law. As the editors suggest, it is precisely because of this resurgent interest that it is important to understand contemporary empirical legal research in the context of its historical and institutional roots and in light of ongoing scholarly debate about the most appropriate methodologies for conducting this type of research (1–3). Importantly, the editors note the sometimes contested nature of what constitutes "empirical" research, particularly whether that term properly includes both quantitative and qualitative methodologies (3–4). Cane and Kritzer adopt the phrase "empirical legal research" for

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the *Handbook* specifically to define the term *empirical* broadly—including both quantitative and qualitative social science research under that label—and thus distinguishing their view from that of others, including many members of the nascent empirical legal studies movement, who limit the term to include primarily quantitative and statistical research (4). The *Handbook* is intended not to survey the entire universe of empirical legal research, but rather to provide accessible and succinct accounts of such research in a wide variety of substantive areas of law. The *Handbook* aims to raise awareness among scholars, students, policy makers, and others as to the breadth and depth of the field and also to provide resources for conducting empirical legal research (5–7). These are ambitious goals for any single book, even one with over 1,000 pages, but they are goals that the *Handbook* achieves.

The *Handbook* contains a total of 43 chapters contributed by prominent scholars from a number of countries, giving the book a useful international perspective. Most of the authors, however, are from common law and English-speaking countries rather than from the civil law world, which is perhaps unremarkable given that the vast majority of empirical legal research to date has been produced in the United States.

The *Handbook* is divided into two main sections. Part I, "Surveying Empirical Legal Research," is the longest and consists of 35 relatively brief chapters that critically assess the state of empirical legal research in an impressive array of topic areas that will be familiar to law and society scholars. These include crime and policing, lawyers and the legal profession, trial and appellate courts, business law, human rights, environmental regulation, international law, and many more. Noteworthy, too, are some of the topics not included in the *Handbook*, including antitrust law, insurance, intellectual property, tax, legal consciousness, and others (6–7). These topics were omitted due to the limited amount of empirical literature in some of these areas and also due to the need to make editorial choices in any project of this nature. The fact that such significant areas of law and social life have not been included in the *Handbook* suggests there is important work yet to be done conducting empirical research on these topics and conveying that research to a broad audience. The 35 chapters contained in Part I are uniformly very good. Collectively, they provide a thoughtful and critical overview of the broad range of subject matters that empirical legal researchers focus on and the rich mix of methodological approaches they employ to understand law, legal actors, legal processes, and legal institutions.

Part II of the *Handbook*, "Doing and Using Empirical Legal Research," consists of eight chapters. The opening chapter in this section (chapter 36, by Herbert Kritzer) highlights the sometimes

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forgotten contributions of early 20th-century empirical legal researchers. Chapters 37 to 39 (by Lee Epstein and Andrew D. Martin; Lisa Webley; and Laura Beth Nielsen, respectively) provide an excellent overview of methodological issues and resources relevant to both quantitative and qualitative empirical legal research. Chapter 40 (by D. J. Galligan) and chapter 41 (by Martin Partington) examine the role of theory and policy in empirical legal research. Chapter 42 (by Anthony Bradney) analyzes the promise and problems of including empirical training in the law school curriculum. Chapter 43 (by Christine B. Harrington and Sally Engle Merry) concludes Part II with a discussion of the challenging pedagogical issues involved in training law students to become proficient in the methods of empirical legal research.

The *Handbook* provides an excellent overview for those not trained in empirical legal research to understand the breadth and possibilities of this type of work. It also contains an excellent introduction to the methodologies of empirical research that will be of special interest to beginners in this field. For scholars already proficient in conducting empirical research, the *Handbook* provides insights into the work being done in fields outside of one's own areas of interest. Overall, the *Handbook* is a high-quality and engaging reference that is useful to anyone interested in understanding empirical legal research, whether as a critical consumer or as a producer of such research.