

tasked to uphold, and follows them on their missions. These overlapping cartographies of war crimes more robustly capture the global justice dispositif than does the prosecution of a couple of high-ranking military officers in international courts.

Shapiro argues that the complexity of justice is better addressed in literary texts and in film than in legal proceedings, and he follows Shoshana Felman in privileging “literary justice” over “legal justice.” The latter emphasizes closed cases, definitive judgment, and narrow definitions of crime and justice, while the former emphasizes continuous reflection and open-ended explorations of violence that can better attend to the shifting and expansive effects of war. Aesthetic texts can make visible certain forms of violence and accountability not available in legal texts, and can also reveal the forms of power and influence left out of legal determinations. In Chapter 3, Shapiro examines the Israeli film *Lebanon*, about an Israeli tank crew during the 1982 war with Lebanon, which highlights these differences. While official Israeli state discourses may have justified the war, and viewed the Lebanese by and large as enemy combatants, the film’s cinematic techniques show how easy it is to dehumanize one’s enemy from within the mechanic, narrow vision of an armored tank, and argue that official military policy could be considered an international war crime. *Lebanon*’s literary justice depicts a tank command frayed by mutual distrust and an uncertain mission that commits terrible violence against the Lebanese population. It challenges legal justice, while also showcasing the possibility of “empathic vision,” a way of seeing that rehumanizes enemies to delegitimize military imperatives. The main character, Shmulik, after viewing the gaze of the Lebanese people he is supposed to target for destruction, refuses military orders for indiscriminate killing, and when his tank takes a Syrian prisoner of war, he treats him humanely.

Yet if the empathic vision of the film ends with one soldier refusing to fire a tank weapon on innocent people and helping a prisoner of war to urinate gracefully, this is a slender image of justice. Counteracting state violence with empathic vision is not enough; one soldier’s empathy on its own does not stop the impending massacre, or later hold anyone accountable for it, or offer a widespread challenge to state discourses at a collective level. Read in a different way, Shmulik’s empathic vision may even exonerate the Israelis who participated in the 1982 war by positioning ethical Shmulik, not his superiors, as the stand-in for the body politic. Of course, Shapiro states at the outset that he is aiming to open lines of responsibility and accountability that are closed in legal justice, and empathic vision is helpful in this regard. But this it is also a vision that, I think, can still individuate responsibility and subjectivize war crimes. How can empathic vision translate into a political vision that can

stop war crimes or hold widespread political actions accountable for them?

This line of questioning connects to the relation between legal and literary justice. Shapiro privileges the openness of the literary form and uses it to critique legal justice, but legal justice is eventually bereft of value or merit. The relation between these two forms of justice, however, may be more dialectical, if not symbiotic. Literary justice alone cannot bear the weight of adjudicating justice; it has no binding power, it is shifting, contestatory, unending—all qualities that make for crucial forms of expansion and critique—but it cannot enforce a collectively determined accountability for violence. Legal justice is like democracy, in that there are always winners and losers in its verdicts; literary justice sheds light on those losses, and opens different lines of accountability for them, but also relies on legal justice for its political and ethical critique.

As a whole, *War Crimes, Atrocity, Justice* makes a compelling and exciting case for the work that film and literature can do in opening up possibilities of justice, and in mapping the broader dispositifs in which war crimes are made. Shapiro’s vital postdisciplinary mode of scholarship refuses to privilege official political narratives over aesthetic ones; it broadens what counts as a properly political text and the forms in which we can imagine global justice. Political science, no less than lived politics, should heed Shapiro’s call.

In Defense of Uncle Tom: Why Blacks Must Police Racial Loyalty. By Brando Simeo Starkey. Cambridge: Cambridge

University Press, 2015. 376p. \$29.99.

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— Jack Turner, *University of Washington*

At a public reception at Grinnell College in 1967, a militant black student confronted Ralph Ellison, insisting that the ending to *Invisible Man* (1952) was anti-revolutionary: “You’re an Uncle Tom, man. You’re a sell-out. You’re a disgrace to your race.” Ellison reacted stoically at first, but then broke down, bursting into tears. “I’m not a Tom,” Ellison wept as he rested his head on a friend’s shoulder, “I’m not a Tom.” (Arnold Rampersad, *Ralph Ellison: A Biography*, 2007, 440; Maryemma Gramm and Jeffery Dwayne Mack, “Ralph Ellison, 1913–1994: A Brief Biography,” in *A Historical Guide to Ralph Ellison*, 2004, 44).

Ellison’s tearful insistence that he was not a “Tom” indicates *Uncle Tom*’s power as a political accusation. Brando Simeo Starkey’s fascinating new book, *In Defense of Uncle Tom: Why Blacks Must Police Racial Loyalty*, details how the epithet is a political weapon—a tool used by black Americans to discipline other black Americans for breaches of racial solidarity.

The book interweaves two levels of analysis. The first is historical—tracing changes in our popular imagining of

Uncle Tom and in how the epithet has been politically deployed. The second is evaluative. Starkey argues that *Uncle Tom* has—on balance—been a constructive force in black politics. At the same time, he acknowledges that it has sometimes been used to impose insidious forms of racial conformity. How does Starkey distinguish constructive uses of *Uncle Tom* from destructive uses? A use is constructive if it (1) punishes those “consciously advancing” the interests of white supremacy, (2) “penalizes inexcusable meekness in the face of racism,” or (3) “censures blacks for lacking concern for the race” (25).

Starkey advocates a “big tent” conception of racial loyalty: “Because no person has *the* answer to the many ailments that beleaguer blacks, my goal is to shape an environment where blacks, animated by mutual concern, debate solutions. Unpopular ideas are welcomed” (21). Support for particular policies—such as busing or affirmative action—should not be a litmus test. One can be ideologically conservative on the question of *means* while fully devoted to the *end* of racial equality. Political conservatism, in other words, does not make one automatically guilty of racial disloyalty.

Starkey historicizes *Uncle Tom* along two dimensions. First, he shows that the popular image of Uncle Tom as a white-haired, asexual “happy slave” does not reflect the original character in Harriet Beecher Stowe’s 1852 novel. That character was a “somewhat strapping gent” who chose to die “rather than assist in the recapture of runaways” (33, 30). The popular image of Tom actually derives from the way minstrel producers “perverted” Stowe’s character as they adapted it for the stage and screen. They stripped Tom of agency and put words into his mouth—“I was born a slave, I have lived a slave, and bress de Lord, I hope to die a slave!”—that never appeared in Stowe’s novel (31). Starkey thus provides a genealogy of *Uncle Tom* as a trope.

Starkey historicizes *Uncle Tom*, second, by periodizing its use as a political weapon. From 1865 to 1959, African Americans used *Uncle Tom* to condemn group members who accepted segregation, worked against black labor interests, and reinforced racial stereotypes on the big screen. Tap dancer Bill “Bojangles” Robinson and actor Stepin Fetchit were pilloried on this last count. Though many African Americans admired the technical virtuosity of Robinson’s footwork, they hated his “off-color jokes” about black folk and demeaning references to his “educated feets” (143). Stepin Fetchit was worse: “The man who coined the catchphrase, ‘Yas’m, I’s a comin’ . . . Feets do yo ‘stuff’ . . . ended his life dismissed as an *Uncle Tom*” (144).

From 1960 to 1975, integrationists used *Uncle Tom* to punish opposition to the Civil Rights Movement. In 1966, for example, *Cleveland Call and Post* editor William Walker branded black college presidents—such as Dr. R. W. E. Jones at Grambling—who discouraged their

students and faculty from participating in civil rights activism as “Uncle Toms with college degrees.” Starkey observes: “Walker’s belief that black educators danced whenever their white bosses played music had real merit. Segregationists were known to deliver speeches claiming that they had local black allies in their fight” (172–173).

The period of 1960 to 1975 also saw black nationalists use *Uncle Tom* to attack integrationists. Malcolm X labeled Martin Luther King, Jr. a “handkerchief headed Uncle Tom” and further exclaimed: “What are all you ‘Toms’ doing all this demonstrating and picketing for? A desegregated cup of coffee? This is not revolution . . . this is a ‘beg-o-lution’ . . .” (196).

From 1976 to the present, black citizens have used *Uncle Tom* mainly to punish black Republicans. The book’s most interesting chapter—Chapter 7—is devoted entirely to Clarence Thomas. Starkey is judicious throughout the previous chapters in assessing whether *Uncle Tom* accusations are justified. He takes pains, for example, to defend Booker T. Washington against the charge of racial disloyalty. Washington may have been mistaken about the best strategy to realize racial equality, Starkey contends, but he was nevertheless sincerely devoted to that goal. It is therefore all the more striking when Starkey zealously prosecutes Thomas as an *Uncle Tom*. Thomas’s conservatism is not the basis of the charge. It is rather the way that Thomas crafted “an anti-affirmative action persona” that he knew would secure his advancement within the conservative movement (261). Thomas recognized that that movement needed black faces to inoculate it against charges of racism and to expedite its assault on both civil rights law and the welfare state, and he gladly stepped into that role. During his time as chairman of the Equal Employment Opportunity Commission (EEOC), for instance, Thomas “ended the EEOC’s use of timetables and numeric goals” and “relaxed rules for employers already found guilty of violating civil rights law.” He also falsely characterized his own sister as a welfare queen: “‘She . . . gets mad when the mailman is late with her welfare check . . . That is how dependent she is’” (273). Starkey chronicles other times when Thomas dissembled to build up his persona as a self-made man who—against the orthodoxies of black politics—carried the banner of the Reagan Revolution. “Although opposing affirmative action is perfectly acceptable,” Starkey concludes, “fashioning an anti-affirmative faction persona to benefit oneself, without concern for its impact on the race, is disloyal, violating the norm that blacks care about the group” (261).

Starkey thinks the most recent period of *Uncle Tom*’s use has been increasingly destructive. Citizens deploy the term casually to punish the least divergence from black conventional wisdom. Starkey hopes his book can inaugurate a new period of *Uncle Tom*’s use “where supporting evidence always accompanies accusations of betrayal. The days when blacks are deemed sellouts merely

for being conservative, for disagreeing with majority thought, or for otherwise being outside the mainstream must cease” (321).

In Defense of Uncle Tom is a deeply informative book that should be widely debated in the black public sphere. Citizens will surely clash about the merits of Starkey’s argument, but after reading the book, they will be hard pressed to deny *Uncle Tom*’s significance as an institution of black life.

Choosing Not to Choose: Understanding the Value of Choice. By Cass R. Sunstein. Oxford: Oxford University Press, 2015. 240p. \$29.95.

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— Will Leggett, *University of Birmingham*

Nearly a decade after Richard Thaler and Cass Sunstein’s best-selling *Nudge* (2008), the academic and political rise of behavioral economics has been meteoric. Sunstein has personally embodied this ascendancy, as administrator of the White House Office of Information and Regulatory Affairs (2009–12) and advisor to governments seeking to embed behavioral insights. In *Choosing Not to Choose*, the author has elaborated the *Nudge* program in important ways, and also addressed various objections to behavioral policymaking. However, he has also invited new criticisms, some of which he anticipates with a characteristically measured approach. This is part of a writing style that is both rigorous and engaging, replete with striking empirical examples and useful references.

Choosing focuses on the most well-known tool of nudging: the power of the default. Nudgers argue that it would be irresponsible not to utilize behavioral insights into how users engage with choice environments, in a way that nudges them toward choices that make them better-off (as judged by themselves). It is in this context that the default is crucial. A key behavioral economic insight concerns the fact of human inertia, but also how this can be mobilized toward useful policy ends. Given that we are so often likely to “go with the default option” (wittingly or not), then the default contains tremendous potential. Classic examples include organ donation, where switching the default requirement from “opt in” to “opt out” dramatically increases participation rates, or complex schemes such as employer pension plans, where by defaulting users onto packages beneficial to them, individuals could be made substantially better-off.

The first part of the book reemphasises the power of defaults and why—largely because of inertia—they tend to stick. But an important new contribution discusses how this stickiness can fail. This may occur when a very strong agential preference, or simple awareness of alternatives, leads agents to do otherwise. It may also be because they are aware of choice architects and distrust their motives in setting the defaults. The second section systematically

engages with the ethics of choice architecture, and ideal-typical blueprints for the use of different defaults. The golden rule continues to be “*Select the default rule that reflects what most people would choose if they were adequately informed*”—the so-called informed chooser approach (p.73). Sunstein argues that this has the merit of bracketing off value disagreements, but he also highlights limitations, including conceptual problems with the idea of informed choice and the practical difficulties of determining what an informed chooser would choose. This section also explores “bad defaults,” where consumer inertia or loss aversion is mobilized by producers in ways that may be harmful. An example is “negative option marketing,” where consumers might accept a supposedly free product, only to be enrolled onto another paying one until they opt out (e.g., an ongoing monthly magazine subscription).

In the most agenda-setting passages of the book, Sunstein examines how encouraging “active choosing” might overcome these familiar problems with generic, impersonal defaults. In sections that will be welcomed by libertarian critics of *Nudge*, the author makes a compelling argument for the ways in which active choosing avoids the coercion associated with mandates and bans. But it is also superior to defaults in respecting agential diversity and autonomy, engendering responsibility and learning, and having the capacity to adapt over time. However, here the titular concern of the book comes to the fore: What about the times when agents simply *do not want to choose*? They may be too tired, preoccupied, disinterested, or lacking faith in their ability to choose correctly. Sunstein notes—in an intriguing twist on libertarian paternalism—that under such circumstances, to require choice is itself potentially coercive: It amounts to *choice requiring paternalism*. A case-by-case evaluation of decision-making costs and errors is required in order to determine if and when active choosing is appropriate. An attractive, less coercive alternative is “simplified active choosing.” Here, agents are told that while ideally they would choose for themselves, they have the option not to. But Sunstein acknowledges that even asking this question could still provoke irritation or suspicion.

This second section of the book is the most analytically sophisticated, but also feels the most impracticable. In a world overflowing with information and choice architecture, how likely is it that choice architects—let alone consumers—are going to incorporate into their daily decisions an increasingly lengthy manual of choice-making blueprints, based on developments in behavioral economics? However, the book’s final section—on personalized defaults and their growing manifestation in so-called predictive shopping—reminds us that these are not just theoretical concerns. Sunstein is largely upbeat, showing how the personalized default can overcome the limits of both generic impersonal defaults and required active