Law & Social Inquiry
Volume 47, Issue 4, e1–e9, November 2022

Law& Social Inquiry

Book Notes*

CONTENTS

CONSTITUTIONAL THEORY AND HISTORY 2
COURTS AND JUDGES 2
CRIMINAL JUSTICE AND SOCIAL CONTROL 2
LAW AND HOUSING 5
LAW AND INFRASTRUCTURE 5
LAW AND THE LGBTQ+ COMMUNITY 5
LAW AND MENSTRUATION 6
LAW AND PROPERTY 6
LAW AND RACE 6
LAW AND RELIGION 7
LAW AND TAXATION 7
LAW AS PERFORMANCE 7
LEGAL EDUCATION 8
LEGAL PROFESSION 8
METHODS FOR SOCIOLEGAL RESEARCH 8
REGULATION 9
RIGHTS 9

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

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https://doi.org/10.1017/lsi.2022.91 Published online by Cambridge University Press

CONSTITUTIONAL THEORY AND HISTORY

Dixon, Rosalind, and David Landau. *Abusive Constitutional Borrowing: Legal Globalization and the Subversion of Liberal Democracy*. New York: Oxford University Press, 2021. Pp. x + 230. $99.00 cloth.

Dixon and Landau address current patterns of democratic retrenchment and explore its multiple variants and technologies, with a focus on the role of legitimating ideologies that help support different modes of abusive constitutionalism. They find that the borrowing that occurs with legal globalization is increasingly an inspiration—and legitimation device—for those seeking to erode democracy by stealth under the guise of a faux liberal democratic cover.

COURTS AND JUDGES

Kinkel, Jonathan J. *Growth and Survival: An Ecological Analysis of Court Reform in Urban China*. New York: Cambridge University Press, 2022. Pp. xiii + 192. $110.00 cloth.

Fusing a variety of perspectives from social ecology, historical institutionalism, and empirical legal studies, Kinkel contextualizes patterns of court reform within China's rapid economic and social transformations. Drawing on case studies, he focuses on the dynamic expansion of the legal system in the post-Mao reform period. He finds that law firm growth in large cities, especially in the early twenty-first century, pressured courts at the local and national levels to enhance judicial autonomy.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Aliverti, Ana. *Policing the Borders Within*. New York: Oxford University Press, 2021. Pp. xvi + 256. $99.00 cloth.

Through an ethnography of the worlds of police and immigration officers, Aliverti examines the everyday working of inland border controls in Britain. She argues that the emphasis on borders and migration controls is a symptom of the new demands and challenges facing the state in a fast-moving, interconnected world and that these challenges result in the capricious, informal, and arbitrary operation of power. She concludes that, through their everyday work, frontline enforcement agents not only enforce the border but also recreate it.

Evans, Catherine L. *Unsound Empire: Civilization and Madness in Late-Victorian Law*. New Haven, CT: Yale University Press, 2021. Pp. v + 290. $65.00 paper.

Evans tells the history of criminal responsibility in the nineteenth-century British Empire through detailed accounts of homicide cases across three continents. Establishing the mental element of guilt—criminal responsibility—is essential to punishment. Yet, to the consternation of officials in Britain and beyond, experts in new scientific fields posited that insanity was widespread and growing, and evolutionary theories suggested that wide swaths of humanity lacked the self-control and understanding that the common law demanded. The book focuses on these internal tensions at the core of British imperial rule.

Gordon, Daanika. *Policing the Racial Divide: Urban Growth Politics and the Remaking of Segregation*. New York: New York University Press, 2022. Pp. iii + 274. $30.00 paper.

Drawing on in-depth interviews and hundreds of hours of ethnographic observation, Gordon offers a behind-the-scenes account of how the police reconfigure segregated landscapes through their role in urban growth politics. Despite best intentions, she finds, "River City" and many other post-industrial cities in the United States are increasing the divisions of segregation by investing in downtowns, gentrified neighborhoods, and entertainment corridors, while framing marginalized central city neighborhoods as sources of criminal and civic threat to be contained and controlled.

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Hagan, John, Bill McCarthy, and Daniel Herda. *Chicago's Reckoning: Racism, Politics, and the Deep History of Policing in an American City*. New York: Oxford University Press, 2022. Pp. xiii + 233. $29.95 cloth.

Hagan, McCarthy, and Herda examine the history of race, politics, and policing in Chicago. They argue that the law enforcement system created by mayors Richard J. and Richard M. Daley worked largely to benefit and protect white residential areas and business districts while excluding Black and Brown Chicagoans and concentrating them in highly segregated neighborhoods. They focus particularly on how the law enforcement bureaucracy permitted detective John Burge to supervise the torture of over one hundred Black men on Chicago's South and West Sides.

McDowell, Andrea G. *We the Miners: Self-Government in the California Gold Rush*. Cambridge, MA: Harvard University Press, 2022. Pp. ii + 327. $39.95 cloth.

McDowell challenges the image of the Wild West during the California Gold Rush. She finds that miners turned out to be experts at self-government, bringing about an American-style democracy——with all its promises and deficiencies. They met to adopt mining codes, decide claim disputes, run large-scale mining projects, and resist the dominance of companies financed by outside capital. Most notably, they held criminal trials on their own authority. But she also finds that the ruling majority expelled foreign miners from the diggings and allowed their countrymen to murder local Native Americans.

Nanes, Matthew. *Policing for Peace: Institutions, Expectations, and Security in Divided Societies*. New York: Cambridge University Press, 2022. Pp. xv + 232. $34.99 paper.

Drawing on evidence from policing in Iraq and Israel, Nanes finds that including members of marginalized groups in the police improves civilians' expectations of how the police and government will treat them; these expectations are enhanced when officers are organized into mixed, rather than homogeneous, patrols. For example, Iraqis in the study indicated feeling most secure when policed by mixed officers—even more secure than they feel when policed by members of their own group—while, in Israel, increases in police officer diversity were associated with lower crime victimization for both Arab and Jewish citizens.

Olbertson, Kristin A. *The Dreadful Word: Speech Crime and Polite Gentlemen in Massachusetts, 1690–1776*. New York: Cambridge University Press, 2022. Pp. xiv + 323. $59.99 cloth.

Analyzing provincial statutes and over 1,500 criminal prosecutions, Olbertson argues that colonists in early Massachusetts transformed their understanding of speech offenses from fundamentally ungodly to primarily impolite. As white male gentility emerged as the pre-eminent model of authority, records show a distinct cadre of politely pious men defining themselves largely in contrast to the vulgar, the impious, and the unmanly. She concludes that "law," as manifested in statutes as well as in local courts and communities, promoted and legitimized a particular, polite vision of the king's peace and helped effectuate the British Empire.

Parker, David S. *The Pen, the Sword, and the Law: Dueling and Democracy in Uruguay*. Montreal and Kingston: McGill-Queen's University Press, 2022. Pp. xi + 234. $55.00 cloth.

Drawing on detailed newspaper reports of duels and challenges, parliamentary debates, legal records, private papers, and interviews, this book explores how Uruguay, the only country in the world to decriminalize dueling, managed the tension between the informal, but widely accepted, "gentlemanly laws" of dueling and the country's Criminal Code. Finding that the duel was no simple throwback to archaic conceptions of masculine honor and chivalry, Parker concludes that dueling went hand in hand with democracy and freedom of the press in one of South America's most progressive nations.

https://doi.org/10.1017/lsi.2022.91 Published online by Cambridge University Press

Provost, René. *Rebel Courts: The Administration of Justice by Armed Insurgents*. New York: Oxford University Press, 2021. Pp. x + 474. $150.00 cloth.

Using a series of detailed case studies of non-state armed groups, including the Fuerzas Armadas Revolucionarias (Colombia), the Islamic State (Syria and Iraq), the Taliban (Afghanistan), the Tamil Tigers (Sri Lanka), the Partiya Karkeren Kurdistan (Turkey), the Partiya Yekitiya Demokrat (Syria), and the Kurdistan Regional Government (Iraq), Provost argues that it is possible for non-state armed groups to legally establish and operate a system of courts to administer justice. He finds that the law of war can be interpreted as authorizing "rebel courts," and when operating in a manner consistent with due process, those courts demand a degree of recognition by international states, institutions, and even other non-state armed groups.

Roychowdhury, Poulami. *Capable Women, Incapable States: Negotiating Violence and Rights in India*. Oxford: Oxford University Press, 2020. Pp. xv + 229. $99.00 cloth.

In this ethnography, Roychowdhury finds that Indian women interact with the law not by following legal procedure or abiding by the rules but, rather, by deploying collective threats and doing the work of the state themselves. She argues that they behave this way because law enforcement personnel do not protect women from harm but do allow women to take the law into their own hands. As a result, they create a space where capable women can extract concessions outside the law, all while shouldering a new burden of labor and risk.

Seeds, Christopher. *Death by Prison: The Emergence of Life without Parole and Perpetual Confinement*. Oakland: University of California Press, 2022. Pp. ii + 278. $29.95 paper.

Seeds argues that, in recent decades, life imprisonment without the possibility of parole has developed into a distinctive penal form in the United States, firmly entrenched in policy making, judicial and prosecutorial decision making, correctional practice, and public discourse. By contrast, fifty years ago, it was an extraordinary punishment. He offers "a new foundation for questioning this deeply problematic practice that has escaped close scrutiny for too long."

Taylor-Thompson, Kim, and Anthony C. Thompson, eds. *Progressive Prosecution: Race and Reform in Criminal Justice*. New York: New York University Press, 2022. Pp. iii + 305. $45.00 cloth.

Taylor-Thompson and Thompson's volume offers "an unapologetically ambitious vision for reform." Contributors, which include practicing US district attorneys and scholars, draw from empirical evidence and years of experience to argue that change must happen at the local level; prosecutors need to adopt race-conscious approaches, actively focusing on the ways in which race misshapes perceptions of criminality, influences discretionary calls, affects jury selection, and induces a reliance on punitive responses.

Walker, Michael L. *Indefinite: Doing Time in Jail*. New York: Oxford University Press, 2022. Pp. xi + 267. $29.95 cloth.

In this ethnography, Walker, who spent several extended spells in a California county jail during graduate school, presents an account of the routines, rhythms, and subtle meanings that come with being incarcerated. He argues that punishment in jail is purposefully degrading, creating a racial politics that organizes daily life, moves men from clock time to event time, normalizes trauma, and imbues residents with substantial measures of vulnerability. And he finds that some management techniques magnify individual conflicts to potential group conflicts, while others create divisions among residents for the sake of control.

https://doi.org/10.1017/lsi.2022.91 Published online by Cambridge University Press

LAW AND HOUSING

Bartram, Robin. *Stacked Decks: Building Inspectors and the Reproduction of Urban Inequality*. Chicago: University of Chicago Press, 2022. Pp. viii + 232. $27.50 paper.

Bartram examines the role of housing inspectors in Chicago, focusing on the judgment calls that inspectors make when deciding whom to cite for building code violations. She finds that the predominantly white, male inspectors largely recognize that they work within an unequal housing landscape that systematically disadvantages poor people and people of color. Her analysis highlights the uphill battle that inspectors face when trying to change a housing system that works against those with the fewest resources.

Herbert, Claire. *A Detroit Story: Urban Decline and the Rise of Property Informality*. Oakland: University of California Press, 2021. Pp. xxii + 292. $29.95 paper.

Herbert examines how the informal reclamation of abandoned property has shaped Detroit. She participated in community meetings and tax foreclosure protests, interviewed various groups, followed scrappers through abandoned buildings, and visited squatted houses and gardens. She concludes that new residents with more privilege often have their back-to-the-earth practices formalized by local policies, whereas longtime, more disempowered residents—usually representing communities of color—have their practices labeled as illegal and illegitimate.

LAW AND INFRASTRUCTURE

Valverde, Mariana. *Infrastructure: New Trajectories in Law*. New York: Routledge Taylor & Frances Group, 2022. Pp. xiv + 118. $47.96 cloth.

Valverde argues that the complex process of creating societal infrastructure requires drawing from and sometimes reinventing or recycling legal tools that are often taken for granted by both practitioners and urban studies scholars. The avalanche of drawings and photographs of planned or in-process fancy buildings tends to hide from view the behind-the-scenes negotiations and decision making that had to happen before construction could start and which in some cases continues afterwards. She concludes that a focus on the legal and governance underpinnings of infrastructure projects would provide an important socio-legal supplement to the current "infrastructure turn."

LAW AND THE LGBTQ+ COMMUNITY

Bishin, Benjamin George, Thomas J. Hayes, Matthew B. Incantalupo, and Charles Anthony Smith. *Elite-Led Mobilization and Gay Rights: Dispelling the Myth of Mass Opinion Backlash* Ann Arbor: University of Michigan Press, 2021. Pp. xviii + 262. $95.00 cloth.

Bishin, Hayes, Incantalupo, and Smith argue that what appears to be public opinion backlash against gay rights is more likely elite-led mobilization, a strategy used by anti-gay elites—primarily white evangelicals—seeking to prevent the full incorporation of lesbian, gay, bisexual, and transgender (LGBT) Americans in the polity. In making their case, they draw on online and natural experiments, surveys, voting behavior, and campaign finance data and examine the history of the LGBT movement from the Lavender Scare to the campaign against trans rights in the defeat of Houston's 2015 HERO ordinance.

https://doi.org/10.1017/lsi.2022.91 Published online by Cambridge University Press

LAW AND MENSTRUATION

Crawford, Bridget J., and Emily Gold Waldman. *Menstruation Matters: Challenging the Law's Silence on Periods*. New York: New York University Press, 2022. Pp. ix + 274. $39.00 cloth.

Responding to the notion that menstruation is a private matter, Crawford and Waldman explore the burgeoning menstrual advocacy movement and consider how law should evolve to take menstruation into account in a wide range of contexts from schools, to workplaces, to prisons, to tax policies. They seek a roadmap for legal reform that can move society closer to a world where no one is held back or disadvantaged by menstruation.

LAW AND PROPERTY

Ablavsky, Gregory. *Federal Ground: Governing Property and Violence in the First US Territories*. Oxford: Oxford University Press, 2021. Pp. ix + 350. $39.95 cloth.

Ablavsky depicts the haphazard and unplanned growth of federal authority in the Northwest and Southwest Territories, the first US territories established under the territorial system. In practice, power in these contested borderlands rested with the regions' pre-existing inhabitants—diverse Native peoples, French villagers, and Anglo-American settlers. Two areas of governance proved particularly central: contests over property, where plural sources of title created conflicting land claims, and struggles over the right to use violence, in which customary borderlands practice intersected with the federal government's effort to establish a monopoly on force.

Priest, Claire. *Credit Nation: Property Laws and Institutions in Early America*. Princeton, NJ: Princeton University Press, 2021. Pp. xi + 226. $39.95 cloth.

Priest describes how the British Parliament departed from the customary ways in which English law protected land and inheritance, enacting laws for the American colonies that privileged creditors by defining land and slaves as commodities available to satisfy debts. Colonial governments, in turn, created local legal institutions that enabled people to further leverage their assets to obtain credit. She finds that loans backed by slaves fueled slavery from the colonial era through the Civil War and that increased access to credit was key to the explosive growth of capitalism in the nineteenth-century United States.

Tate, Joshua C. *Power and Justice in Medieval England: The Law of Patronage and the Royal Courts*. New Haven, CT: Yale University Press, 2022. Pp. xiv + 245. $55.00 paper.

Appointing a parson to the local church following a vacancy—an "advowson"—was one of the most important property rights in medieval England. In tracing how advowson conflicts were resolved, Tate departs from the views of historians who focus on land ownership, finding that the English needed new legal contours to address the questions of ownership presented by advowson rights. He concludes that the innovations made necessary by advowson law helped give birth to modern common law and common law courts.

LAW AND RACE

Razack, Sherene H. *Nothing Has to Make Sense: Upholding White Supremacy through Anti-Muslim Racism*. Minneapolis: University of Minnesota Press, 2022. Pp. vi + 266. $28.00 paper.

Razack argues that anti-Muslim racism operates through law and is a vital part of law's protection of whiteness. She examines four sites of anti-Muslim racism—efforts by American evangelical Christians to ban Islam in the school curriculum; Canadian and European bans on Muslim women's clothing; the sentencing of Muslims as terrorists; and American national memory of the torture of

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Muslims during wars and occupations—and finds that white subjects and majority-white nations in the post-9/11 era have consolidated their whiteness through the figure of the Muslim.

LAW AND RELIGION

Lhost, Elizabeth. *Everyday Islamic Law and the Making of Modern South Asia*. Chapel Hill: University of North Carolina Press, 2022. Pp. xviii + 355. $29.95 paper.

Lhost argues that qazis and muftis, alongside ordinary people without formal training in law, fought back as the colonial system in India sidelined Islamic legal experts. Following these developments from the beginning of the Raj through independence, she rejects narratives of stagnation and decline and finds that an unexpected coterie of scholars, practitioners, and ordinary individuals negotiated the contests and challenges of colonial legal change. The rich archive of unpublished fatwa files, qazi notebooks, and legal documents they left behind chronicles their efforts to make Islamic law relevant for everyday life, even beyond colonial courtrooms and the confines of family law.

Stiles, Erin E. and Ayang Utriza Yakin, eds. *Islamic Divorce in the Twenty-First Century*. New Brunswick, NJ: Rutgers University Press, 2022. Pp. xv + 217. $39.95 paper.

Contributors to Stiles and Yakin's volume discuss Islamic divorce from West Africa to Southeast Asia, with stories that explore the everyday realities of disputing and divorcing. They find that Muslim divorces are impacted by global religious discourses on Islamic authority, authenticity, and gender; by global patterns of, and approaches to, secularity; and by global economic inequalities and attendant patterns of urbanization and migration. One conclusion is that, in practice, the Islamic legal tradition is flexible, malleable, and context dependent.

LAW AND TAXATION

Infanti, Anthony C. *Tax and Time: On the Use and Misuse of Legal Imagination*. New York: New York University Press, 2022. Pp. xiii + 251. $ 45.00 cloth.

Infanti calls for a systematic reexamination and reworking of the relationship between time and tax law. He argues that the power of the legal imagination to manipulate time in tax law can both correct past economic and social injustice and help envision—and actually work toward—a better and more just society.

LAW AS PERFORMANCE

Stone Peters, Julie. *Law as Performance: Theatricality, Spectatorship, and the Making of Law in Ancient, Medieval, and Early Modern Europe*. Oxford: Oxford University Press, 2022. Pp. xvi + 350. $115.00 cloth.

Viewing law as the product not merely of edicts or doctrines but also of expressive action, Stone Peters investigates the performances that literally created law: in civic arenas, courtrooms, judges' chambers, marketplaces, scaffolds, and streets. She examines the legal codes, treatises, trial reports, lawyers' manuals, execution narratives, rhetoric books, and images that confronted these performances, concluding that there is a long, rich, and largely overlooked tradition of jurisprudential thought about law as a performance practice that, in working to distinguish law from theatrics, defined the very nature of law.

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LEGAL EDUCATION

Garth, Bryant, and Gregory Shaffer, eds. *The Globalization of Legal Education: A Critical Perspective*. New York: Oxford University Press, 2022. Pp. xii + 537. $99.00 cloth.

Contributors to Garth and Shaffer's volume seek to show how institutions and practices of legal education have shaped legal education practices transnationally as well as the challenges and limits these processes have faced. They find that diffusion relates to empires and imperial competition and, in particular today, to the rise in power of the United States after the Cold War and the related diffusion of neoliberal economic policies—processes that have also fueled the spread of corporate law firms modeled on those in the United States.

LEGAL PROFESSION

Abel, Richard L., Hilary Sommerland, Ole Hammerslev, and Ulrike Schultz, eds. *Lawyers in 21st-Century Societies*. Vol. 2: *Comparisons and Theories*. New York: Bloomsbury Publishing, 2022. Pp. xx + 653. $234.00 cloth.

Through a comparative analysis of data provided by reports on forty-six countries in a companion volume, contributors to Abel, Sommerland, Hammerslev, and Schultz's collection present essays on issues currently confronting legal professions across the world. The collection includes chapters on legal professions in Africa, Latin America, the Islamic world, emerging economies, and former communist regimes. It addresses a variety of matters, including the sociology of lawyers and other professions, state production, the rule of law, regional bodies, large law firms, access to justice, technology, cause lawyering, diversity, corruption, ethics regulation, and legal education.

METHODS FOR SOCIOLEGAL RESEARCH

Herman, Didi, and Connal Parsley, eds. *Interdisciplinarities: Research Process, Method, and the Body of Law*. Cham, Switzerland: Springer Nature Switzerland AG, 2022. Pp. xii + 136. $54.99 cloth.

Contributors to Herman and Parsley's volume seek to illuminate methodology in legal research by bringing together interdisciplinary scholars who employ a diverse set of methodologies to address a specific shared research challenge. The volume offers a self-reflective view on the theme of "the body" as well as examining the historically vexed problem of research methodology in legal studies.

Small, Mario Luis, and Jessica McCrory Calarco. *Qualitative Literacy: A Guide to Evaluating Ethnographic and Interview Research*. Oakland: University of California Press, 2022. Pp. xii + 213. $24.95 paper.

Small and Calarco present criteria to systematically assess research based on qualitative methods such as in-depth interviewing and participant observation. They apply the criteria to a variety of hypothetical examples and extant studies.

Timmermans, Stefan, and Iddo Tavory. *Data Analysis in Qualitative Research: Theorizing with Abductive Analysis*. Chicago: University of Chicago Press, 2022. Pp. vi + 195. $20.00 paper.

Timmermans and Tavory's how-to guide provides tricks of the trade for researchers who hope to take excellent qualitative data and transform it into powerful scholarship. One focus is on how researchers can approach qualitative research in a way that will locate surprising findings that may lead to theoretical breakthroughs.

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REGULATION

Malleck, Dan. *Liquor and the Liberal State: Drink and Order before Prohibition*. Chicago: University of Chicago Press. Pp. xiv + 399. $89.95 cloth.

Malleck traces the takeover of liquor regulation by the provincial government in Ontario, Canada, in the late nineteenth and early twentieth centuries. He examines how notions of individual freedom, equality, and property rights were debated, challenged, and modified in response to a vocal prohibitionist movement and equally vocal liquor industry. He finds that, over time, the drink question became as political as it was moral—a key issue in the establishment of judicial definitions of provincial and federal rights and, ultimately, in the crafting of the modern state.

RIGHTS

Chua, Lynette J. *The Politics of Rights and Southeast Asia*. New York: Cambridge University Press, 2022. Pp. ii + 59. $20.00 paper.

This Cambridge "Element" booklet uses a "politics of rights" approach, treating rights not merely as substantive or normative meanings found in international law, regional instruments, and domestic constitutional documents but also as political processes: rights come to life through ongoing series of social interactions. Chua's focus is on understanding the often contradictory findings about rights in a manner that is sensible to political subjectivities, helping to make sense of why rights are sometimes helpful to Southeast Asians who appeal to them, sometimes disappointing, and often paradoxically both.

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