Law & Social Inquiry
Journal of the American Bar Foundation

*Law & Social Inquiry*
Volume 43, Issue 4, 1729–1741, Fall 2018

# Book Notes

## CONTENTS

Civil Justice System ..... 1730
Constitutional Theory and History ..... 1730
Courts and Judges ..... 1730
Criminal Justice and Social Control ..... 1731
Dispute Resolution ..... 1732
Forbearance and Social Welfare ..... 1732
Freedom of Speech ..... 1732
Habeas Corpus ..... 1733
Human Rights ..... 1733
Law and Censorship ..... 1734
Law and Children ..... 1734
Law and Civic Participation ..... 1734
Law and Economic Development ..... 1735
Law and Economic Transformation ..... 1735
Law and Family Relationships ..... 1735
Law and Immigration ..... 1736
Law and Literature ..... 1736
Law and Race ..... 1736
Law and Religion ..... 1737
Law and Sexuality ..... 1737
Law and Slavery: Contemporary ..... 1737
Law and Slavery: Historical ..... 1738
Law and Terrorism ..... 1738
Law and Women ..... 1738
Lawyers and Civil Rights ..... 1738
Legal Profession ..... 1739
Rule of Law ..... 1739
Sociolegal Theory ..... 1739
Transformation of Legal Systems ..... 1740
Transitional Justice ..... 1740
US Supreme Court ..... 1740

© 2018 American Bar Foundation.


https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

## CIVIL JUSTICE SYSTEM

Yeazell, Stephen C. *Lawsuits in a Market Economy: The Evolution of Civil Litigation*. Chicago, IL: University of Chicago Press, 2018. Pp. ix + 134. $25.00 paper.

Some describe civil litigation as little more than a drag on the economy; others hail it as the solution to most of the country's problems. Yeazell argues that both positions are wrong: deeply embedded in US political and economic systems, civil litigation is both a system for resolving disputes and a successful business model, a fact that both its opponents and its fans do their best to conceal.

## CONSTITUTIONAL THEORY AND HISTORY

Dinan, John. *State Constitutional Politics: Governing by Amendment in the American States*. Chicago, IL: University of Chicago Press, 2018. Pp. 396. $35.00 paper.

Dinan looks at the occasions in US history when state constitutional amendments have served as instruments of governance: they have constrained state officials in taxing and spending money; enacted policies unattainable through legislation on issues ranging from minimum wage to the regulation of marijuana; and updated understandings of rights, including religious liberty, equal protection, and the right to bear arms. Because of the greater stability and legitimacy of change achieved through the amendment process, he concludes that this might be a more desirable way of achieving change.

Herron, Paul E. *Framing the Solid South: The State Constitutional Conventions of Secession, Reconstruction, and Redemption*. Lawrence, KS: University Press of Kansas, 2017. Pp. xvi + 360. $45.00 cloth.

Herron argues that in the eighteenth and early nineteenth centuries, US states south of the Potomac River did not hold a separate political identity, but that this identity was formed through a series of state constitutional conventions. He concludes that via forty-four conventions in eleven states, law in the southern states was consolidated in three waves of development—Secession, Reconstruction, and, eventually, Redemption—which enshrined a system of weak states, the rule of a white elite, and the suppression of black rights.

## COURTS AND JUDGES

Alarie, Benjamin, and Andrew Green. *Commitment and Cooperation on High Courts: A Cross-Country Examination of Institutional Constraints on Judges*. New York: Oxford University Press, 2017. Pp. xvii + 327. $85.00 cloth.

Alarie and Green seek to promote a deeper understanding of how institutional differences affect judicial decision making, using empirical studies of supreme courts in countries with similar basic structures but with sufficient differences to enable meaningful comparison: the United States, the United Kingdom, Canada, India, and Australia. They find that answers to institutional questions largely determine the influence of political preferences of individual judges and the degree of cooperation among judges at a given point in time.

Wasby, Stephen L. *Borrowed Judges: Visitors in the U.S. Courts of Appeals*. New Orleans, LA: Quid Pro Quo Books, 2018. Pp. vii + 299. $34.99 paper.

Drawing on interviews with judges, their statements both in public and in court, and other data sources, Wasby analyzes the US courts of appeals' use of judges who visit from other circuits and

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

in-circuit district judges, along with the courts' own senior judges. He finds considerable variation in the extent to which these judges are used and their role in writing the law of the circuit.

## CRIMINAL JUSTICE AND SOCIAL CONTROL

Agyepong, Tera Eva. *The Criminalization of Black Children: Race, Gender, and Delinquency in Chicago's Juvenile Justice System, 1899–1945*. Chapel Hill, NC: University of North Carolina, 2018. Pp. xiii + 180. $24.95 paper.

Advocating that children's inherent innocence warranted fundamentally different treatment from that of adult offenders, progressive reformers founded the first juvenile court in the United States in Chicago in 1899. But Agyepong finds that amid an influx of African American arrivals during the Great Migration, the notion of childhood innocence became circumscribed by race; blackness became a marker of criminality that overrode the status of "child," leading to a more punitive form of juvenile justice.

De Lagasnerie, Geoffroy. *Judge and Punish: The Penal State on Trial*. Stanford, CA: Stanford University Press, 2018. Pp. 210. $24.95 paper.

Lagasnerie argues that only by overturning our inherited legal fictions can we envision forms of truer justice. Combining narratives of real trials with theoretical analysis, he concludes that juridical institutions are not merely a response to crime; the criminal trial, a magnifying mirror, reveals our true condition as political subjects.

Friedman, Lawrence M. *Crime Without Punishment: Aspects of the History of Homicide*. New York: Cambridge University Press, 2018. Pp. viii + 146. $110.00 cloth.

Friedman examines situations where killing is condemned by law but not by social norms. He argues that homicides are categorized by degree of intent, which are in turn based on society's sense of moral outrage. Thus, despite being officially defined as murder, many homicides have historically gone unpunished: early vigilante justice, crimes of passion, murder of necessity, mercy killings, and assisted suicides. He probes what these circumstances tell us about conflicts in social and cultural norms and the interaction of law and society.

Halbrook, Stephen P. *Gun Control in Nazi-Occupied France: Tyranny and Resistance*. Oakland, CA: Independent Institute, 2018. Pp. xix + 242. $29.95 cloth.

Drawing on records of the German occupation and testimonies from members of the French Resistance, Halbrook analyzes the Nazis' efforts to disarm the French after their invasion in 1940. He reports that in every occupied town, Nazis demanded that civilians surrender their firearms within twenty-four hours or be shot; however, despite the consequences, many French citizens refused to comply.

Holder, Robyn. *Just Interests: Victims, Citizens and the Potential for Justice*. Northampton, MA: Edward Elgar, 2018. Pp. xv + 265. $130.92 cloth.

Holder relays accounts from laypeople and legal officials to explore how the goals and interests of victims of crimes can be accommodated within the US criminal justice process. Seeking to understand victims as citizens first, the book repositions them as members of a political community with diverse interests and posits a criminal justice approach that mobilizes citizens to produce justice in their ordinary lives.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

Morrill, Calvin, and Michael Musheno. *Navigating Conflict: How Youth Handle Trouble in a High-Poverty School*. Chicago, IL: University of Chicago, 2018. Pp. xvii + 298. $35.00 paper.

Morrill and Musheno challenge the violence-centered conventional wisdom of urban youth studies in the United States, focusing instead on the social ingenuity with which teens informally and peacefully navigate strife-ridden peer trouble in the face of carceral disciplinary tactics. Their study draws on archival and institutional evidence to locate urban schools in more than a century of local, state, and national change and to argue for schools that work, where negative externalities are buffered and policies are adapted to ever-evolving student populations.

Western, Bruce. *Homeward: Life in the Year After Prison*. New York: Russell Sage Foundation, 2018. Pp. xvii + 216. $29.95 paper.

Drawing on over one-hundred in-depth interviews, Western describes the lives of formerly incarcerated men in the Boston area and discusses how poverty, racial inequality, and failures of social support trap many in a cycle of vulnerability despite their efforts to rejoin society. He finds that many former prisoners were themselves subject to lifetimes of violence and abuse and encountered more violence after leaving prison, blurring the line between victims and perpetrators. He concludes that boosting social integration is key to both ameliorating deep disadvantage and strengthening public safety.

## DISPUTE RESOLUTION

Trautner, Mary Nell, ed. *Insiders, Outsiders, Injuries, & Law: Revisiting "The Oven Bird's Song."* New York: Cambridge University Press, 2018. Pp. xiii + 296. $89.99 cloth, $29.99 paper.

A central theme of law and society is that people's ideas about law and the decisions they make to mobilize law are shaped by community norms and cultural context. Among the first empirical pieces to articulate this theory was David Engel's classic 1984 article, "The Oven Bird's Song." Contributors to Trautner's volume explore the influence of the article and argue that it succeeds because it integrates such issues as cultural transformation, attitudes about law, dispute processing, legal consciousness, rights mobilization, inclusion and exclusion, and inequality.

## FORBEARANCE AND SOCIAL WELFARE

Holland, Alisha C. *Forbearance as Redistribution: The Politics of Informal Welfare in Latin America*. New York: Cambridge University Press, 2017. Pp. xii + 380. $34.99 paper.

Holland argues that forbearance toward activities such as squatting and street vending is a powerful strategy for attracting the electoral support of poor voters. In many developing countries, state social programs are small or poorly targeted and thus do not offer politicians an effective means to mobilize the poor. In contrast, she finds that forbearance constitutes an informal welfare policy around which much of urban politics turns. However, although forbearance offers social support to those failed by their governments, it also perpetuates the same exclusionary welfare policies from which it grows.

## FREEDOM OF SPEECH

Hamburger, Philip. *Liberal Suppression: Section 501(c)(3) and the Taxation of Speech*. Chicago, IL: University of Chicago Press, 2018. Pp. 399. $55.00 cloth.

Hamburger argues that turbulent popular anxieties about the Catholic Church and other potentially orthodox institutions are central to the history of US liberalism, and that those fears

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

underlay the adoption of rules in 1934 and 1954 limiting the ability of tax-exempt organizations to speak out on political issues. He concludes that speech restrictions, including "specialization of speech rights and the use of law to homogenize beliefs," have been part of a broad majority assault on minority rights and have created a shallowness of public life in the United States.

Whittington, Keith E. *Speak Freely: Why Universities Must Defend Free Speech*. Princeton, NJ: Princeton University Press, 2018. Pp. xiii + 208. $24.95 cloth.

Examining such issues as trigger warnings, safe spaces, hate speech, disruptive protests, speaker dis-invitations, the use of social media by faculty, and academic politics, Whittington argues that free speech and civil discourse are at the heart of the university's mission of creating and nurturing an open and diverse community dedicated to learning. He concludes that universities must make space for voices from both the left and right and that the university lives or dies by free speech.

## HABEAS CORPUS

Freedman, Eric M. *Making Habeas Work: A Legal History*. New York: New York University Press, 2018. Pp. viii + 197. $45.00 cloth.

Freedman argues that habeas corpus has been just one part of an intricate machinery for securing freedom under Anglo-American law and explores the lessons this history holds for issues like terrorism, Guantanamo Bay detentions, immigration, Brexit, and domestic violence. Reexamining landmark cases of the past and expanding the definition of habeas from a formal to a functional one, he seeks to bring to light cases that have been overlooked because they were not explicitly characterized as "habeas corpus."

## HUMAN RIGHTS

Goodale, Mark. *Letters to the Contrary: A Curated History of the UNESCO Human Rights Survey*. Stanford, CA: Stanford University Press, 2018. Pp. xvii +351. $27.95 paper.

With this collection of the letters of prominent mid-twentieth-century intellectuals and leaders—including Gandhi, T. S. Eliot, W. H. Auden, Aldous Huxley, Jawaharlal Nehru, and Arnold Schoenberg—Goodale seeks to present the foundation of the struggle over universal human rights. He finds that in many ways, the intellectual struggles, moral questions, and ideological doubts among the different participants who both organized and responded to the UNESCO 1947–1948 global survey reveal a strikingly critical and contemporary orientation, raising questions still at the center of current debates surrounding human rights scholarship and practice.

Holcombe, Sarah E. *Remote Freedoms: Politics, Personhood and Human Rights in Aboriginal Central Australia*. Stanford, CA: Stanford University Press, 2018. Pp. xiii + 364. $29.79 paper.

Based on field research with Anangu of Central Australia, Holcombe investigates how universal human rights are understood, practiced, negotiated, and challenged in concert and in conflict with indigenous rights. Moving among communities, government, regional nongovernmental organizations (NGOs), and international UN forums, she addresses how the notion of rights plays out within the distinctive and ambivalent sociopolitical context of Australia and finds that in the postcolonial context, human rights are double-edged: they enforce assimilation to a neoliberal social order at the same time that they empower and enfranchise the indigenous citizen as a political actor.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

Lake, Milli. *Strong NGOs and Weak States: Pursuing Gender Justice in the Democratic Republic of Congo and South Africa*. New York: Cambridge University Press, 2018. Pp. xix + 303. $99.99 cloth.

The Democratic Republic of the Congo (DR Congo) and South Africa have been marked by high rates of sexual and gender-based violence. Yet courts in eastern DR Congo prioritize gender crimes despite considerable logistical challenges, while courts in South Africa, with a far stronger legal infrastructure and human rights record, have struggled. Lake argues that state fragility in DR Congo has created openings for human rights nongovernmental organizations (NGOs) to influence legal processes in ways that have proved impossible in countries like South Africa, where the state is stronger.

von Staden, Andreas. *Strategies of Compliance with the European Court of Human Rights: Rational Choice Within Normative Constraints*. Philadelphia, PA: University of Pennsylvania Press, 2018. Pp. vi + 342. $89.95 cloth.

Analyzing the compliance status of all European Court of Human Rights judgments rendered until 2015, von Staden finds a strong correlation between the quality of a country's democracy and the rate of compliance. Tracing the impact of violations in Germany and the United Kingdom and framing his analysis in the context of the longstanding international relations debate between rationalists and constructivists, he argues that the question of *whether* to comply with a judgment needs to be analyzed separately from the question of *how* to comply.

## LAW AND CENSORSHIP

Werbel, Amy. *Lust on Trial: Censorship and the Rise of American Obscenity in the Age of Anthony Comstock*. New York: Columbia University Press, 2018. Pp. xii + 391. $35.00 cloth.

From 1873 to 1915, as Secretary of the New York Society for the Suppression of Vice, Anthony Comstock led a crusade against lasciviousness, salaciousness, and obscenity that resulted in the confiscation and incineration of more than three million pictures, postcards, and books. In her cultural and social history, Werbel describes how Comstock's raids shaped New York City and US culture and how his restrictions drew the ire of civil liberties advocates, inspiring more open attitudes toward sexual and creative freedom and more sophisticated legal defenses.

## LAW AND CHILDREN

Fliter, John A. *Child Labor in America: The Epic Legal Struggle to Protect Children*. Lawrence, KS: University Press of Kansas, 2018. Pp. viii + 317. $24.95 paper.

Fliter describes early attempts to regulate working children in the United States, beginning with haphazard state-level efforts in the 1840s and continuing in limited and ineffective ways as a consensus about the evils of child labor started to build. In the Progressive Era, the issue finally became a matter of national concern, resulting in several laws, four major Supreme Court decisions, an unsuccessful Child Labor Amendment, and the landmark Fair Labor Standards Act of 1938.

## LAW AND CIVIC PARTICIPATION

Rebell, Michael A. *Flunking Democracy: Schools, Courts, and Civic Participation*. Chicago, IL: University of Chicago, 2018. Pp. x + 308. $30.00 paper.

Rebell argues that schools in the United States have systematically failed to prepare students to be capable citizens, and concludes that this civic decline is also a legal failure—a gross violation of both federal and state constitutions that can be addressed only by the courts. He closes with recommendations for how the courts should address this deficiency.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

## LAW AND ECONOMIC DEVELOPMENT

Sattorova, Mavluda. *The Impact of Investment Treaty Law on Host States: Enabling Good Governance?* Portland, OR: Hart Publishing, 2018. Pp. ix + 220. $88.00 cloth.

Sattorova argues for a more nuanced understanding of the present contours and the nature of the interplay between international investment norms and national realities, against the view that the purpose of this area of law is solely to ensure good governance for foreign investors in exchange for their capital and expertise.

Weitseng, Chen, ed. *The Beijing Consensus?: How China Has Changed Western Ideas of Law and Economic Development*. New York: Cambridge University Press, 2017. Pp. xi + 353. $110.00 cloth.

Is there a distinctive Chinese model for law and economic development? Contributors to Weitseng's volume challenge the notion that there is a Beijing Consensus—an alternative to the "Washington Consensus" of market-friendly policies promoted by the IMF, World Bank, and US Treasury—and ask whether China has demonstrated that the best model is in fact no model at all.

## LAW AND ECONOMIC TRANSFORMATION

Bishara, Farhad Ahmad. *A Sea of Debt: Law and Economic Life in the Western Indian Ocean, 1780–1950*. New York: Cambridge University Press, 2017. Pp. ix + 279. $34.99 paper.

Bishara examines the transformations of Islamic law and Islamicate commercial practices during the emergence of modern capitalism in the Western Indian Ocean. In this time of expanding commercial activity, a mélange of Arab, Indian, Swahili, and Baloch merchants, planters, jurists, judges, soldiers, and seamen forged the frontiers of a shared world. The interlinked worlds of trade, law, and politics that these actors created, the shared commercial grammars and institutions that they developed, and the spatial and socioeconomic mobilities they engaged in endured until at least the middle of the twentieth century.

## LAW AND FAMILY RELATIONSHIPS

Hacker, Daphna. *Legalized Families in the Era of Bordered Globalization*. New York: Cambridge University Press, 2017. Pp. x + 385. $36.99 paper.

Hacker considers the role of international, multinational, and religious laws in shaping the lives of families that are affected by the opportunities and challenges created by globalization, and the ongoing resilience of national borders and cultural boundaries. Examining familial lifespan stages—establishing spousal relations, raising children, and being cared for in old age—she highlights the relevance of immigration and citizenship law, public and private international law, and other branches of law.

Lefkovitz, Alison. *Strange Bedfellows: Marriage in the Age of Women's Liberation*. Philadelphia, PA: University of Pennsylvania, 2018. Pp. 273. $45.00 cloth.

Lefkovitz argues that in the 1960s, US states engaged in widespread reform of the marital relationship, but their reforms, such as no-fault divorce, generally benefited husbands more than wives. Meanwhile, radical feminists, welfare rights activists, gay liberationists, and immigrant spouses fought for a much broader agenda, such as the extension of gender-neutral financial obligations to all families or the separation of benefits from family relationships entirely, but were unsuccessful. She concludes that the marriage revolution instituted formal legal equality while also creating new forms of political and economic inequality.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

## LAW AND IMMIGRATION

Armenta, Amada. *Protect, Serve, and Deport: The Rise of Policing as Immigration Enforcement*. Oakland, CA: University of California Press, 2017. Pp. xi + 197. $34.95 paper.

Armenta examines the on-the-ground workings of local enforcement of US immigration law in Nashville, Tennessee. Between 2007 and 2012, Nashville's local jail participated in an immigration enforcement program that turned jail employees into immigration officers who identified over ten-thousand removable immigrants for deportation. She finds that the vast majority of those identified for removal were not serious criminals, but Latino residents arrested by local police for minor violations.

Park, John S. W. *Immigration Law and Society*. Medford, MA: Polity Press, 2018. Pp. x + 213. $24.95 paper.

This volume examines the political history and the social impacts of US immigration law, arguing that legislation has reflected both domestic concerns and wider foreign policy. Park finds that immigration law reforms have inspired radically different responses across all levels of government, from cooperation to outright disobedience, and considers how they continue to fracture broader political debates.

Prieto, Greg. *Immigrants Under Threat: Risk and Resistance in Deportation Nation*. New York: New York University Press, 2018. Pp. 237. $28.00 paper.

Using ethnographic research from two Mexican immigrant communities on California's Central Coast, Prieto argues that immigrant communities turn inward to insulate themselves from the perceived risks of authorities and a hostile public. These barriers are overcome through the face-to-face work of social-movement organizing that transforms individual grievances into collective demands. He finds that the social movements that emerge are shaped by the local political climates in which they unfold and remain tethered to their material inspiration.

## LAW AND LITERATURE

Litowitz, Douglas E. *Kafka's Indictment of Modern Law*. Lawrence, KS: University Press of Kansas, 2017. Pp. 196. $29.95 cloth.

Going beyond familiar works—such as *The Trial*—Litowitz assembles a broad array of Kafka's published and unpublished works that deal squarely with the law, as well as those that touch on it indirectly. Discussing this body of work, Litowitz brings to bear aspects of Kafka's life that were connected to law—his legal education, his career as a lawyer, his drawings, and his personal interactions with the legal system. He concludes that Kafka held a consistent position about modern legal systems, characterized by a crippling nihilism; modern legal systems fail to deliver on their stated pretensions, and often deliver the opposite.

## LAW AND RACE

Bhandar, Brenna. *Colonial Lives of Property: Law, Land, and Racial Regimes of Ownership*. Durham, NC: Duke University Press, 2018. Pp. xi + 265. $25.95 paper.

Bhandar examines how modern property law contributes to the formation of racial subjects in settler colonies and to the development of racial capitalism. Examining both historical cases and ongoing processes of settler colonialism in Canada, Australia, and Israel and Palestine, she argues that the colonial appropriation of indigenous lands depends on ideologies of European racial

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

superiority as well as on legal narratives that equate civilized life with English concepts of property. In this way, property law legitimates and rationalizes settler colonial practices while it racializes those deemed unfit to own property.

## LAW AND RELIGION

Moustafa, Tamir. *Constituting Religion: Islam, Liberal Rights, and the Malaysian State*. New York: Cambridge University Press, 2018. Pp. x + 187. $29.99 paper.

Most Muslim-majority countries have legal systems that enshrine both Islam and liberal rights. Although not necessarily at odds, these dual commitments nonetheless provide legal and symbolic resources for activists to advance contending visions. Drawing on primary source material from Malaysia, Moustafa theorizes the "judicialization of religion" and the radiating effects of courts on popular legal and religious consciousness. He finds that legal institutions catalyze ideological struggles, which stand to redefine the nation and its politics. Probing the links between legal pluralism, social movements, secularism, and political Islamism, he seeks to illuminate the confluence of law, religion, politics, and society.

## LAW AND SEXUALITY

Adler, Libby. *Gay Priori: A Queer Critical Legal Studies Approach to Law Reform*. Durham, NC: Duke University, 2018. Pp. xi + 271. $25.95 paper.

Adler offers a comprehensive critique of the mainstream LGBT legal agenda in the United States, arguing that LGBT equal rights discourse drives legal advocates toward a narrow array of reform objectives that do little to help the lives of the most marginalized members of the LGBT community.

Mezey, Susan Gluck. *Beyond Marriage: Continuing Battles for LGBT Rights*. Lanham, MD: Rowman & Littlefield, 2017. Pp. xi + 307. $35.00 paper.

Mezey traces the development of LGBT rights in US, Canadian, and South African courts as well as in the European Court of Human Rights. Her focus is on employment discrimination, transgender rights, marriage equality, and the ongoing battles over discrimination against same-sex couples and transgender persons in education, employment, and public accommodations.

## LAW AND SLAVERY: CONTEMPORARY

Bunting, Annie, and Joel Quirk, eds. *Contemporary Slavery: Popular Rhetoric and Political Practice*. Vancouver: University of British Columbia Press, 2017. Pp. xvi + 377. $37.95 paper.

Contributors to Bunting and Quirk's volume explore how the history and iconography of slavery have been invoked to support government interventions, activist projects, legal instruments, and rhetorical performances. They argue that the notion that antislavery is one of those rare issues that "transcends" politics is sustainable only because the underlying issues have been constructed and demarcated in a way that minimizes direct challenges to dominant political and economic interests; thus efforts to combat contemporary slavery are too often sensationalist, self-serving, and superficial.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

## LAW AND SLAVERY: HISTORICAL

Christopher, Emma. *Freedom in White and Black: A Lost Story of the Illegal Slave Trade and Its Global Legacy*. Madison, WI: University of Wisconsin Press, 2018. Pp. xi + 310. $29.95 cloth.

By 1808, both Britain and the United States had passed laws outlawing the transatlantic slave trade, yet the trade covertly carried on. In 1813, in what is now Liberia, as a British patrol swooped down on an illicit compound of slave pens guarded by other African slaves, slavers burned the premises to the ground. Christopher follows a trail of evidence across four continents to examine the lives of this barracoon's owners, their workers, and their human merchandise, partially focusing on the relatively unsuccessful attempts to bring the perpetrators to justice.

Quintana, Ryan A. *Making a Slave State: Political Development in Early South Carolina*. Chapel Hill, NC: University of North Carolina Press, 2018.Pp. xiv + 238. $29.95 paper.

Quintana highlights the surprising ways enslaved men and women sat at the center of South Carolina's earliest political development, materially producing the US state's infrastructure and early governing practices, while also challenging and reshaping both through their day-to-day movements, from the mundane to the rebellious. Focusing on slaves' lives and labors, he finds that black South Carolinians not only created the early state, but also established their own extralegal economic sites, social and cultural havens, and independent communities along South Carolina's roads, rivers, and canals.

## LAW AND TERRORISM

Abel, Richard L. *Law's Trials: The Performance of Legal Institutions in the US "War on Terror."* New York: Cambridge University Press, 2018. Pp. xxi + 830. $59.99 cloth.

Abel examines US criminal prosecutions of alleged terrorists, courts martial of military personnel accused of law of war violations, military commission trials of "high-value detainees," habeas corpus petitions by Guantánamo detainees, civil damage actions by victims of both the "War on Terror" and terrorism, and civil liberties violations by government officials and Islamophobic campaigners. He identifies successful defenses of the rule of law through qualitative and quantitative analyses, comparing the behavior of judges within and between each category of cases and locating those actions in a comparative history of efforts to redress fundamental injustices.

## LAW AND WOMEN

Parent, Jonathan F. *Reproductive Rights in New York and New Jersey: Abortion, the Empire, and the Garden*. Lanham, MD: Lexington Books, 2018. Pp. xi + 243. $100.00 cloth.

New York and New Jersey have almost identical laws regarding abortion, but the process for developing them differed; courts were heavily involved in New Jersey, while elected officials were the primary source of legal change in New York. Parent argues that these differences in the sources of policy development are attributable to early developments that set the narrative frame for how abortion was conceptualized; how policymakers thought and wrote about abortion had an important impact on the which institution would develop the law.

## LAWYERS AND CIVIL RIGHTS

Burke, William Lewis. *All for Civil Rights: African American Lawyers in South Carolina, 1868–1968*. Athens, GA: University of Georgia Press, 2017. Pp. x + 352. $64.95 cloth.

From Reconstruction to the late 1960s, 168 black lawyers were admitted to the South Carolina bar in the United States. Some were former slaves; some hailed from as far away as Barbados;

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

most were educated through apprenticeship. The South Carolina bar once had the highest percentage of black lawyers of any southern state, and South Carolina was one of only two states to ever have a black majority legislature. Examining court processes, trials, and life stories, Burke examines these lawyers' engagement with the legal system.

Edds, Margaret. *We Face the Dawn: Oliver Hill, Spottswood Robinson, and the Legal Team That Dismantled Jim Crow*. Charlottesville, VA: University of Virginia Press, 2018. Pp. xii + 391. $29.95 cloth.

This story of "the South's most significant grassroots legal team" focuses on Virginians Oliver Hill and Spottswood Robinson, who initiated and argued one of the cases that combined into the landmark *Brown v. Board of Education*, but whose influence extends far beyond. Edds finds that Hill and Robinson's work served as a model for southern states and an essential underpinning for *Brown*. Following attempts to disbar the two lawyers and discredit the NAACP, they successfully carried the fight to the US Supreme Court.

## LEGAL PROFESSION

Norgren, Jill. *Stories from Trailblazing Women Lawyers: Lives in the Law*. New York: New York University Press, 2018. Pp. xiv + 287. $30.00 cloth.

This volume curates the oral histories of one-hundred US women lawyers who changed the profession of law. Norgren uses the interviews to describe the profound changes that began in the late 1960s, interweaving social and legal history with the women's individual experiences. The oral histories were commissioned by the American Bar Association's Commission on Women; the interviews, made available to the author, permit these women to be written into history in their words.

## RULE OF LAW

Karekwaivanane, George Hamandishe. *The Struggle Over State Power in Zimbabwe: Law and Politics Since 1950*. New York: Cambridge University Press, 2017. Pp. xiv + 272. $99.99 cloth.

Karekwaivanane offers a long-term study of law and politics in Zimbabwe, examining how the law was used in the constitution and contestation of state power across the late-colonial and post-colonial periods. Through this, he offers insight on recent debates about judicial independence, adherence to human rights, and the observation of the rule of law in contemporary Zimbabwean politics. He concludes that law has assumed a prominent place in Zimbabwe's recent political struggles and should be seen as a significant part of the history of the state and power in Southern Africa.

## SOCIOLEGAL THEORY

García-Villegas, Mauricio. *The Powers of Law: A Comparative Analysis of Sociopolitical Legal Studies*. New York: Cambridge University Press, 2018. Pp. xi + 219. $110.00 cloth.

Using the interdisciplinary tools of the sociology of law, critical legal theory, and socio-legal studies, García-Villegas compares law and society theory and practice in France and the United States. He seeks to bring together diverse perspectives and practices that generally do not communicate well with one another, as is often the case between the critical theory of law of jurists and the legal sociology of sociologists.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

Thornhill, Chris. *The Sociology of Law and the Global Transformation of Democracy*. New York: Cambridge University Press, 2018. Pp. x + 587. $44.99 paper.

Thornhill argues that inclusive patterns of democratic citizenship only evolved on the foundation of global legal norms that were consolidated after 1945. He claims that this process can be best understood through a transposition of key insights of classical legal sociology onto the form of global society. Drawing on case studies from different regions, he offers a sociological theory of global law to explain contemporary processes of democratic integration and institutional formation and constructions of citizenship and political rights.

## TRANSFORMATION OF LEGAL SYSTEMS

Pashman, Howard. *Building a Revolutionary State: The Legal Transformation of New York, 1776–1783*. Chicago, IL: University of Chicago Press, 2018. Pp. xi + 172. $30.00 paper.

How does a popular uprising transform itself from the disorder of revolution into a legal system that carries out the daily administration required to govern? Americans faced this question during the Revolution, yet by the end of the war, they managed to rebuild their courts and legislatures, imbuing them with an authority. In this context, Pashman looks at one state, New York, to explore a central paradox of the revolutionary era: aggressive enforcement of partisan property rules actually had stabilizing effects that allowed insurgents to build legal institutions that enjoyed popular support.

## TRANSITIONAL JUSTICE

David, Roman. *Communists and Their Victims: The Quest for Justice in the Czech Republic*. Philadelphia, PA: University of Pennsylvania, 2018. Pp. xi + 264. $79.95 cloth.

Drawing on interviews, focus groups, and nationwide surveys, David looks at the impact of financial compensation and truth-sharing on victims' healing and examines the role of retribution in the behavior and attitudes of communists and their families in the Czech Republic. Emphasizing the narratives of former political prisoners, secret collaborators, and former Communist Party members, he tests the potential of justice measures to contribute to a shared sense of justice and their ability to overcome the class structure and ideological divides of a formerly communist regime.

Hafetz, Jonathan. *Punishing Atrocities Through a Fair Trial: International Criminal Law from Nuremberg to the Age of Global Terrorism*. New York: Cambridge University Press, 2018. Pp. vi + 196. $110.00 cloth.

Hafetz explores the tension between the search for justice for victims of mass violence in countries such as the former Yugoslavia, Rwanda, Sierra Leone, and Cambodia and the need to protect defendants' right to a fair trial. He considers such issues as criticism of the Nuremberg Trials as "victor's justice" and accusations that political motivations cloud prosecutions today by the International Criminal Court.

## US SUPREME COURT

Fletcher, Kimberley L. *The Collision of Political and Legal Time: Foreign Affairs and the Supreme Court's Transformation of Executive Authority*. Philadelphia, PA: Temple University Press, 2018. Pp. x + 276. $39.95 paper.

Fletcher analyzes the role that the US Supreme Court has played in interpreting presidential decision making in the area of foreign affairs since 1936. Examining such cases as *Curtiss-Wright*, the

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press

Japanese internment and detainee cases, and the Youngstown steel case, she considers the Court as an agent of change, which ultimately transforms power, shapes politics, and redirects history.

Lynch, David. *The Role of Circuit Courts in the Formation of United States Law in the Early Republic: Following Supreme Court Justices Washington, Livingston, Story and Thompson*. Portland, OR: Hart Publishing, 2018. Pp. xxi + 233. $89.89 cloth.

Lynch highlights the contribution of four early US Supreme Court Associate Justices who presided over circuit courts during the Marshall era, arguing that in those early years federal law grew from the "inferior courts" upward rather than down from the Supreme Court. Drawing on eighteen-hundred opinions and over two-thousand letters, he examines the sources of law upon which the justices drew, their efforts to achieve consistency across the circuits, and the different ways in which each justice contributed to the shaping of US law.

https://doi.org/10.1111/lsi.12372 Published online by Cambridge University Press