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Book Notes*

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ACCOUNTABILITY IN ADMINISTRATION

Mugler, Johanna. *Measuring Justice: Quantitative Accountability and the National Prosecuting Authority in South Africa*. Cambridge, UK: Cambridge University Press, 2019. Pp. xiii + 196. $110 cloth.

Mugler explores the ways in which South African court and managerial prosecutors deal with the quantification of social phenomena—such as justice, professional work, or accountability—and address the radical simplifications of their inherent complexities, misrepresentations, and editing as a consequence. Through examination of the everyday work of prosecutors and how they reflect on the relationship between accountability, quantification, and law, she argues that actors who work daily with quantitative accountability measures develop a numerical reflexivity about the process.

CONSTITUTIONAL THEORY AND HISTORY

Crouch, Melissa. *The Constitution of Myanmar: A Contextual Analysis*. Oxford, UK: Hart Publishing, 2019. Pp. xxiv + 251. £60.00 cloth.

Crouch analyzes the 2008 Constitution of Myanmar (Burma) in its historical, political, and social context, arguing that the Constitution is crucial to the establishment and maintenance of the military state but that the process of constitution-making and the substance of the Constitution contribute to its lack of credibility and fuel demands for reform. Her book is animated by debates over fundamental ideas such as the nature of democracy, the possibility of peace and federalism, the relationship between the executive and the legislature, relations between the Union government and subnational governments, judicial independence, and the oversized role of the Tatmadaw (armed forces).

Kim, Marie Seong-Hak. *Constitutional Transition and the Travail of Judges: The Courts of South Korea*. New York: Cambridge University Press, 2019. Pp. xi + 349. $125.00 cloth.

Kim considers the evolution of the judicial process and jurisprudence in the context of South Korea's political and constitutional transitions. Her focus is on constitutional authoritarianism in the 1970s under President Park Chung Hee, when judges faced a positivist crisis as their capacity to protect individual rights and restrain the government was impaired by constitutional language. She concludes that, caught between the contending duties of implementing the law and pursuing justice, the judges adhered to formal legal rationality, which eventually proved essential in the nation's democratization in the late 1980s.

COURTS AND JUDGES

Sterett, Susan M., and Lee Demetrius Walker, eds. *Research Handbook on Law and Courts*. Cheltenham, UK: Edward Elgar, 2019. Pp. xiii + 490. $290.00 cloth.

Contributors to Sterett and Walker's research handbook consider courts as governing institutions and focus on how courts have taken on the regulation of fundamental categories of inclusion and exclusion, including citizenship rights. They address courts' centrality to governance in sections on judicial processes, subnational courts, and political accountability, while other chapters analyze the worldwide push for diversity in staffing courts and how the digitization of records changes both court processes and studying courts.

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CRIMINAL JUSTICE AND SOCIAL CONTROL

Aviram, Hadar. *Yesterday's Monsters: The Manson Family Cases and the Illusion of Parole*. Oakland, CA: University of California Press, 2020. Pp. xiv + 277. $29.95 paper.

In 1969, the world was shocked by a series of murders committed in Los Angeles by Charles Manson and his "family" of followers. The defendants' sentences were commuted to life with parole in 1972; since 1978, they have been regularly attending parole hearings, but none have been paroled. Relying on interviews, archival materials, and nearly fifty years of parole hearing transcripts, Aviram delves into the world of the California parole process, finding almost unfettered administrative discretion, prison programming inadequacies, high-pitched emotions, and political pressures.

Felber, Garrett. *Those Who Know Don't Say: The Nation of Islam, the Black Freedom Movement, and the Carceral State*. Chapel Hill, NC: University of North Carolina Press, 2020. Pp. 259. $22.95 paper.

Felber's political and intellectual history of the Nation of Islam centers the Nation in the US Civil Rights Era and the making of the modern carceral state, seeking to capture the ambiguous place of the Nation—and Black nationalist organizing more broadly—during an era which has come to be defined by nonviolent resistance, desegregation campaigns, and racial liberalism. He concludes that the interplay between state repression and Muslim organizing laid the groundwork for both the modern carceral state and the contemporary prison abolition movement.

Goodrum, Sarah. *After Homicide: Victims' Families in the Criminal Justice System*. Boulder, CO: Lynne Rienner Publishers, 2020. Pp. xi + 217. $85.00 cloth.

Drawing on field research in a US county, Goodrum explores the experiences of the families of murder victims as they encounter the multiple members of the criminal justice system, including police officers, counselors, prosecutors, and judges. She traces the steps of a murder investigation and trial but also considers situations where no arrests are made and where the perpetrator commits suicide at the scene of the crime.

Kaye, Kerwin. *Enforcing Freedom: Drug Courts, Therapeutic Communities, and the Intimacies of the State*. New York: Columbia University Press, 2020. Pp. xiv + 346. $35 paper.

Drawing on ethnographic data, Kaye offers an account of US drug courts and mandatory treatment centers as a system of coercion, concluding that the state uses rehabilitation as a means of social regulation and as a project of race and class control. He finds that courts decide whether to release or incarcerate participants using nominally colorblind criteria that draw on racialized imagery and that rehabilitation comes to mean preparation for low-wage labor and the destruction of community ties with "bad influences," a process that turns participants against one another.

Sylvestre, Marie-Eve, Nicholas Blomley, and Céline Bellot. *Red Zones: Criminal Law and the Territorial Governance of Marginalized People*. Cambridge, UK: Cambridge University Press, 2019. Pp. xxii + 257. $29.99 paper.

Drawing on their fieldwork with legal actors and those subjected to surveillance in Canada, Sylvestre, Blomley, and Bellot find that "red zones" —along with other court-imposed restrictions on criminal defendants—have a devastating impact on the marginalized populations who depend on public spaces. They argue that, unlike better publicized forms of spatial regulation such as legislation or policing strategies, court-imposed regulations create a form of legal territorialization that threatens to invert traditional expectations of justice and reshape the understanding of criminal law and punishment.

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Tonry, Michael, ed. *Of One-eyed and Toothless Miscreants: Making the Punishment Fit the Crime?* New York: Oxford University Press, 2019. Pp. ix + 249. $99.00 cloth.

Contributors to Tonry's volume seek to specify how proportionality can be understood in relation to the implementation of punishment, locate the ways that theories are evolving toward more humane and thoughtful approaches, and provide new ways to understand the severities of punishment and the seriousness of crime.

FREEDOM TO DISSENT

Bird, Wendell. *Criminal Dissent: Prosecutions under the Alien and Sedition Acts of 1798*. Cambridge, MA: Harvard University Press, 2020. Pp. x + 546. $55 cloth.

Under the Alien and Sedition Acts of 1798, the Federalist administration of John Adams sought to safeguard the young US republic by suppressing opposition. The Acts gave the president unlimited discretion to deport noncitizens and made it a crime to criticize the president, Congress, or the federal government. In his book, Bird examines the original federal court records and the papers of Secretary of State Timothy Pickering. He finds that the administration's zeal under the Acts was far greater than historians have recognized and notes that there were twice as many prosecutions and planned deportations as previously believed.

JUSTICE AND POLITICS

Goodale, Mark. *A Revolution in Fragments: Traversing Scales of Justice, Ideology, and Practice in Bolivia*. Durham, NC: Duke University Press, 2019. Pp. xvi + 299. $27.95 paper.

This book examines the fragmentary and contested nature of Bolivia's radical experiments in pluralism, ethnic politics, and socioeconomic planning from 2005 and 2015 under the government of Evo Morales, Bolivia's first indigenous president. Privileging the voices of social movement leaders, students, indigenous intellectuals, women's rights activists, and others, Goodale uses contemporary Bolivia as a case study with which to theorize the role that political agency, identity, economic equality, and law play within movements for justice and structural change.

LAW AND THE BLUE TURN

Braverman, Irus, and Elizabeth R. Johnson, eds. *Blue Legalities: The Life and Laws of the Sea*. Durham, NC: Duke University Press, 2020. Pp. viii + 342. $28.95 paper.

Inspired by the blue turn in the social sciences and humanities, contributors to Braverman and Johnson's volume explore how regulatory frameworks and governmental infrastructures are made, reworked, and contested in the oceans, analyzing topics that range from militarization and Maori cosmologies to island building in the South China Sea and underwater robotics. Moving beyond legal frameworks, they also seek to show how the more-than-human ocean is central to the construction of terrestrial institutions and modes of governance.

LAW AND GENDER

Davis, Alexander K. *Bathroom Battlegrounds: How Public Restrooms Shape the Gender Order*. Oakland, CA: University of California Press, 2020. Pp. xvi + 303. $29.95 paper.

In this study of conflicts over the existence and equity of gendered public restrooms in the US, Davis finds that bathrooms have consistently been entangled with larger cultural matters such as the public good, the reach of institutional inclusion, the nature of gender difference, and, above all, the

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myriad privileges of social status. He chronicles the debut of nineteenth-century "comfort stations," twentieth-century mandates requiring equal-but-separate men's and women's rooms, and the recent disputes over laws like North Carolina's "bathroom bill," and concludes that public restrooms are consequential sites in which ideology, institutions, and inequality collide.

LAW AND IDENTITY

Kedar, Nir. *Law and Identity in Israel: A Century of Debate*. Cambridge, UK: Cambridge University Press, 2019. Pp. x + 228. $110 cloth.

Kedar sees the forging of an original and "authentic" Israeli law that would be an expression and encapsulation of Israeli-Jewish identity as the goal of many Jewish and Zionist jurists and public leaders for the past century. He chronicles and analyzes these efforts, and in the process tackles the meaning of Judaism in modern times as a religion, a culture, and a nationality. He finds that Israel succeeded in eluding a debate over identity, and in constructing a progressive, independent, and sophisticated legal system.

LAW AND IMMIGRATION

Marinari, Maddalena. *Unwanted: Italian and Jewish Mobilization Against Restrictive Immigration Law, 1882–1965*. Chapel Hill, NC: University of North Carolina Press, 2020. Pp. xii + 268. $27.95 paper.

Weaving together political, social, and transnational history, Marinari examines how, from 1882 to 1965, Italian and Jewish reformers mobilized against US immigration laws that marked them as biologically and culturally inferior, unassimilable, and undesirable. She finds that strategic alliances among restrictionist legislators in Congress, a climate of anti-immigrant hysteria, and a fickle executive branch thwarted their efforts but that as they tested the limits of citizenship and citizen activism, they shaped the terms of debate around immigration in ways still relevant today.

LAW AND PROPERTY

Kreiczer-Levy, Shelly. *Destabilized Property: Property Law in the Sharing Economy*. Cambridge, UK: Cambridge University Press, 2019. Pp. xii + 185. $110 cloth.

Kreiczer-Levy argues that in the sharing economy, property's role as a source of permanence and a facilitator of stable, long-term relationships is gradually decreasing in importance. She offers a broad theoretical normative framework and institutional, communal, and relational perspectives for understanding the changing landscape of property. Her book addresses such questions as: Does the rise of access render our conception of property obsolete? What are the normative and theoretical implications of choosing casual short-term use of property over stable use? What are the relational and social complications of blurring the line between personal and commercial use of property?

LAW AND RACE

Niedermeier, Silvan, trans. Paul Allen Cohen. *The Color of the Third Degree: Racism, Police Torture, and Civil Rights in the American South, 1930–1955*. Chapel Hill, NC: University of North Carolina Press, 2019. Pp. 213. $27.95 paper.

Drawing on a wide array of previously neglected archival sources, Niedermeier argues that, in an effort to deter unruly white mobs and to control black communities, law officers in the US Jim Crow South violently extorted confessions and testimony from black suspects and defendants to secure

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speedy convictions. He finds that in response, black citizens and the NAACP fought to expose these practices through individual action, local organizing, and litigation, but nonetheless, torture remained a widespread, powerful form of racial control and suppression.

LAW AND RELIGION

Esbeck, Carl H., and Jonathan J. Den Hartog, eds. *Disestablishment and Religious Dissent: Church-State Relations in the New American States, 1776–1833*. Columbia, MO: University of Missouri Press, 2019. Pp. xxii + 437. $45 cloth.

Esbeck and Den Hartog's volume details the process of disestablishment in each of the US colonies, as well as religion's constitutional and legal place in the new states of the federal republic. In addition to coverage of the original thirteen states, contributors consider similar events in seven other states: Vermont, Tennessee, Kentucky, Ohio, Louisiana, Missouri, and Florida.

LAW AND SLAVERY

de la Fuente, Alejandro, and Ariela J. Gross. *Becoming Free, Becoming Black: Race, Freedom, and Law in Cuba, Virginia, and Louisiana*. Cambridge, UK: Cambridge University Press, 2020. Pp. xiv + 281. $24.95 cloth.

Examining suits for freedom in three slave societies—Cuba, Virginia, and Louisiana—de la Fuente and Gross find that the law of freedom, not the law of slavery, established the meaning of blackness in law. Contests over freedom determined whether and how it was possible to move from slave to free status and whether claims to citizenship would be tied to racial identity. Laws regulating the lives and institutions of free people of color created the boundaries between black and white, the rights reserved to white people, and the degradations imposed only on black people.

LAW AND WOMEN

Schuster, Mary. *The Victim's Voice in the Sexual Misconduct Crisis*. London: Lexington Books, 2019. Pp. x + 213. $95 cloth.

Schuster explores how a victim's voice, identity, credibility, and proof are established or challenged in the current sexual misconduct crisis in the US. Using communication and rhetorical analysis, gender studies, and law and society perspectives, she examines concerns such as victim impact statements offered in sentencing hearings of convicted offenders, due process and Title IX requirements in campus sexual assault investigations, laws and Title VII standards governing workplace sexual harassment complaints, and testimony offered in the Senate Judiciary Hearings regarding the Supreme Court nominations of Clarence Thomas and Brett Kavanaugh.

LAW ON THE GROUND

Lund, Anna Jane Sammis. *Trustees at Work: Financial Pressures, Emotional Labour, and Canadian Bankruptcy Law*. Vancouver, BC: UBC Press, 2019. Pp. xiii + 225. $89.95 cloth.

The Canadian personal bankruptcy system seeks to restrict access by distinguishing "deserving" from "undeserving" debtors. Drawing on interviews, statistical data, and the sociology of emotion, Lund finds that trustees tasked with administering bankruptcies focus largely on how cooperative debtors are during the legal process; she concludes that insolvency trustees' conceptions of a deserving debtor are shaped by the financial, legal, and emotional contexts in which they work.

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LEGAL EDUCATION

Barton, Benjamin H. *Fixing Law Schools: From Collapse to the Trump Bump and Beyond*. New York: New York University Press, 2019. Pp. v + 287. $30 cloth.

After the financial crisis of 2008, US law schools experienced a significant decline in enrollments; revenue dropped precipitously; most schools lost faculty, and staff; and several closed. But at the same time, tuition outran inflation and student indebtedness exploded. Then, Barton argues, 2017 brought strangely good news: the election of Donald Trump, the rise of the resistance and lawyer-heroes, and what is perceived as a "Trump Bump" in applications and interest in law schools. Nonetheless, he concludes, law schools must not simply return to business as usual.

LITIGATION FUNDING

Solas, Gian Marco. *Third Party Funding: Law, Economics and Policy*. New York: Cambridge University Press, 2019. Pp. xvi + 348. $125.00 cloth.

Solas explores the realm of third-party funding of lawsuits (TPF) as a stand-alone practice within the wider litigation and legal services markets. He reports on legal issues related to TPF in common law and civil law jurisdictions and in the international context, discusses the incentives and economics of TPF transactions in different legal contexts, explains how the practice emerged, and analyzes a number of regulatory proposals that could affect its use and desirability.

POLITICS OF LEGAL REGIMES

Hurst, William. *Ruling Before the Law: The Politics of Legal Regimes in China and Indonesia*. Cambridge, UK: Cambridge University Press, 2018. Pp. xvi +295. $35.99 paper.

Hurst examines legal regimes across different areas of criminal and civil law in urban and rural China (the world's largest Communist nation) and Indonesia (the world's largest majority-Muslim nation) during distinct periods from 1949 to the present. He offers grassroots analysis of how cases are adjudicated (and with what implications) across authoritarian, developing, postcolonial, and newly democratizing settings.

SUPREME COURT IMPACT

Rosenberg, Gerald N., Sudhir Krishnaswamy, and Shishir Bail, eds. *A Qualified Hope: The Indian Supreme Court and Progressive Social Change*. Cambridge, UK: Cambridge University Press, 2019. Pp. xviii + 357. $125 cloth.

Rosenberg, Krishnaswamy, and Bail present a collection of original empirical studies on the impact of the Indian Supreme Court—often considered to be a vanguard of progressive social change—with a focus on the conditions under which judicial decisions can make a difference to those in need. Contributors find that while the Indian Court, like its US counterpart, is constrained in its efforts, through the broad sweep of constitutional rights in the Constitution, the Court's procedural innovations, and its institutional independence, the Court can sometimes make a difference.

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TRANSITIONAL JUSTICE

Meertens, Donny. *Elusive Justice: Women, Land Rights, and Colombia's Transition to Peace*. Madison, WI: University of Wisconsin Press, 2019. Pp. xxv + 206. $79.95 cloth.

For fifty years, violence by guerrillas, paramilitaries, and official armed forces in Colombia displaced more than six million people. In 2011, as part of a larger transitional justice process, the Colombian government approved a law that would restore land rights for those who lost their homes during the conflicts. Meertens argues that, except for granting women a formal property title, this restitution process has failed rural women, who continue to face adverse circumstances including geographical isolation, encroaching capitalist enterprises, and a dearth of social and institutional support.

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