Law & Social Inquiry
Journal of the American Bar Foundation

Law & Social Inquiry
Volume 43, Issue 2, 585–591, Spring 2018

Book Notes*

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*Book Notes are adapted from promotional material provided by the publishers.

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https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

CRIMINAL JUSTICE AND SOCIAL CONTROL

Aertsen, Ivo, and Brunilda Pali, eds. *Critical Restorative Justice*. Portland, OR: Hart, 2017. Pp. xiii + 338. $102.00 cloth.

Contributors to Aertsen and Pali's volume seek to bridge the distance between restorative justice and the critical theory tradition. While they acknowledge the limits of restorative justice as articulated through critical social theory, they emphasize the groundbreaking potential that restorative justice can bring to the critical tradition as a way to address crimes, conflicts, and injustices, and to pursue justice.

Alexander, Patrick Elliot. *From Slave Ship to Supermax: Mass Incarceration, Prisoner Abuse, and the New Neo-Slave Novel*. Philadelphia, PA: Temple University Press, 2017. Pp. xiv + 242. $34.95 paper.

Alexander argues that contemporary black novelists depict racial terror as a centuries-spanning social control practice that historically structured carceral life on slave ships and slave plantations, and that mass produces prisoners and prisoner abuse in the post–civil rights United States. He concludes that the work of James Baldwin, Toni Morrison, Charles Johnson, and Ernest Gaines expands free society's view of the torment confronted and combated in the "prison industrial complex," where discriminatory laws and the institutionalization of secrecy have reinstated slavery's system of dehumanization.

Fassin, Didier, ed., *Writing the World of Policing: The Difference Ethnography Makes*. Chicago: University of Chicago Press, 2017. Pp. 301. $29.54 paper.

Contributors to Fassin's volume include scholars who have conducted fieldwork on law enforcement in disadvantaged urban neighborhoods on five continents. How, they ask, can ethnography illuminate the role of the police in society? Are there important aspects of policing that are not captured through interviews and quantitative analysis? And how can the study of law enforcement shed light on the practice of ethnography? What might studying policing teach us about the epistemological and ethical challenges of participant observation?

Godsey, Mark. *Blind Justice: A Former Prosecutor Exposes the Psychology and Politics of Wrongful Convictions*. Oakland: University of California Press, 2017. Pp. ix + 254. $29.95 cloth.

Godsey explores weaknesses inherent in the US criminal justice system—confirmation bias, memory malleability, cognitive dissonance, bureaucratic denial, dehumanization, and others—and illustrates each with stories from his time as a "hard-nosed prosecutor" and then as an attorney for the Ohio Innocence Project. He also asks how the fact that judges, sheriffs, and prosecutors are elected influences their views; how many defense attorneys struggle with being overworked and underpaid; and how juries might overcome their bias toward finding the prosecution more convincing than the defense.

Kamerling, Henry. *Capital and Convict: Race, Region and Punishment in Post-Civil War America*. Charlottesville: University of Virginia Press, 2017. Pp. xi + 313. $45.00 cloth.

Kamerling challenges the assumption that the North and South had fundamentally divergent penal systems in the aftermath of the US Civil War. Offering a comparative study of Illinois's and South Carolina's penal systems, he finds that the similarities in the lived experiences of inmates in both states suggest that the focus on the racial characteristics of southern punishment has shielded us from identifying underlying factors that prove just as central—if not more so—in shaping the realities of crime and punishment throughout the United States.

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

Kupers, Terry Allen. *Solitary: The Inside Story of Supermax Isolation and How We Can Abolish It*. Oakland: University of California Press, 2017. Pp. xi + 291. $29.95 cloth.

In this examination of the mental health effects of solitary confinement in US prisons, Kupers recounts the stories of inmates he interviewed during investigations of supermax security prison conditions during the past forty years. He criticizes the physical and psychological abuse of prisoners and offers rehabilitative alternatives to supermax isolation.

FINANCIAL REGULATION

Fleming, Anne. *City of Debtors: A Century of Fringe Finance*. Cambridge, MA: Harvard University Press, 2018. Pp. 367. $45.00 cloth.

Fleming tells the story of the US small-sum lending industry's growth and regulation from the ground up, following the people who navigated the market for small loans and those who shaped its development at the state and local level. Fleming's focus on the city and state of New York, which served as incubators for numerous lending reforms that later spread throughout the nation, differentiates her approach from work that has centered on federal regulation and pinpoints the challenges of governing a modern financial industry within a federalist framework.

HUMAN RIGHTS

Sarat, Austin, ed. *Human Rights and Legal Judgments: The American Story*. New York: Cambridge University Press, 2017. Pp. xi + 143. $110.00 cloth.

Focusing on the significance of human rights in US law and politics, the contributors to Sarat's volume seek to understand when, where, and how American law recognizes and responds to claims made in the name of human rights. How are they used by social movements as they advance rights claims? When are human rights claims accommodated and resisted? Do particular kinds of human rights claims have greater resonance domestically than others? What cultural and psychological factors impede the development of a human rights culture in the United States?

JURISPRUDENCE AND SOCIOLEGAL THEORY

Cotterrell, Roger. *Sociological Jurisprudence: Juristic Thought and Social Inquiry*. New York: Routledge, 2018. Pp. xiv + 256. $39.95 paper.

Cotterrell seeks to present a unified set of arguments about the nature of jurisprudence and its relation to the jurist's role, with the overall aim of redefining the concept of sociological jurisprudence. He elaborates a juristic perspective that recognizes law's diversity of cultural meanings, its extending transnational reach, its responsibilities to reflect popular aspirations for justice and security, and its integrative tasks as a general resource of regulation for society as a whole and for the individuals who interact under law's protection.

Desautels-Stein, Justin, and Christopher Tomlins, eds. *Searching for Contemporary Legal Thought*. New York: Cambridge University Press, 2017. Pp. xvii + 575. $145.00 cloth.

For more than a century, law schools have trained students to "think like a lawyer." In these times of legal crisis, both in legal education and in global society, what does that mean for the rest of us? In Desautels-Stein and Tomlins's collection, thirty international scholars examine what is distinctive about legal thought. They probe the relation between law and time, law

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

and culture, and legal thought and legal action; the nature of current legal thought; the geography of legal thought; and the conditions for recognition of a new "contemporary" style of law.

LAW AND HEALTH CARE

Manfredi, Christopher P., and Antonia Maioni. *Health Care and the Charter: Legal Mobilization and Policy Change in Canada*. Vancouver, BC: University of British Columbia Press, 2017. Pp. viii + 170. $26.95 paper.

Manfredi and Maioni examine health care litigation under the Canadian Charter, focusing on three controversial Supreme Court decisions in recent years: *Eldridge* (1997) and *Auton* (2004), which invited the Court to extend the scope of publicly funded services, and *Chaouilli* (2005), which asked the Court to allow private health services. They outline the paths that brought litigants to the Court, the arguments that supported their positions, and the substance of the victory or defeat the Court provided.

LAW AND IMMIGRATION

Gomberg-Munoz, Ruth. *Becoming Legal: Immigration Law and Mixed-Status Families*. New York: Oxford University Press, 2017. Pp. xiii + 178. $19.95 paper.

Gomberg-Munoz follows mixed-status couples in their efforts to achieve US citizenship for the undocumented partner. She discusses how they navigate the process, from the decision to undertake legalization, to the immigration interview in Ciudad Juárez, Mexico, to the effort to put together a case of "extreme hardship" so that the undocumented family member can return to the United States. She also discusses families' efforts to rebuild their lives in the aftermath of immigration processing—both for those who are successful and those who are not.

LAW AND MARKETS

Chen, Jianlin. *The Law and Religious Market Theory: China, Taiwan and Hong Kong*. New York: Cambridge University Press, 2018. Pp. xii + 235. $110.00 cloth.

With comparative case studies from China, Taiwan, and Hong Kong, Chen offers a descriptive and normative perspective on law and religion in a market context. The book sets out the precise nature of religious competition envisaged by the current legal regimes in the three jurisdictions and analyzes how certain restrictions on religious practices may facilitate normatively desirable market dynamics.

LAW AND NEUROSCIENCE

Alces, Peter A. *The Moral Conflict of Law and Neuroscience*. Chicago: University of Chicago, 2018. Pp. xiv + 377. $35.00 paper.

Alces considers how law fails to appreciate the neuroscientific revelation that humans may in key ways lack free will—and therefore moral responsibility. The most accessible setting in which to consider the potential impact of neuroscience is criminal law, but tort and contract law also assume a flawed conception of human agency and responsibility. He concludes by considering what would be involved in constructing novel legal regimes based on emerging neuroscientific insights.

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

LAW AND PSYCHIATRY

Dailey, Anne C. *Law and the Unconscious: A Psychoanalytic Perspective*. New Haven, CT: Yale University Press, 2017. Pp. viii + 283. $40.00 cloth.

Dailey argues that a psychoanalytic perspective grounded in clinical work can bring the law into line with the reality of psychological experience. Modern legal systems rely on the idea that people act reasonably and with free will, yet some nonetheless engage in behavior that many would call fundamentally irrational. The book seeks to shed light on this paradox, as well as on such issues as false confessions, sexual consent, threats of violence, and criminal responsibility.

LAW AND RACE

Finkelman, Paul. *Supreme Injustice: Slavery in the Nation's Highest Court*. Cambridge, MA: Harvard University Press, 2017. Pp. 287. $35.00 cloth.

The three most important Supreme Court Justices before the US Civil War—Chief Justices John Marshall and Roger B. Taney and Associate Justice Joseph Story—upheld the institution of slavery in multiple rulings. Their opinions cast a shadow over the Court and over their personal legacies, but historians have rarely delved deeply into the personal and political ideas and motivations they held. In this book, Finkelman seeks to establish an authoritative account of each justice's proslavery position, the reasoning behind his opposition to black freedom, and the incentives created by circumstances in his private life.

Ogletree, Charles J. Jr., and Austin Sarat, eds. *Racial Reconciliation and the Healing of a Nation: Beyond Law and Rights*. New York: New York University Press, 2017. Pp. ix + 195. $27.98 paper.

Contributors to Ogletree and Sarat's volume seek to go beyond an assessment of the capacity of law to facilitate racial reconciliation, and challenge readers to examine social, political, cultural, and psychological issues that fuel racial antagonism, as well as the factors that might facilitate racial reconciliation. Chapters connect identity politics, the rhetoric of race and difference, the work of institutions and actors in those institutions, and structural inequities in the lives of blacks and whites to thinking about tolerance and respect.

LAW AND RELIGION

Rubin, Robert Daniel. *Judicial Review and American Conservatism: Christianity, Public Education, and the Federal Courts in the Reagan Era*. New York: Cambridge University Press, 2017. Pp. ix + 347. $59.99 cloth.

Rubin tells the story of the Christian Right's opposition to judicial activism in the United States, as it played out in Mobile, Alabama in the 1980s. There, a community conflict pitted a group of conservative evangelicals, a sympathetic federal judge, and conservative intellectuals against a religious agnostic opposed to prayer in schools and a school system accused of promoting "secular humanism." He finds that the twists in the Mobile conflict speak to the changes and continuities that marked the relationship of religious conservatism to democracy, the courts, and the Constitution.

LAW AND REPRODUCTIVE RIGHTS

Stettner, Shannon, Kristin Burnett, and Travis Hay, eds. *Abortion: History, Politics, and Reproductive Justice after Morgentaler*. Vouncouver, BC: University of British Columbia Press, 2017. Pp. vii + 372. $34.95 paper.

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

Contributors to Stettner, Burnett, and Hay's collection focus on the discrepancy between what Canadians believe the law to be after the 1988 *Morgentaler* decision (which removed restrictions on abortion) and what people are experiencing on the ground. They find significant diversity of abortion experiences across the country, past and present, and make a case for shifting the debate from abortion rights to reproductive justice.

LAW AND SPATIALITY

Marusek, Sarah, and John Brigham, eds. *Street-Level Sovereignty: The Intersection of Space and Law*. Lanham, MD: Lexington Books, 2017. Pp. xvii + 236. $100.00 cloth.

Marusek and Brigham's collection considers the experience of law that is subject to social interpretation for its meaning and importance within the constitutive legal framework of race, deviance, property, and the communal investiture in health and happiness. It examines the intersection of spatiality and law through the construction of place, and how law is materially framed.

LEGAL HISTORY OF EUROPE

Herzog, Tamar. *A Short History of European Law: The Last Two and a Half Millennia*. Cambridge, MA: Harvard University Press, 2018. Pp. vi + 289. $27.95 cloth.

Herzog describes how successive European legal systems built on one another, from ancient times through the establishment and growth of the European Union. Roman law formed the backbone of each configuration, but the way it was understood, used, and reshaped varied dramatically from one century and place to the next. Expanding the definition of Europe to include its colonial domains, Herzog argues that British and Spanish empires in the New World were not only recipients of European legal traditions, but also incubators of new ideas.

LEGAL PROFESSION

Cunha, Luciana Gross, Daniela Monteiro Gabbay, José Garcez Ghiraardi, David M. Trubek, and David B. Wilkins, eds. *The Brazilian Legal Profession in the Age of Globalization: The Rise of the Corporate Legal Sector and its Impact on Lawyers and Society*. New York: Cambridge University Press, 2018. Pp. xxi + 358. $125.00 cloth.

Employing original data from nine empirical studies, this book details how Brazil's need to restructure its economy and manage its global relationships contributed to the emergence of a new "corporate legal sector," marked by increasingly large and sophisticated law firms and in-house legal departments. This sector in turn helped to reshape other parts of the Brazilian legal profession, including legal education, pro bono practices, the regulation of legal services, and the state's legal capacity in international economic law.

POLITICAL JUSTICE

Meital, Yoram. *Revolutionary Justice: Special Courts and the Formulation of Republican Egypt*. New York: Oxford University Press, 2017.Pp. xiii + 279. $74.00 cloth.

Meital narrates the power struggle between the Free Officers and their adversaries in the aftermath of Egypt's July Revolution of 1952 by studying trials held at the Revolution's Court and the People's Court. He finds that the rhetoric generated by Egypt's special courts played a

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press

crucial role in the denouement of political struggles: the deliberations at the courtroom reinforced the prevailing emergency atmosphere, helping the junta advance its plans for a new dispensation, but the responses of defendants and witnesses exposed weaknesses in the official hegemonic narrative.

TRANSITIONAL JUSTICE

Bilsky, Leora. *The Holocaust, Corporations, and the Law: Unfinished Business*. Ann Arbor: University of Michigan Press, 2017. Pp. xii + 239. $29.95 paper.

Bilsky argues that class action litigation and settlement offer a mode of accountability well suited to addressing the bureaucratic nature of business involvement in atrocities. Prior to the lawsuits brought against Swiss banks and German corporations in the 1990s, legal treatment of the Holocaust was dominated by criminal law and its individualistic assumptions, consistently failing to relate to the structural aspects of Nazi crimes. Engaging critically with contemporary debates about corporate responsibility for human rights violations and assumptions about "law," the book argues for the need to design processes that make multinational corporations accountable, and examines the implications for transitional justice.

https://doi.org/10.1111/lsi.12356 Published online by Cambridge University Press