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Book Notes*

CONTENTS

American Political Development 266
Civil Liberties 266
Civil Rights 266
Constitutional Theory and History 267
Constitutional Courts 268
Courts and Judges 268
Criminal Justice and Social Control 268
Human Rights 271
Issues in Research on Law and Behavior 271
Judicial Selection 271
Judicial Power and Decision Making 272
Law and Economics 272
Law and Health 272
Law and Human Trafficking 272
Law and Intellectual Property 273
Law and Libel 273
Law and Popular Culture 273
Law and Religion 273
Law and Society in Latin America 273
Law and the Neoliberal Economic Order 274
Law and the Urban Core 274
Law and Time 274
Law and Women 274
Law in the Information Age 275
Legal Profession 275
Responsive Problem Solving 276
Rule of Law 276
US Supreme Court 276

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AMERICAN POLITICAL DEVELOPMENT

Beienburg, Sean. *Prohibition, the Constitution, and States' Rights*. Chicago, IL: University of Chicago, 2019. Pp. ix + 322. $35.00 paper.

Beienburg considers Prohibition as a battlefield where skirmishes of American political development, including debates over federalism and states' rights, were fought. He focuses on the massive extension of US federal authority involved in Prohibition and the passage of the Eighteenth Amendment, describing the roles and reactions of Congress, the presidents, and the Supreme Court, as well as political actors throughout the states, who jockeyed with one another to claim fidelity to the Tenth Amendment while reviling nationalism and nullification alike. He concludes with a consideration of the parallels and differences between Prohibition in the 1920s and debates about marijuana today.

CIVIL LIBERTIES

Izumi, Masumi. *The Rise and Fall of America's Concentration Camp Law*. Philadelphia, PA: Temple University Press, 2019. Pp. xi + 253. $69.50 cloth.

The Emergency Detention Act of 1950 is the only law in US history to permit preventive detention, restricting freedom on the basis of actions that *may be* taken that would threaten the security of a nation or of a particular area. The Act was never enforced and was repealed in 1971. Izumi sees the act as an outgrowth of Japanese-American wartime incarceration. She considers the entangled discourses of race, national security, and civil liberties between 1941 and 1971 by examining how this historical precedent generated "the concentration camp law" and expanded a ubiquitous regime of surveillance in the 1950s.

CIVIL RIGHTS

Edmondson, Aimee. *In Sullivan's Shadow: The Use and Abuse of Libel Law During the Long Civil Rights Struggle*. Amherst, MA: University of Massachusetts Press, 2019. Pp. xvi + 363. $27.95 paper.

Drawing on archival research and scholarship in journalism, legal history, and African American studies, Edmondson finds that throughout the US civil rights era and beyond, southern officials brought libel actions in an attempt to intimidate journalists who published accounts of police brutality against protestors. Taking the Supreme Court's famous 1964 case *New York Times v. Sullivan* as her starting point, she illuminates cases that preceded and followed this historic ruling, from lawsuits filed against abolitionist William Lloyd Garrison and to a suit spawned by the 1988 film *Mississippi Burning*.

West, Robin L. *Civil Rights: Rethinking their Natural Foundation*. New York, NY: Cambridge University Press, 2019. Pp. viii + 270. $29.99 paper.

West looks back to nineteenth-century US Civil Rights Acts to argue that the point of civil rights law is not only non-discrimination, but also to assure that everyone receives the protection of legal rights that promote human flourishing. Arguing that since the 1960s, US Supreme Court decisions on civil rights have focused on non-discrimination and thus have "hollowed out" this broader meaning of civil rights law, she reconceives civil rights as a set of legal guarantees included in the legal, political, economic, and social projects central to civil society.

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CONSTITUTIONAL THEORY AND HISTORY

Bollinger, Lee C., and Geoffrey R. Stone, eds. *The Free Speech Century*. New York, NY: Oxford University Press, 2019. Pp. xvi + 356. $21.95 paper.

Contributors to Bollinger and Stone's volume evaluate the evolution of free speech doctrine in the US since the landmark *Schenk* case that enunciated the "clear and present danger" test and assess where it might be headed in the future. They argue that since 1919, First Amendment jurisprudence in the US has been a signal development in the history of constitutional democracies—remarkable for its level of doctrinal refinement, remarkable for its lateness in coming (in relation to the adoption of the First Amendment), and remarkable for the scope of protection it has afforded since the 1960s.

Faber, Michael J. *An Anti-Federalist Constitution: The Development of Dissent in the Ratification Debates*. Lawrence, KS: University Press of Kansas, 2019. Pp. xiii + 489. $49.95 cloth.

By reconstructing Anti-Federalist arguments and tracing their development through the ratification debates of the US constitution, Faber identifies the key strands of their resistance to the Constitution, focusing on ideas but also following and explaining events and strategies. He concludes with a "counterfactual" Anti-Federalist Constitution, summing up the Anti-Federalist position as it might have emerged had the opposition drafted the document.

Fallon Jr., Richard H. *The Nature of Constitutional Rights: The Invention and Logic of Strict Judicial Scrutiny*. New York, NY: Cambridge University Press, 2019. Pp. ix + 212. $25.99 paper.

Fallon considers what it means to have a right under the US constitution in an era in which most rights must yield to "compelling governmental interests." He examines what must be true about constitutional rights for them to be identified and enforced via "strict scrutiny" and other, similar, tests. He seeks to contribute to the conversation between originalists and legal realists by focusing on what constitutional rights are, what courts must do to identify them, and why the protections that they afford are more limited than most people think.

Ginsburg, Tom, Mark D. Rosen, and Georg Vanberg, eds. *Constitutions in Times of Financial Crisis*. New York, NY: Cambridge University Press, 2019. Pp. xi + 330. $110.00 cloth.

Many constitutions include provisions intended to limit the discretion of governments in economic policy. In times of financial crises, these provisions often come under pressure. Contributors to Ginsburg, Rosen, and Vanberg's volume assess the ability of constitutional orders around the world to cope with financial crises and the demands for emergency powers that typically accompany them. Bringing together a variety of perspectives from legal scholars, economists, and political scientists, they trace the long-run implications of financial crises for constitutional order.

Norton, Helen. *The Government's Speech and the Constitution*. New York, NY: Cambridge University Press, 2019. Pp. ix + 241. $110.00 cloth.

This book considers how US constitutional rules apply to speech by the government. When does government speech violate constitutional rights and liberties or threaten liberty or equality? Under what circumstances does the constitution prohibit the government from lying? Norton investigates the variety and abundance of the government's speech, from early proclamations and simple pamphlets, to the electronic media of radio and television, and ultimately to today's digital age.

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CONSTITUTIONAL COURTS

Chen, Albert H. Y., and Andrew Harding, eds. *Constitutional Courts in Asia: A Comparative Perspective*. New York, NY: Cambridge University Press, 2018. Pp. xviii + 387. $130.00 cloth.

Contributors to Chen and Harding's volume analyze Asian experiences of constitutional courts and related developments, introduce comparative, historical, and theoretical perspectives on these experiences, and discuss debates on related issues in countries that do not have constitutional courts.

Landfried, Christine, ed. *Judicial Power: How Constitutional Courts Affect Political Transformations*. New York, NY: Cambridge University Press, 2019. Pp. xvii + 392. $130.00 cloth.

Contributors to Landfried's collection explore the relationships among the legitimacy, effectiveness, and specific decision-making methods of constitutional courts in issuing binding interpretations of the constitution or an international treaty. The volume presents the hypothesis that judicial review allows for a method of reflecting on social integration that differs from political methods, and—precisely because of the difference between judicial and political decision making—strengthens democratic governance. The hypothesis is examined in case studies on the role of constitutional courts in political transformations, on the methods of these courts, and on transnational judicial interactions.

COURTS AND JUDGES

Crouch, Melissa, ed. *The Politics of Court Reform: Judicial Change and Legal Culture in Indonesia*. New York, NY: Cambridge University Press, 2019. Pp. xx + 427. $125.00 cloth.

Indonesia is the world's third-largest democracy, and its courts are an important part of its system of governance. Since the transition from authoritarian rule in 1998, a range of new specialized courts have been established and constitutional and legal changes have affirmed the principle of judicial independence and accountability. Contributors to Crouch's volume analyze the politics of court reform through a review of judicial change and legal culture in Indonesia. A key concern is whether the reforms have addressed the decline in professionalism and increase in corruption that has occurred in the courts.

CRIMINAL JUSTICE AND SOCIAL CONTROL

Baughman, Shima Baradaran. *The Bail Book: A Comprehensive Look at Bail in America's Criminal Justice System*. New York, NY: Cambridge University Press, 2018. Pp. x + 319. $35.99 paper.

In this critique of the US bail system, Baughman notes that the US incarcerates a greater percentage of its population than any other country and is one of only two countries that requires arrested individuals to pay bail to be released pending trial, yet the bail decision is often made on a rapid, ad hoc basis. Tracing the history of bail, she finds that it has become an oppressive tool of the courts that disadvantages minority and poor defendants and a key component of mass incarceration.

Bonnet, François. *The Upper Limit: How Low-Wage Work Defines Punishment and Welfare*. Oakland, CA: University of California Press, 2019. Pp. xi + 186. $29.95 paper.

Bonnet argues that low-wage work sets the upper limit of US social and penal policy: welfare must be less attractive than low-wage work and criminal life must be less attractive than welfare. He examines the local consequences of this "punitive adjustment" in East New York, a Brooklyn neighborhood where crime fell in the 1990s.

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Carr, Craig L., and Lisa Johnson. *Law, Cultural Diversity, and Criminal Defense*. New York, NY: Routledge, 2019. Pp. vi + 154. $140.00 cloth.

Carr and Johnson argue that the justification for legal recognition of a cultural defense in US criminal law is anchored firmly in constitutional law. Drawing from sociological, anthropological, philosophical, and traditional legal materials, they develop a scheme that indicates when cultural factors can be used as the basis for a defense and when they are irrelevant to a finding of criminal responsibility. The argument moves from general concerns of social justice that apply under conditions of social and cultural pluralism to practical policy recommendations.

Clarke, Kamari Maxine. *Affective Justice: The International Criminal Court and the Pan-Africanist Pushback*. Durham, NC: Duke University Press, 2019. Pp. xxvii + 351. $109.95 cloth.

Drawing on fieldwork in The Hague, the African Union in Addis Ababa, sites of postelection violence in Kenya, and Boko Haram's circuits in Northern Nigeria, Clarke formulates the concept of affective justice—an emotional response to competing interpretations of justice—and outlines how affective responses call into question the objectivity of the International Criminal Court's mission to protect those victimized by violence and prosecute perpetrators of those crimes.

Dubber, Markus Dirk. *The Dual Penal State: The Crisis of Criminal Law in Comparative-Historical Perspective*. New York, NY: Oxford University Press, 2018. Pp. 296. $79.97 cloth.

Dubber argues that modern penality presents the sharpest formulation of the general paradox of power in a liberal state: the legitimacy of state sovereignty in the name of personal autonomy. He uses historical and comparative analysis to examine the distinction between two conceptions of penal power that run through Western legal-political history: one rooted in autonomy, equality, and interpersonal respect, and the other in heteronomy, hierarchy, and patriarchal power. He analyzes how the distinction manifests itself in various penal systems, from the US War on Crime to the ahistorical methods of German criminal law science.

Gascón, Luis Daniel, and Aaron Roussell. *The Limits of Community Policing: Civilian Power and Police Accountability in Black and Brown Los Angeles*. New York, NY: New York University Press, 2019. Pp. xiv + 287. $30.00 paper.

Gascón and Roussell argue that community policing, introduced by the Los Angeles Police Department after the high-profile Rodney King riots, has not been a successful strategy. Drawing on over sixty interviews with officers, residents, and stakeholders in South Los Angeles's "Lakeside" precinct, they find that police tactics amplified—rather than resolved—racial tensions, complicating partnership efforts, crime response and prevention, and accountability.

Gerstmann, Evan. *Campus Sexual Assault: Constitutional Rights and Fundamental Fairness*. New York, NY: Cambridge University Press, 2018. Pp. viii + 238. $29.99 paper.

Gerstmann argues that in response to sexual assault on US college campuses, the tribunals that have been developed typically define sexual offenses in an unconstitutionally broad manner and punish students as sex offenders without a fair hearing. He concludes that these choices both deprive students of due process and fail to protect victims of assault.

Kotzé, Justin. *The Myth of the "Crime Decline": Exploring Change and Continuity in Crime and Harm*. New York, NY: Routledge, 2019. Pp. x + 188. $140.00 cloth.

Kotzé critically examines the socioeconomic and politico-cultural context within which the US "crime decline" of the past two decades is said to have occurred, highlighting the changing nature and landscape of crime and its ever-deepening resistance to precise measurement. Drawing on qualitative research and criminological theory, he offers an alternative view of the reality of crime

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and harm, seeking to reframe the crime decline and to explain why the "crime decline" discourse has been so readily accepted.

Martin, Jeffrey T. *Sentiment, Reason, and Law: Policing in the Republic of China on Taiwan*. Ithaca, NY: Cornell University Press, 2019. Pp. vii + 175. $24.95 paper.

The Republic of China on Taiwan was a single-party state before transitioning to liberal democracy in 1987. Martin describes the social life of a neighborhood police station immediately after the democratic transition. He finds an apparent paradox of how a strong democratic order was built on a foundation of weak police powers and argues that this was made possible by the continuity of an illiberal idea of policing. From this paradox he concludes that the purpose of the police was to cultivate the political will of the community rather than enforce laws and keep order.

McKay, Tasseli, Megan Comfort, Christine Lindquist, and Anupa Bir. *Holding On: Family and Fatherhood During Incarceration and Reentry*. Oakland, CA: University of California Press, 2019. Pp. xii + 212. $29.95 paper.

Drawing on a study of almost two thousand US families—incorporating couples-based surveys and qualitative interviews over the course of three years—McKay, Comfort, Lindquist, and Bir analyze the parenting and intimate relationships of justice-involved men and challenge long-standing boundaries between research on incarceration and on the well-being of low-income families. They conclude that the failure to recognize the centrality of incarcerated men's roles as fathers and partners has helped justify a system that removes them from their families and hides that system's costs to parents, partners, and children.

Najdowski, Cynthia J., and Margaret C. Stevenson, eds. *Criminal Juries in the 21st Century: Contemporary Issues, Psychological Science and the Law*. New York, NY: Oxford University Press, 2019. Pp. xiv + 335. $60.00 paper.

Contributors to Najdowski and Stevenson's volume explore the gulf between criminal trial law, procedures, and policy, on the one hand, and what scientific findings have revealed about the human experience of serving as a juror, on the other. Authors grapple with a number of key issues at the intersection of psychology and law, considering everything from the factors that influence the initial selection of the jury to how jurors cope with and reflect on their service after the trial ends.

O'Neill, Megan. *Police Community Support Officers: Cultures and Identities within Pluralised Policing*. New York, NY: Oxford University Press, 2019. Pp. xx + 172. $100.00 cloth.

Drawing on over 350 hours of direct observation and thirty-three interviews with English Police Community Support Officers (PCSOs) and police constables in an urban and rural contexts, O'Neill offers a detailed analysis of the operational and cultural realities of pluralized policing. Using a dramaturgic framework, she finds that PCSOs have been undermined by their own organizations from the beginning; while they can have similar occupational experiences to constables, their particular circumstances have led to a unique occupational culture, one which has implications for existing police culture theories.

Scott-Hayward, Christine S., and Henry F. Fradella. *Punishing Poverty: How Bail and Pretrial Detention Fuel Inequalities in the Criminal Justice System*. Oakland, CA: University of California Press, 2019. Pp. viii + 300. $29.95 paper.

Tracing the historical antecedents of the US bail system, with particular attention to the failures of bail reform efforts in the mid-to-late twentieth century, Scott-Hayward and Fradella argue that the lack of pretrial release reproduces racial and economic inequality throughout the criminal justice

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system. They also explore reform efforts by jurisdictions moving away from money bail systems and the attempts of the bail bond industry to push back against those reforms.

Suddler, Carl. *Presumed Criminal: Black Youth and the Justice System in Postwar New York*. New York, NY: New York University Press, 2019. Pp. ix + 233. $45.00 cloth.

Suddler argues that in New York City, increased state surveillance of predominantly black communities compounded arrest rates during the post-World War II period, providing justification for tough-on-crime policies. He concludes that questionable police practices and media sensationalism cemented the belief that black youth were the primary cause for concern, so that even before the War on Crime, race was the crucial determinant in American notions of crime and delinquency, and black youths were caught in a web of stigma.

Van Zyl Smit, Dirk, and Catherine Appleton. *Life Imprisonment: A Global Human Rights Analysis*. Cambridge, MA: Harvard University Press, 2019. Pp. xvi + 447. $44.84 cloth.

Drawing on a global survey of prisoners serving life terms, van Zyl Smit and Appleton argue for a human rights-based reappraisal of this punishment and conclude that life imprisonment, in many of the ways it is implemented worldwide, infringes on the requirements of justice. They estimate that nearly half a million people face life behind bars, and that the number is growing as jurisdictions abolish death sentences and impose life sentences more freely for crimes that would never have attracted capital punishment.

HUMAN RIGHTS

Porsdam, Helle. *The Transforming Power of Cultural Rights: A Promising Law and Humanities Approach*. New York, NY: Cambridge University Press, 2019. Pp. v + 260. $110.00 cloth.

Looking at the work of the UN Special Rapporteurs in the field of cultural rights as well as UNESCO's efforts, Porsdam asks how a universal human rights agenda can include a dialogue that recognizes the importance of cultural diversity without sliding into cultural relativism. She argues that cultural rights offer a useful international arena and discourse in which to explain and negotiate cultural meanings when controversies arise, placing them at the center of human rights and at the center of law and humanities.

ISSUES IN RESEARCH ON LAW AND BEHAVIOR

Christensen, Garret, Jeremy Freese, and Edward Miguel. *Transparent and Reproducible Social Science Research: How to Do Open Science*. Oakland, CA: University of California Press, 2019. Pp. xiv + 249. $34.95 paper.

Christensen, Freese, and Miguel seek to synthesize new approaches to combat false positives and nonreproducible findings in social science research, document the underlying problems in research practices, and crystallize new insights, practices, and methods that help ensure greater research transparency, openness, and reproducibility.

JUDICIAL SELECTION

Geyh, Charles Gardner. *Who Is to Judge?: The Perennial Debate Over Whether to Elect or Appoint America's Judges*. New York, NY: Oxford University Press, 2019. Pp. xiii + 196. $29.95 cloth.

An elected judiciary is virtually unique to the US experience and creates a paradox in a representative democracy: elected judges are to uphold the law impartially, which calls upon them to swear

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off the influence of the very constituencies they must cultivate in order to attain and retain judicial office. Geyh examines the arguments for and against an elected judiciary and concludes that while appointive systems are a preferable default, no one system of selection is best for all jurisdictions at all times.

JUDICIAL POWER AND DECISION MAKING

Stohler, Stephan. *Reconstructing Rights: Courts, Parties, and Equality Rights in India, South Africa, and the United States*. New York, NY: Cambridge University Press, 2019. Pp. xviii + 264. $110.00 cloth.

Stohler offers a theory of judicial behavior that holds that judges work in a deliberative fashion with aligned partisans in the elected branches to articulate evolving interpretations of major statutes and constitutions. Drawing on legislative debates, legal briefs, and hundreds of judicial opinions issued from high courts in India, South Africa, and the US in the area of discrimination and affirmative action, he finds that, while judges are willing to provide interpretative leadership, they relinquish their leadership roles when their aligned counterparts disagree.

LAW AND ECONOMICS

Teitelbaum, Joshua C., and Kathryn Zeiler, eds. *Research Handbook on Behavioral Law and Economics*. Cheltenham, UK: Edward Elgar, 2019. Pp. viii + 527 $69.95 paper.

Behavioral economics refines neoclassical assumptions and develops models that account for psychological, cognitive, and emotional forces. Teitelbaum and Zeiler's research handbook includes synthetic literature reviews, original research, conceptual overviews, and topic-specific chapters, covering such topics as punishment, finance, tort law, happiness, and the application of experimental literatures to law.

LAW AND HEALTH

Roberts, Jessica L., and Elizabeth Weeks. *Healthism: Health-Status Discrimination and the Law*. New York, NY: Cambridge University Press, 2018. Pp. xi + 220. $34.99 paper.

Roberts and Weeks consider when and why discrimination based on health status should be allowed—e.g., can an airline or movie theatre require a large customer to purchase two seats? —and when it should not. They offer a methodology to distinguish desirable health-based classifications from the undesirable and propose law and policy solutions to encourage the former and limit the latter.

LAW AND HUMAN TRAFFICKING

Fukushima, Annie Isabel. *Migrant Crossings: Witnessing Human Trafficking in the US*. Stanford, CA: Stanford University Press, 2019. Pp. viii + 261. $28.00 paper.

This book examines the experiences and representations of Asian and Latina/o migrants trafficked in US informal economies and service industries. Through analysis of court records, press releases, law enforcement campaigns, film representations, theater performances, and the law, Fukushima examines how migrants legally cross into visibility, through frames of citizenship, and into narratives of victimhood. She explores the interdisciplinary framing of the role of the law and the legal system, the notion of "perfect victimhood" and iconic victims, and how trafficking subjects are resurrected for contemporary movements.

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LAW AND INTELLECTUAL PROPERTY

Op den Kamp, Claudy, and Dan Hunter, eds. *A History of Intellectual Property in 50 Objects*. New York, NY: Cambridge University Press, 2019. Pp. xii + 429. $34.95 cloth.

In this collection, Op den Kamp and Hunter bring together a highly diverse group of contributors to tell a history of intellectual property (IP) through stories about fifty objects. These objects illustrate the significance of the IP system and show how IP has developed and how it has influenced history.

LAW AND LIBEL

File, Patrick C. *Bad News Travels Fast: The Telegraph, Libel, and Press Freedom in the Progressive Era*. Amherst, MA: University of Massachusetts Press, 2019. Pp. x + 138. $26.95 paper.

File examines a series of US Progressive Era libel cases by a handful of plaintiffs——including socialites, businessmen, and Annie Oakley——who sued newspapers across the US for republishing false newswire reports, examining how law and technology intertwined to influence debates about reputation, privacy, and the acceptable limits of journalism. He argues that the legal thinking surrounding these cases laid the groundwork for the more friendly libel standards the US press now enjoys and helped to establish today's regulations of press freedom amid the promise and peril of high-speed communication technology.

LAW AND POPULAR CULTURE

Sarat, Austin, Jessica Sibley, and Martha Merrill Umphrey. *Trial Films on Trial: Law, Justice, and Popular Culture*. Tuscaloosa, AL: University of Alabama Press, 2019. Pp. 227. $29.95 paper.

Contributors to Sarat, Sibley, and Umphrey's volume examine how the US judicial system is represented on screen. Historically, the emergence of the trial film genre coincided with the development of motion pictures, and contributors attribute the success of these films to the fundamental similarities of filmic narratives and trial proceedings. The collection covers a variety of topics, including how and why film audiences adopt the role of the jury, the narrative and visual conventions employed by directors, and the ways mid-to-late-twentieth-century trial films offered insights into the events of that period.

LAW AND RELIGION

Dubler, Joshua, and Isaac Weiner, eds. *Religion, Law, USA*. New York, NY: New York University Press, 2019. Pp. vi + 312. $35.00 paper.

Dubler and Weiner's collection maps the contemporary interplay of religion and law within the study of religions. Each chapter considers a specific keyword in the study of religion and law, such as "conscience," "establishment," "secularity," and "personhood." Contributors consider specific case studies related to each term, and then expand their analyses to discuss broader implications for the practice and study of religion in the US

LAW AND SOCIETY IN LATIN AMERICA

Sieder, Rachel, Karina Ansolabehere, and Tatiana A. Alfonso Sierra, eds. *Routledge Handbook of Law and Society in Latin America*. New York, NY: Routledge, 2019. Pp. xviii + 475. $225.00 cloth.

Contributors to Sieder, Ansolabehere, and Sierra's handbook analyze central theoretical and applied areas of inquiry in sociolegal studies in Latin America. They argue that scholarship about

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Latin America has made vital contributions to longstanding and emerging theoretical and methodological debates on the relationship between law and society. Among the topics considered are the implications of legal pluralism and legal globalization, the legacies of experiences of transitional justice, emerging forms of sociolegal and political mobilization, and debates concerning the relationship between the legal and the illegal.

LAW AND THE NEOLIBERAL ECONOMIC ORDER

Rolland, Sonia E., and David M. Trubek. *Emerging Powers in the International Economic Order: Cooperation, Competition and Transformation*. New York, NY: Cambridge University Press, 2019. Pp. xxxvii + 237. $110.00 cloth.

Rolland and Trubek argue that resistance from the Global South and the creation of China-led alternative spaces will impact the post-war liberal economic order, but no robust alternative vision will emerge. Significant legal innovations from the South depart from the mainstream neoliberal model, but these countries are driven by pragmatism and strategic self-interest and not a common ideological orientation, nor do they intend to fully dismantle the current ordering. They predict a more pluralistic world, which is neither the continued hegemony of neoliberalism nor a full-blown alternative to it.

LAW AND THE URBAN CORE

Enrich, Peter, and Rashmi Dyal-Chand, eds. *Legal Scholarship for the Urban Core: From the Ground Up*. New York, NY: Cambridge University Press, 2019. Pp. ix + 251. $110.00 cloth.

Covering a broad spectrum of legal issues and using a variety of methodologies, contributors to Enrich and Dyal-Chand's volume argue that, although inadequate and misguided laws are not solely responsible for problems of entrenched poverty and economic underdevelopment in US urban cores, good laws—and good lawyering—can contribute enormously to overcoming the challenges. The book includes case studies of law reform, essays on reimagining various areas law for the urban core, and essays that reimagine the role of the legal academy in reform efforts.

LAW AND TIME

Beynon-Jones, Sian, and Emily Grabham, eds. *Law and Time*. New York, NY: Routledge, 2019. Pp. x + 270. $140.00.

Beynon-Jones and Grabham's collection engages the growing literature on law's relationship with time, seeking to advance conversations on time and temporalities among sociolegal scholars, anthropologists, sociologists, geographers, and historians. Contributors explore how legal modalities of time emerge and have effects within wider clusters of social and political action. Denaturalizing the "time" in law and time scholarship, the collection positions time as something that can be enacted and materialized as well as experienced, with distinct implications for questions of social justice.

LAW AND WOMEN

Bernstein, Anita. *The Common Law Inside the Female Body*. New York, NY: Cambridge University Press, 2019. Pp. vi + 267. $34.99 paper.

Bernstein argues that despite its reputation for supporting conservatism and inequality, today's common law shares important commitments with feminism, in precepts and doctrines that deliver an extraordinary degree of liberty and security to all persons—women included. The book seeks to

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reinvigorate both the common law—with a focus on crimes, contracts, torts, and property—and feminist jurisprudence, pointing toward a vital future for these jurisprudential traditions.

Rubio-Marín, Ruth, and Helen Irving, eds. *Women as Constitution-Makers: Case Studies from the New Democratic Era*. New York, NY: Cambridge University Press, 2019. Pp. xii + 383. $125.00 cloth.

Rubio-Marín and Irving's collection offers case studies of women's campaigns for constitutional equality in nine different countries that have undergone constitutional transformations in the "participatory era." Against a historical and political background, each charts the formal and informal actions and strategies of women participants, and records their successes, failures, and continuing hopes for constitutional equality.

LAW IN THE INFORMATION AGE

Wagner, Wendy, with Will Walker. *Incomprehensible!: A Study of How Our Legal System Encourages Incomprehensibility, Why It Matters, and What We Can Do About It*. New York, NY: Cambridge University Press, 2019. Pp. xviii + 342. $34.99 paper.

Drawing together evidence from fields such as consumer protection, financial regulation, patents, chemical control, and administrative and legislative processes, Wagner identifies a number of legal programs that are built on the foundational—and, in her view, erroneous—assumption that "more information is better." Each of these processes has been designed in ways that ignore the imperative of meaningful communication. To rectify this systemic problem, she argues that the law must be redesigned to focus on the problem of incomprehensibility.

LEGAL PROFESSION

Helmholz, R.H. *The Profession of Ecclesiastical Lawyers: An Historical Introduction*. New York, NY: Cambridge University Press, 2019. Pp. xvii + 232. $110.00 cloth.

Using sources drawn from the Roman and canon laws and from manuscripts in local archives, Helmholz brings together previously published work and new evidence about the professional careers of ecclesiastical lawyers in English history. He considers the careers of many lesser known ecclesiastical lawyers, dealing with their education in law, their reaction to the coming of the Reformation, and their relationship with English common lawyers on the eve of the English Civil War.

Lobban, Michael, Joanne Begiato, and Adrian Green, eds. *Law, Lawyers and Litigants in Early Modern England: Essays in Memory of Christopher W. Brooks*. New York, NY: Cambridge University Press. Pp. x + 373. $125.00 cloth.

Lobban, Begiato, and Green's collection builds on the scholarship of Christopher Brooks, a historian who put legal culture and legal consciousness at the center of the study of seventeenth- and eighteenth-century English society and the English common law tradition. Contributors explore how law was understood and used by different communities in early modern England and examine how and why people engaged (or did not engage) in litigation. The book includes posthumous essays by Brooks, which consider the relationship between law and religion, and law and political revolution.

Loeffler, James, and Moria Paz, eds. *The Law of Strangers: Jewish Lawyers and International Law in the Twentieth Century*. New York, NY: Cambridge University Press, 2019. Pp. xii + 308. $110.00 cloth.

Loeffler and Paz's volume pairs historians and legal scholars to explore how Jewish identity and experiences shaped the legal thought and activism of Jewish lawyers involved in the making of international law. Using newly discovered sources and interpretative methods, the book seeks to

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offer an alternative history of the twentieth-century international legal profession and a new model for the emerging field of international legal biography.

Moorhead, Richard, Steven Vaughan, and Cristina Godinho. *In-House Lawyers' Ethics: Institutional Logics, Legal Risk and the Tournament of Influence*. Portland, OR: Hart Publishing, 2019. Pp. xi + 248. $74.00 cloth.

Moorhead, Vaughan, and Godinho argue that in-house lawyers are regularly exhorted to be more commercial, proactive, and strategic, to be business leaders and not (mere) lawyers, but they are increasingly exposed for their roles in organizational scandals. Drawing on interviews in Britain with senior in-house lawyers and compliance staff, and a large survey of in-house lawyers, they examine how legal risk is defined and managed on the ground and how ideas about in-house roles shape professional logics.

RESPONSIVE PROBLEM SOLVING

Burford, Gale, John Braithwaite, and Valerie Braithwaite, eds. *Restorative and Responsive Human Services*. New York, NY: Routledge, 2019. Pp. xviii + 242. $59.95 paper.

Burford, Braithwaite, and Braithwaite's volume focuses on the relational complexity of restorative practices, considering how regulation in human services can proceed in empowering ways that heal and are respectful of human relationships and legal obligations. Lessons from responsive business regulation inform a reimagining of human services to advance well-being and reduce domination, challenging readers to reexamine the perverse incentives and contradictions that are buried in policies and practices and that undermine the capacities of families and communities to solve problems on their own terms.

RULE OF LAW

Kostal, R.W. *Laying Down the Law: The American Legal Revolutions in Occupied Germany and Japan*. Cambridge, MA: Harvard University Press, 2019. Pp. 472. $55.00 cloth.

Kostal examines the US post-World War II effort to remake fascist Germany and Japan into liberal rule-of-law nations. Drawing on archival sources, he probes how legal-reconstructive successes were impeded by German and Japanese resistance on one side and by deficiencies of American theory, planning, and administration on the other. He concludes that the failings of America's own rule-of-law democracy weakened US credibility and resolve in bringing liberal democracy to occupied Germany and Japan.

Smith, Nicholas Rush. *Contradictions of Democracy: Vigilantism and Rights in Post-Apartheid South Africa*. New York, NY: Oxford University Press, 2019. Pp. xvii + 244. $29.95 paper.

Smith considers the high rates of vigilantism and extrajudicial police violence in South Africa in relation to the challenges of democratic state building and fundamental questions about political order, the rule of law, and democratic citizenship.

US SUPREME COURT

Devins, Neal, and Lawrence Baum. *The Company They Keep: How Partisan Divisions Came to the Supreme Court*. New York, NY: Oxford University Press, 2019. Pp. xvii + 235. $29.95 cloth.

Drawing from social psychology research, Devins and Baum argue that US Supreme Court justices take cues primarily from the people who are closest to them and whose approval they care most

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about: political, social, and professional elites. They also see today's partisanship on the Court as stemming from the emergence of conservative legal networks such as the Federalist Society, which reinforce the conservative leanings of Republican appointees. For the Warren and Burger Courts, elite social networks were dominated by liberal elites and not divided by political party or ideology.

Dichio, Michael A. *The US Supreme Court and the Centralization of Federal Authority*. Albany, NY: State University of New York Press, 2018. Pp. xxvi + 268. $26.95 paper.

Drawing on an original database of several hundred landmark decisions compiled from constitutional law casebooks and treatises published between 1822 and 2010, Dichio explores the US Supreme Court's impact on the constitutional development of the federal government from the founding era forward. He finds that the high court, regardless of constitutional issue and ideology, persistently advanced and consolidated national governing authority.

Hitt, Matthew P. *Inconsistency and Indecision in the United States Supreme Court*. Ann Arbor, MI: University of Michigan Press, 2019. Pp. xxv + 207. $75.00 cloth.

Hitt argues that over time, institutional changes—lobbied for by the justices—substantially reduced unreasoned judgments in the US Supreme Court's output. The Court historically emphasized the goal of dispute resolution, but it evolved into one that prioritizes logically consistent doctrine. He concludes that the Court today fails to resolve more underlying questions in law and society in order to minimize criticism of its output from other elites.

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