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CONSTITUTIONAL THEORY AND HISTORY

Abeyratne, Rehan, and Iddo Porat, eds. *Towering Judges: A Comparative Study of Constitutional Judges*. New York: Cambridge University Press, 2021. Pp. xiii + 346. $110.00 cloth.

Contributors to Abeyratne and Porat's volume examine the work of nineteen judges from fourteen jurisdictions around the world, each of whom has had a unique impact on the trajectory of constitutional law. They address such issues as what are the conditions that foster or deter the rise of towering judges; are towering judges positive or detrimental for constitutional systems; how do they differ from one jurisdiction to another; how do political and historical developments relate to this phenomenon; and how does all of this fit within global constitutionalism.

Belov, Martin, ed. *Populist Constitutionalism and Illiberal Democracies: Between Constitutional Imagination, Normative Entrenchment and Political Reality*. Cambridge, UK: Intersentia, 2021. Pp. xvii + 378. $119.00 cloth.

Contributors to Belov's volume examine populist constitutionalism and illiberal democracies, exploring their roots in constitutional imagination as well as their normative entrenchment and performance in political reality. The book includes analyses of populist constitutionalism from the perspective of an emotional and constitutional imagination and with respect to the challenges posed to constitutional democracy by COVID-19.

Feldman, Noah. *The Broken Constitution: Lincoln, Slavery, and the Refounding of America*. New York: Farrar, Straus & Giroux, 2021. Pp. vi + 370. $30.00 cloth.

This book argues that Abraham Lincoln deliberately and recurrently violated the United States's founding arrangements. When Lincoln came to power, it was widely believed that the federal government could not use armed force to prevent a state from seceding, that basic civil liberties could be suspended only by Congress, and that the federal government had no authority over slavery. Feldman concludes that Lincoln effectively rewrote the Constitution's place in the American system, moving it from a compromise pact—a rough and ready deal between states that allowed the Union to form and function—to a transcendent statement of the nation's highest ideals.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Brangan, Louise. *The Politics of Punishment: A Comparative Study of Imprisonment and Political Culture*. New York: Routledge Taylor & Francis Group, 2021. Pp. viii + 206. $155.00 cloth.

Brangan presents a comparative sociological analysis of penal politics and imprisonment in Ireland and Scotland. Using archives and oral history, she argues that divergences in the uses of imprisonment result from the distinctive features of a nation's political culture: the different political ideas, cultural values, and social anxieties that shape prison policy making. She concludes that political culture connects large-scale social phenomena to actual carceral outcomes, identifying the forces that support and perpetuate cross-national penal differences.

Carlson, Jennifer. *Policing the Second Amendment: Guns, Law Enforcement, and the Politics of Race*. Princeton, NJ: Princeton University Press, 2020. Pp. xiv + 280. $29.95 cloth.

Drawing on local and national newspapers, interviews with close to eighty police chiefs, and an examination of gun licensing processes, Carlson explores the ways in which police talk about guns and the variation in firearms regulation across the United States. She finds a troubling paradox—while color-blind laws grant civilians unprecedented rights to own, carry, and use guns, people of color face a system of gun criminalization. She concludes that this racialized

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framework—undergirding who is "a good guy with a gun" versus "a bad guy with a gun"—informs and justifies how police understand and pursue public safety.

Hatton, Erin, ed. *Labor and Punishment: Work in and out of Prison*. Oakland: University of California Press, 2021. Pp. iv + 274. $29.95 paper.

Contributors to Hatton's volume examine the multifaceted intersections between mass incarceration and neoliberal precarity in the United States. They argue that mass incarceration and the criminal justice system are profoundly implicated in the production and reproduction of the low-wage "exploitable" precariat, both within and beyond prison walls, molding inmates into compliant workers and compelling many Americans to work in such jobs under threat of incarceration, all the while bolstering their "exploitability" and socioeconomic marginality.

Jones, Ben, and Eduardo Mendieta, eds. *The Ethics of Policing: New Perspectives on Law Enforcement*. New York: New York University Press, 2021. Pp. ii + 311. $35.00 paper.

Jones and Mendieta bring together an interdisciplinary group of scholars to reevaluate the role of the police and the ethical principles that guide their work in light of the increasing focus on police misconduct in the United States. Topics include the use of aggressive tactics and deadly force, police abolitionism, and the use of new technologies like drones, body cameras, and predictive analytics, providing different perspectives on the past, present, and future of policing, with particular attention to discriminatory practices that have historically targeted Black and Brown communities.

Lageson, Sarah Esther. *Digital Punishment: Privacy, Stigma, and the Harms of Data-Driven Criminal Justice*. New York: Oxford University Press, 2020. Pp. 256. $34.95 cloth.

Lageson argues that, emboldened by public record laws designed for paper-based systems, digital criminal records in the United States have become an extremely valuable resource for employers, landlords, and communities. Drawing on empirical data, interviews, and the review of case law, she finds that, as criminal histories impact nearly every aspect of private and civic life, the collateral consequences of even the most minor records are much more than barriers to employment and housing. She concludes that, for the criminal record holder, the messy entanglement of government bureaucracy is nothing compared to the jurisdiction-less haze of the Internet.

Newell, Bryce Clayton. *Police Visibility: Privacy, Surveillance, and the False Promise of Body-Worn Cameras*. Oakland: University of California Press, 2021. Pp. x + 248. $29.95 paper.

This book is based on research into how police officers experience and manage the information politics of surveillance and visibility generated by body cameras and the increasingly common experience of being recorded by civilian bystanders. Newell examines how these activities intersect with privacy, free speech, and access to information law. He argues that, rather than being emancipatory systems of police oversight, body-worn cameras are an evolution in police image work and state surveillance expansion.

Rosales, Rocío. *Fruteros: Street Vending, Illegality, and Ethnic Community in Los Angeles*. Oakland: University of California Press, 2021. Pp. x + 197. $29.95 paper.

Rosales examines the social worlds of young Latino street vendors as they navigate the complexities of local and federal laws prohibiting both their presence and their work on street corners. Drawing on six years of fieldwork, she portrays the day-to-day struggles of the *fruteros*, as they sell fruit salads out of pushcarts throughout Los Angeles and are part of the urban landscape, examining how their *paisano* (hometown compatriot) social networks both help and exploit them.

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Rubin, Ashley T. *The Deviant Prison: Philadelphia's Eastern State Penitentiary and the Origins of America's Modern Penal System, 1829–1913*. New York: Cambridge University Press, 2021. Pp. lvi + 356. $59.99 cloth.

Early nineteenth-century prisons in the United States followed the Auburn system, in which prisoners performed factory-style labor and were placed in solitary confinement at night, and the Pennsylvania system, where prisoners faced twenty-four-hour solitary confinement. By the close of the Civil War, US prisons had generally adopted the Auburn system; the major exception was Philadelphia's Eastern State Penitentiary. Drawing on organizational theory and archival work, Rubin examines why Eastern's administrators clung to what was increasingly viewed as an outdated and inhuman model of prison and what their commitment tells us about penal reform.

Sedley, Stephen, and Martin Carthy. *Who Killed Cock Robin?: British Folk Songs of Crime and Punishment*. London: Reaktion Books, 2021. Pp. ii + 278. $22.50 cloth.

Sedley and Carthy argue that at the heart of traditional songs rest the concerns of ordinary people and that folk throughout the centuries have found themselves entangled with the law: abiding by it, breaking it, and being caught and punished by it. The songs in their anthology are drawn from manuscripts, broadsides, and oral tradition and are grouped by categories of crime and punishment—from poaching to the gallows. Each section contains a historical introduction and commentary that explores each song's origins.

Tata, Cyrus. *Sentencing: A Social Process: Re-thinking Research and Policy*. Cham, Switzerland: Palgrave Macmillan, 2020. Pp. xiii + 177. $59.99 cloth.

Tata argues that both research and policy thinking about sentencing are confined by a paradigm that presumes autonomous individualism, projecting an artificial image of sentencing practices and policy potential. Conceiving of sentencing instead as a social process, he proposes solutions to classic conundrums, including rules versus discretion, aggravating versus mitigating factors, individualization versus consistency, punishment versus rehabilitation, efficient technologies versus the quality of justice, and ways of reducing imprisonment.

Van Rooij, Benjamin, and Adam Fine. *The Behavioral Code: The Hidden Ways the Law Makes Us Better … or Worse*. Boston, MA: Beacon Press, 2021. Pp. ii + 295. $27.95 cloth.

Van Rooij and Fine offer an alternative approach to battling crime and injustice that is based in understanding the science of human misconduct rather than relying on punishment to shape behavior. Using examples such as that of park rangers in Arizona's Petrified Forest—who worked with social psychologists to reduce theft, beginning by throwing out "no stealing" signs—they offer a counterintuitive approach to how the law can improve human conduct and respond to issues from police misconduct to corporate malfeasance.

HANDBOOKS ON LAW AND SOCIETY

Valverde, Mariana, Kamari M. Clarke, Eve Darian Smith, and Prabha Kotiswaran, eds. *The Routledge Handbook of Law and Society*. New York: Routledge Taylor & Francis Group, 2021. Pp. xiv + 274. $250.00 cloth, $47.65 ebook.

Contributors to Valverde, Clarke, Darian Smith, and Kotiswaran's handbook address two components of the law and society field. The first reviews the wide variety of frameworks through which the relationship between law and society is addressed, with emphasis on contemporary perspectives and social justice concerns. The second and larger section presents reflections on topics or areas concerning law, justice, and society that are inherently interdisciplinary and that relate to current and classical struggles around justice.

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IMPACT OF LAW

Hoffmann, Elizabeth A. *Lactation at Work: Expressed Milk, Expressing Beliefs, and the Expressive Value of Law*. New York: Cambridge University Press, 2021. Pp. x + 237. $110.00 cloth.

In 2010, the Lactation at Work Law, an amendment to the US Fair Labor Standards Act, mandated accommodations for lactating women. Hoffmann examines this federal law and its state-level equivalent in Indiana, drawing on two sets of interviews with human resource personnel, supervising managers, and lactating workers. She finds that, contrary to expectations, this simple law—requiring break time and privacy for pumping—is in many ways a success story. Through the advocacy of various allies, the education of managers, and employee initiatives, many organizations created compliant accommodations, some of which even went beyond what was required.

JUDICIAL POWER AND DECISION MAKING

Van Oorschot, Irene. *The Law Multiple: Judgment and Knowledge in Practice*. New York: Cambridge University Press, 2021. Pp. xiii + 205. $110.00 cloth.

Van Oorschot seeks to rearticulate the traditional boundaries separating judgment from knowledge, urging readers to rethink the way in which truths are made within law and arguing that law is an irreducibly social, material, and temporal practice. Drawing on work in the social study of knowledge and on an ethnographic study of how narratives and documents—particularly, case files—operate within legal practices, she grapples with the questions of how and where judgment empirically takes place; how and where facts are made; and how researchers might study these local and concrete ways of judging and knowing.

LAW AND CHILDREN

Hopman, Marieke J. *Looking at Law through Children's Eyes*. Cambridge, UK: Intersentia, 2021. Pp. xiv + 451. $108.00 paper.

Hopman argues that, since the adoption of the 1989 United Nations Convention on the Rights of the Child, all children in the world have rights that are to be protected by states but that states in fact allow gross violations of these rights. She proposes that, to understand why, one should look at law from a child's perspective in order to learn what they perceive as law. She develops a framework that draws on legal pluralism, law and sociology, and philosophy of law and tests the framework in three empirical case studies.

LAW AND DECOLONIZATION

Xavier, Sujith, Beverley Jacobs, Valarie Waboose, Jeffery G. Hewitt, and Amar Bhatia, eds. *Decolonizing Law: Indigenous, Third World and Settler Perspectives*. New York: Routledge Taylor & Francis Group, 2021. Pp. xi + 320. $44.95 paper.

This book brings together Indigenous, third world, and settler perspectives on the theory and practice of decolonizing law. Contributors to Xavier, Jacobs, Waboose, Hewitt, and Bhatia's collection argue that law and legal institutions are the means by which colonial, imperial, and settler colonial programs are reinforced and sustained. They conclude, however, by identifying recent and historical examples in which law has played a significant role in dismantling colonial and imperial structures.

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LAW AND EMPIRE

Ford, Lisa. *The King's Peace: Law and Order in the British Empire*. Cambridge, MA: Harvard University Press, 2021. Pp. ii + 321. $35.00 cloth.

Ford argues that, in the decades after the American Revolution, British colonial legal regimes were transformed as the safeguards of liberty and justice, developed in the wake of the Glorious Revolution, were eroded while exacting obedience and imposing order became the focus of colonial governance. In the process, many constitutional principles of empire were subordinated to a single, overarching rule: where necessary, colonial law could diverge from metropolitan law. Within decades of the American Revolution, she concludes, the rights claimed by American rebels became unthinkable; in the British Empire, the real winner of the revolution was the king.

LAW AND GLOBALIZATION

Bartie, Susan, and David Sandomierski, eds. *American Legal Education Abroad: Critical Histories*. New York: New York University Press, 2021. Pp. vi + 415. $60.00 cloth.

Contributors to Bartie and Sandomierski's volume present a critical history of the Americanization of legal education in fourteen countries. They argue that the second half of the twentieth century witnessed the export of power—both hard and soft—throughout the world, and they focus on the effect of US cultural and economic imperialism on legal education. Collectively, these studies challenge the conventional wisdom that American ideas and practices have dominated globally.

Christodoulidis, Emilios. *The Redress of Law: Globalisation, Constitutionalism and Market Capture*. New York: Cambridge University Press, 2021. Pp. xiv + 592. $44.99 paper.

Focusing on the organization and protection of work, Christodoulidis asks what it means to protect work as an essential aspect of individual and collective human flourishing, with a focus on questions connected to processes of globalization and market integration. A restatement of critical legal theory, the book is intended to defend the concept of constitutionalism and suggest new ways to deploy the law strategically, particularly in terms of European Union law.

Shaffer, Gregory. *Emerging Powers and the World Trading System: The Past and the Future of International Economic Law*. New York: Cambridge University Press, 2021. Pp. xxii + 321. $32.00 paper.

Shaffer argues that, in the 1950s, the United States and its allies largely wrote the rules for international trade and investment, and, yet, by 2020, it was the United States that became the great disrupter, disenchanted with the rules' constraints. Paradoxically, China, India, Brazil, and other emerging economies became stakeholders in, and, at times, defenders of, economic globalization and the rules regulating it. Shaffer examines how this came about and addresses the micro-politics of trade law—what has been developing under the surface of the business of trade through the practice of law.

LAW AND LABOR

Das Acevedo, Deepa, ed. *Beyond the Algorithm: Qualitative Insights for Gig Work Regulation*. New York: Cambridge University Press, 2020. Pp. xiv + 222. $32.99 paper.

Contributors to Das Acevedo's collection draw on qualitative empirical research to examine the narratives and real-life experiences that characterize gig work, connect these insights to the legal infrastructure surrounding it, and argue that this infrastructure can and must be improved. In addition to providing empirical information on the lived experiences of gig workers, the volume seeks to contribute to a growing body of socio-legal scholarship that applies the qualitative and interpretive approaches of anthropology and sociology to a range of legal issues.

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LAW AND MARKETS

Cranston, Ross. *Making Commercial Law through Practice 1830–1970*. New York: Cambridge University Press, 2021. Pp. xliii + 483. $110.00 cloth.

Cranston seeks to add a new dimension to the history of Britain's commerce, trade manufacturing, and financial services by examining how they operated over the period from 1830 to 1970. He finds that, in the main, law and lawyers were not the driving force, regulation was largely absent, and judges tended to accommodate commercial needs so that market actors were able to shape the law through their practices.

LAW AND PROPERTY

Dagan, Hanoch. *A Liberal Theory of Property*. New York: Cambridge University Press, 2021. Pp. xvi + 326. $34.99 paper.

Dagan argues that a genuinely liberal property law meets the legitimacy challenge confronting property by expanding people's opportunities for individual and collective self-determination while carefully restricting their options of interpersonal domination. He addresses key questions that follow from that principle: how can property be justified; what core values should property law advance and how do those values interrelate; and how is a liberal state obligated to act when shaping property law? In a liberal polity, the primary commitment to individual autonomy dominates the justification of property, founding it on three pillars: carefully delineated private authority, structural (but not value) pluralism, and relational justice.

Walsh, Rachel. *Property Rights and Social Justice: Progressive Property in Action*. New York: Cambridge University Press, 2021. Pp. x + 307. $110.00 cloth.

Walsh analyzes "progressive property" in action by examining the role of constitutional property rights in mediating private ownership and social justice. She combines insights from property theory with doctrinal analysis through the prism of the Irish Constitution's property guarantees, which, in the English-speaking, common law world, uniquely protect property rights and require their regulation by the state to secure social justice.

LAW AND RELIGION

Matwijkiw, Anja, and Anna Oriolo, eds. *Law, Cultural Studies and the "Burqa Ban" Trend: An Interdisciplinary Handbook*. Cambridge, UK: Intersentia, 2021. Pp. xxix + 472. $167.00 cloth.

Contributors to Matwijkiw and Oriolo's volume offer an in-depth account of the "burqa ban" trend, bringing together law and cultural studies. With a focus on Europe and America, academics and professionals provide insights to value and identity politics, diversity, discrimination, human rights, and the discussions surrounding national and international courts' contradictory judgments.

LAW AND SLAVERY

Wilson, Lee B. *Bonds of Empire: The English Origins of Slave Law in South Carolina and British Plantation America, 1660–1783*. New York: Cambridge University Press, 2021. Pp. xiv + 274. $59.99 cloth.

Wilson argues that English law imbued US plantation slavery with its staying power, even as it insulated slave owners from contemplating the moral implications of owning human beings. Emphasizing practice rather than proscription, the book follows South Carolina colonists as they used English law to maximize the value of the people they treated as property: colonists categorized

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enslaved people as property using English legal terms; they bought and sold them with printed English legal forms; and they followed English legal procedures as they litigated over enslaved people in court.

LAW AND SOCIAL MOVEMENTS

Hollis-Brusky, Amanda, and Joshua C. Wilson. *Separate but Faithful: The Christian Right's Radical Struggle to Transform Law and Legal Culture*. New York: Oxford University Press, 2020. Pp. 312. $29.95 cloth.

Hollis-Brusky and Wilson argue that, fueled by grassroots activism and formal political organizations, the Christian Right in the United States became an influential force in American law and politics in the 1980s and 1990s but was not able to effectively enter the courtroom. Drawing on original data from a variety of sources, they find that, at the turn of the current century, a small constellation of leaders addressed this imbalance by investing in an array of institutions aimed at radically transforming American law and legal culture. They examine the causes, contours, and consequences of these efforts.

LAW AND SOCIAL THEORY

Van Seters, Paul, ed. *The Anthem Companion to Philip Selznick*. New York: Anthem Press, 2021. Pp. xiii + 219. $195.00 cloth.

Van Seters's volume focuses on the intellectual contributions of Philip Selznick (1919–2010), one of the founders of the law and society movement who also made significant contributions to other areas, most particularly the sociology of organizations. Contributors highlight Selznick's professional and intellectual range and lasting influence in a number of major fields of sociology and consider whether Selznick markedly changed his sociological or political perspectives in the course of his career. Throughout, the focus is on Selznick's humanist and ecumenical sensibilities.

LAW AND WAR

LaCroix, Alison L., Jonathan S. Masur, Martha C. Nussbaum, and Laura Weinrib, eds. *Cannons and Codes: Law, Literature, and America's Wars*. New York: Oxford University Press, 2021. Pp. 344. $74.00 cloth.

Contributors to LaCroix, Masur, Nussbaum, and Weinrib's volume argue that law, literature, and war are profoundly connected, and it is this connection they seek to explore, examining the ways in which literary works can shed light on legal thinking about war and how a deep understanding of law can lead to interpretive insights on literary works. Through a collection of diverse perspectives, the volume aims to illuminate how literature has reflected the totalizing nature of war and the ways in which it distorts law across domains.

LAY PARTICIPATION IN THE LEGAL SYSTEM

Kutnjak Ivković, Sanja, Shari Seidman Diamond, Valerie P. Hans, and Nancy S. Marder, eds. *Juries, Lay Judges, and Mixed Courts*. New York: Cambridge University Press, 2021. Pp. xii + 366. $110.00 cloth.

Contributors to Kutnjak Ivković, Diamond, Hans, and Marder's volume offer a comparative picture of how nations use lay people in legal decision making, highlighting the different approaches to citizen participation and considering why some countries' use of lay participation is long-standing, whereas other countries alter or abandon their efforts.

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LEGAL HISTORY

Eves, William, John Hudson, Ingrid Ivarsen, and Sarah B. White, eds. *Common Law, Civil Law, and Colonial Law: Essays in Comparative Legal History from the Twelfth to the Twentieth Centuries*. New York: Cambridge University Press, 2021. Pp. ix + 338. $110.00 cloth.

Cambridge Core Open Access. Eves, Hudson, Ivarsen, and White's volume present papers derived from the twenty-fourth British Legal History Conference. Building on Maitland's observation that legal history must involve comparison, the volume includes an extensive introduction addressing the intellectual challenges posed by comparative approaches to legal history and essays exploring patterns in legal norms, processes, and practice across a broad chronological and geographical range.

LEGAL PLURALISM

Tamanaha, Brian Z. *Legal Pluralism Explained: History, Theory, Consequences*. New York: Oxford University Press, 2021. Pp. 230. $29.95 paper.

Drawing on historical and contemporary studies—including the Medieval period, the Ottoman Empire, postcolonial societies, Native peoples, Jewish and Islamic law, Western state legal systems, transnational law as well as others—Tamanaha argues that the dominant image of the state with a unified legal system exercising a monopoly over law is, and has always been, false and misleading. Instead, state legal systems are internally pluralistic, and multiple manifestations of law coexist in every society. The book seeks to examine the reasons for, and sources of, legal pluralism, identify its consequences, uncover its conceptual and normative implications, and address current theoretical disputes.

METHODS OF SOCIO-LEGAL RESEARCH

Rubin, Ashley T. *Rocking Qualitative Social Science: An Irreverent Guide to Rigorous Research*. Stanford, CA: Stanford University Press, 2021. Pp. xiii + 286. $28.00 paper.

Seeking to help social science scholars who struggle to adapt their research models to narrowly defined notions of "right," Rubin argues that properly nourished qualitative research can generate important, creative, and even paradigm-shifting insights. Her text seeks to help people conduct high-quality qualitative research, talk about their research, and evaluate other scholars' work and to establish that rigorous research can be anything but rigid.

RULE OF LAW

Massoud, Mark Fathi. *Shari'a, Inshallah: Finding God in Somali Legal Politics*. New York: Cambridge University Press, 2021. Pp. xviii + 362. $34.99 paper.

Massoud challenges the conventional account of secular legal progress, arguing that faith in a higher power guides people toward the rule of law. He finds that, for nearly 150 years, the Somali people have embraced shari'a in the struggle for national identity and human rights and that lawyers, community leaders, and activists throughout the Horn of Africa have invoked God to oppose colonialism, resist dictators, expel warlords, and fight for gender equality. He develops the argument by tracing dramatic moments of legal change, political collapse, and reconstruction in Somalia and Somaliland.

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Simion, Kristina. *Rule of Law Intermediaries: Brokering Influence in Myanmar*. New York: Cambridge University Press, 2021. Pp. xvii + 252. $110.00 cloth.

Drawing on empirical data and focusing on the decade of Myanmar's political transformation, Simion explores the conditions that make the development of the rule of law in authoritarian settings successful, with a focus on the capital, strategies, and challenges of intermediaries. She seeks to bring to light these neglected players, focusing on who they are, the influence they have, their double agency, and their crucial importance in establishing trust and translating the rule of law.

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