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CONSTITUTIONAL THEORY AND HISTORY

Jones, Brian Christopher. *Constitutional Idolatry and Democracy: Challenging the Infatuation with Writtenness*. Northampton, MA: Edward Elgar Publishing, 2020. Pp. vii + 210. $120.00 cloth.

Focused around whether the UK should draft a single written constitution, this book suggests that constitutions have been drastically and persistently oversold throughout the years, and that their wider importance and effects are not nearly as significant as constitutional advocates maintain. Jones considers whether written constitutions can educate the citizenry, invigorate voter turnout, or deliver "We the People" sovereignty.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Ayres, Ian, and Fredrick E. Vars. *Weapon of Choice: Fighting Gun Violence While Respecting Gun Rights*. Cambridge, MA: Harvard University Press, 2020. Pp. xii + 256. $27.95 cloth.

Ayres and Vars argue that there are at least ten policies that can be adopted at the state level to reduce the number of gun-related deaths in the US without affecting the rights of gun owners. Examples include voluntary programs whereby individuals can choose to restrict their ability to purchase or possess firearms, thus decreasing suicides; expanding statutes allowing judges to restrict access to guns when an individual has shown evidence of dangerousness; and encouraging the use of "unlawful possession" petitions to remove guns from people legally disqualified from owning them.

Bailey, Victor. *The Rise and Fall of the Rehabilitative Ideal, 1895–1970*. New York, NY: Routledge, 2019. Pp. xvii + 549. $170.00 cloth.

Spanning almost a century of penal policy and practice in England and Wales, this book is a study of the long arc of *the rehabilitative ideal*, beginning in 1895, the year of the Gladstone Committee on Prisons, and ending in 1970, when the policy of treating and training criminals was very much on the defensive. Baily draws on a wide variety of source material, including the official papers of mandarins, ministers, and magistrates, measures of public opinion, prisoner memoirs, publications of penal reform groups and prison officers, and the reports of Royal Commissions and Departmental Committees.

Clair, Matthew. *Privilege and Punishment: How Race and Class Matter in Criminal Court*. Princeton, NJ: Princeton University Press, 2020. Pp. xviii + 284. $29.95 cloth.

Drawing on extensive fieldwork in the Boston court system, attending criminal hearings and interviewing defendants, lawyers, judges, police officers, and probation officers, Clair examines how privilege and inequality play out in criminal court interactions. He finds that when disadvantaged defendants try to advocate for themselves, these attempts can backfire, and lawyers and judges often silence, coerce, and punish them. By contrast, privileged defendants, who are more likely to trust their defense attorneys, delegate authority to their lawyers, defer to judges, and are rewarded for their compliance.

Davidson, Natalie R. *American Transitional Justice: Writing Cold War History in Human Rights Litigation*. New York, NY: Cambridge University Press, 2020. Pp. x + 208. $99.99 cloth.

Davidson offers an alternative account of US Alien Tort Statute litigation by revisiting two seminal cases, *Filártiga* (filed 1979) and *Marcos* (filed 1986), lawsuits ostensibly concerned with torture in Paraguay and the Philippines, respectively. Combining legal analysis, archival research and ethnographic methods, she finds that US courts produced a whitewashed history of US involvement in repression, while in Paraguay and the Philippines the distance from US courts allowed for a more critical narration of the lawsuits and their underlying violence as symptomatic of structural injustice.

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Harding, David J., and Heather M. Harris. *After Prison: Navigating Adulthood in the Shadow of the Justice System*. New York, NY: Russell Sage Foundation, 2020. Pp. xvi + 333. $37.50 paper.

Harding and Harris examine the challenges faced by 1,300 black and white youth aged 18 to 25 who were released from Michigan prisons in 2003, and find a huge racial disparity in the successful transition to life after incarceration. They attribute this disparity to the increased stigma of criminal records for blacks, racial discrimination, and differing levels of social network support that connect whites to higher quality jobs.

Kirk, David S. *Home Free: Prisoner Reentry and Residential Change after Hurricane Katrina*. New York, NY: Oxford University Press, 2020. Pp. xiv + 227. $34.95 cloth.

Kirk uses Hurricane Katrina as a natural experiment to examine whether residential relocation can lead to desistance from crime. Drawing on quantitative and qualitative evidence including data from an experimental housing mobility program, he focuses on the lives of individuals released from Louisiana prisons soon after the hurricane, some who moved away from New Orleans and some who did not. He explores the impact of the residential change, investigating what happens when individuals move not just a short distance away from home, but to entirely different cities, counties, and social worlds.

Leverentz, Andrea, Elsa Y. Chen, and Johnna Christian, eds. *Beyond Recidivism: New Approaches to Research on Prisoner Reentry and Reintegration*. New York, NY: New York University Press, 2020. Pp. vi + 381. $99.00 cloth.

Contributors to Leverentz, Chen, and Christian's volume examine the revolving door faced by former prisoners in the US. They focus on the social context of reentry through the stories returning prisoners tell, including such issues as when they choose to reveal (or not) their criminal histories, and they offer recommendations to improve the well-being of returning prisoners.

McConville, Mike, and Luke Marsh. *The Myth of Judicial Independence*. New York, NY: Oxford University Press, 2020. Pp. xvi + 318. $99.00 cloth.

Through an examination of the history of the British rules that regulate police interrogation (the *Judges' Rules*) in conjunction with plea bargaining and the Criminal Procedure Rules, this book explores the "Westminster Model" under which three arms of the State operate independently of one another. McConville and Marsh's analysis of Home Office archives concludes that the worldwide significance of the Rules was secured not by the standing of the English judiciary and the political power of the empire, but more significantly by the false representation that the Rules were the handiwork of judges rather than civil servants and politicians.

Ryan, Meghan J., and William W. Berry, III, eds. *The Eighth Amendment and Its Future in a New Age of Punishment*. New York, NY: Cambridge University Press, 2020. Pp. xiv + 324. $110.00 cloth.

Contributors to Ryan and Berry's volume explore the US constitutional bar against cruel and unusual punishments, excessive bail, and excessive fines. Topics include constitutional theory, legal history, federalism, constitutional values, the applicable legal doctrine, punishment theory, prison conditions, bail, fines, the death penalty, juvenile life without parole, execution methods, prosecutorial misconduct, race discrimination, and law & science.

Shaffer, Gregory, and Ely Aaronson, eds. *Transnational Legal Ordering of Criminal Justice*. New York, NY: Cambridge University Press, 2020. Pp. xv + 385. $110.00 cloth.

Contributors to Shaffer and Aaronson's volume question traditional approaches that study criminal justice from a predominantly national perspective, or that dichotomize the study of international from national criminal law. Building on sociolegal theories of transnational legal ordering, they

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develop an approach for studying the interaction between international and domestic criminal law and practice through ten case studies that address transnational crimes such as money laundering, corruption, and human trafficking, and international crimes such as mass atrocities, and human rights abuses in law enforcement.

Wenzelburger, Georg. *The Partisan Politics of Law and Order*. New York, NY: Oxford University Press, 2020. Pp. xiv + 254. $49.95 cloth.

Using a large-scale quantitative analysis of twenty Western industrialized countries covering the period from 1995 to 2012, supplemented by case studies in the United Kingdom, Germany, France, and Sweden, Wenzelburger finds that political parties have a central role in law-and-order policymaking. The analysis employs an integrated framework based on issue competition, institutional context, and policy feedback as the driving factors shaping penal policy.

LAW AND THE ADMINISTRATIVE STATE

Okayama, Hiroshi. *Judicializing the Administrative State: The Rise of the Independent Regulatory Commissions in the United States, 1883–1937*. New York, NY: Routledge, 2019. Pp. xi + 187. $140.00 cloth.

Okayama argues that in the US the institutional combination of common law and the presidential system favored policy implementation through formal procedures by autonomous agencies and that this, in turn, induced the creation and development of independent regulatory commissions explicitly modeled after courts. These commissions judicialized the state not only through their proliferation but also through the diffusion of their formal procedures to executive agencies over the next half century, which led to a highly fairness-oriented administrative state.

LAW AND CONSUMERS

Zhou, Ling. *Access to Justice for the Chinese Consumer: Handling Consumer Disputes in Contemporary China*. Oxford, UK: Hart Publishing, 2020. Pp. xvi + 170. $55.00 cloth.

This book offers a sociolegal exploration of localized consumer complaint processing and dispute resolution in the People's Republic of China through the experiences of both ordinary and "professional" consumers. Drawing on a large body of empirical data, Zhou highlights local understandings and practice styles of mediation, and identifies in popular consciousness a continuing sense of reliance on the government for securing consumer rights in China.

LAW AND LANGUAGE

Schlag, Pierre, and Amy J. Griffin. *How to Do Things with Legal Doctrine*. Chicago, IL: The University of Chicago Press, 2020. Pp. viii + 207. $30.00 paper.

Drawing on the work of the New Doctrinalists, Schlag and Griffin examine the conceptual and rhetorical operations legal professionals perform with doctrine. They focus especially on those difficult moments where law seems to run out, but legal argument must go on. They seek to create a systematic understanding of the doctrinal moves that successful lawyers make intuitively.

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LAW AND PRIVILEGE

Deo, Meera E., Mindie Lazarus-Black, and Elizabeth Mertz, eds. *Power, Legal Education, and Law School Cultures*. New York, NY: Routledge, 2020. Pp. xiv + 301. $140.00 cloth.

Contributors to Deo, Lazarus-Black, and Mertz's volume present empirical critiques of how hierarchies of power and cultural norms shape and maintain inequities in legal education. Among other topics, they examine hidden pedagogical messages—finding, for example, that presumptions about theory's relation to practice are refracted through the obfuscating lens of curricula—and they examine how structural barriers replicate injustice even within institutions representing themselves as democratic and open. Key foci include the influence of context, the political economy of legal education, and the agency of students and faculty.

LAW AND RACE

Wilkinson, A. B. *Blurring the Lines of Race & Freedom: Mulattoes & Mixed Bloods in English Colonial America*. Chapel Hill, NC: The University of North Carolina Press, 2020. Pp. xv + 336. $34.95 paper.

Wilkinson investigates how people of mixed African, European, and Native American heritage—commonly referred to as "Mulattoes," "Mustees," and "mixed bloods"—were integral to the construction of colonial racial ideologies. The book explores the ways mixed-heritage people viewed themselves and explains how they—along with their African and Indigenous American forebears—resisted the formation of a rigid racial order and fought for freedom in seventeenth- and eighteenth-century societies shaped by colonial labor and legal systems.

LAW AND RELIGION

McIvor, Méadhbh. *Representing God: Christian Legal Activism in Contemporary England*. Princeton, NJ: Princeton University Press, 2020. Pp. x + 188. $26.95 paper.

Based on two years of fieldwork split between a conservative Christian lobby group and a conservative evangelical church, McIvor examines the changing place of public Christianity in England through the rise of Christian political activism and litigation. She argues that by framing certain moral practices as specifically Christian, these activists present their religious convictions as something increasingly set apart from broader English culture, thereby hastening the secularization they seek to counter.

Sullivan, Winnifred Fallers. *Church State Corporation: Construing Religion in US Law*. Chicago, IL: University of Chicago Press, 2020. Pp. x + 210. $27.50 paper.

Sullivan examines the deeply ambiguous and often unacknowledged ways in which Christian theology remains alive and at work in the US legal imagination. Through readings of the opinions of the US Supreme Court and other legal texts, Sullivan argues that "the church" as a religious collective is granted special privilege in US law. For example, her analyses of *Hosanna-Tabor v. EEOC* and *Burwell v. Hobby Lobby* find that the law tends to honor the religious rights of the group, whether in the form of a church or a corporate form, over the rights of the individual, offering corporate religious entities an autonomy denied to their respective members.

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RULE OF LAW

Chen, Weitseng, and Hualing Fu, eds. *Authoritarian Legality in Asia: Formation, Development and Transition*. New York, NY: Cambridge University Press, 2020. Pp. xiv + 393. $140.00 cloth.

Contributors to Chen and Fu's volume on authoritarian legality in China, Hong Kong, South Korea, Japan, Taiwan, Singapore, and Vietnam consider a variety of questions, including: Why would an authoritarian regime seek or tolerate a significant degree of legality and how has such type of legality been made possible in Asia? Would a transition toward a liberal, democratic system eventually take place and, if so, what kind of post-transition struggles are likely to be experienced?

Pauer-Studer, Herlinde. *Justifying Injustice: Legal Theory in Nazi Germany*. New York, NY: Cambridge University Press, 2020. Pp. xii + 270. $110.00 cloth.

From 1933 to 1939, a flood of publications in the Third Reich reflected on the question of how to adapt law to the political ends of National Socialism, debating both the normative and constitutional foundations of the National Socialist state, and the proper form and content of criminal and police law in this new political framework. Pauer-Studer argues these debates reveal the normative ideas driving the Führer state and the legal subtext to the Nazi regime's escalating atrocities.

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